



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

MEETING NO. SEVEN

Tuesday, October 15, 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 Hattiwendaronk, 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

Public Meeting(s)

4. PUBLIC MEETING(S)

4.1 7395 Twenty Road (Ross Robins) - Zoning By-law Amendment

Re: An application for a Zoning Bylaw Amendment has been made by applicant Ross Robbins on behalf of property owners Evelyn and Jeffrey Duck to rezone the property legally described as Part 1, Range 2, Part of Lot 2, in the former Township of South Grimsby in the Township of West Lincoln.

4.2 5447 Regional Road 20 (William and Cathy Vitucci) Zoning By-law Amendment

Re: An application for a Zoning Bylaw Amendment has been made to rezone the property legally described as Concession 4, Part Lot 12 RP 30R4714 Part 1, in the former Township of Gainsborough now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5447 Regional Road 20.

4.3 Backyard Chickens By-law - Township of West Lincoln

Re: The Township of West Lincoln is addressing the popularity of raising backyard chickens. Based on comments provided and information gathered from area municipalities in the Niagara Region, the proposed by-law is being presented for consideration on the specific regulations to limit the number of chickens, regulations on where they are permitted in the Township, and location of the coop, run and manure storage including disposal of waste.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

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.

8. CONSENT AGENDA ITEMS

There are no Consent Agenda Items

9. COMMUNICATIONS

9.1 ITEM P39-24

8

Rebecca Vrugteveen

Re: Request for Fireworks Display at 5267 Elcho Road - October 19, 2024.

RECOMMENDATION:

1. That, the request received from Rebecca Vrugteveen for Redboss Pyrotechnicians Inc. to host a fireworks display on October 19, 2024 10:00 p.m. at 5267 Elcho Road be approved, subject to the Fire Chief providing approval and submission of appropriate insurance coverage for the event; and,
2. That, this recommendation be and is hereby approved prior to ratification of Council.

9.2 IITEM P40-24

9

Jesse Knuth

Re: Noise Exemption for an Event on October 18, 2024 at 8412 South Chippawa Road.

RECOMMENDATION:

1. That, the correspondence from Mr. Jesse Knuth, received September 30, 2024, requesting an exemption from the provisions of the Township's Noise By-law 2013-50, in order to hold an indoor event at 8412 South Chippawa Road on October 18, 2024 being specifically from 8:00 p.m. to 2:00 a.m.; be received and supported; and,
2. That, Jesse Knuth be required to advise all surrounding property owners within 200 metres of 8412 South Chippawa Road being held on this property; and,
3. That, a copy of this resolution be forwarded to the Niagara Regional Police; and,
4. That, this recommendation be and is hereby approved prior to ratification of Council.

10. STAFF REPORTS

10.1 ITEM P41-24

10

Senior Planner (Susan Smyth)

Re: Technical Report PD-50-2024 – Backyard Chickens Updated

Information and Draft By-law (File No. 1601-002-24)

RECOMMENDATION:

1. That, Technical Report PD-50-2024 regarding backyard chickens updated information and draft by-law (File No. 1601-002-24) be received; and,
2. That, a Recommendation Report be submitted to a future Planning/Building/Environmental Committee once all public and agency comments have been taken into account and a full staff and agency review has been completed.

10.2 ITEM P42-24

75

Senior Planner (Madyson Etzl)

Re: Technical Report PD-44-2024 – Application for Zoning Bylaw Amendment -7395 Twenty Road – Ross Robbins (File No. 1601-004-24)

RECOMMENDATION:

1. That Technical Report PD-44-2024, titled “Technical Report – Application for Zoning Bylaw Amendment - 7395 Twenty Road – Ross Robbins (File No. 1601-004-24)”, dated October 15, 2024, be received; and,
2. That a Recommendation Report be submitted to a future Planning/Building/ Environmental Committee meeting once a full staff and agency review has been completed.

10.3 ITEM P43-24

231

Director of Planning and Building (Brian Treble)

Re: Recommendation Report PD-43-2024 Application for Zoning By-law Amendment– 5447 Regional Road 20 (File No. 1601-007-24) - Cathy and William Vitucci

RECOMMENDATION:

1. That, Recommendation Report PD-43-2024, titled “Application for Zoning Bylaw Amendment for 5447 Regional Road 20 (File No. 1601-007-24)”, dated October 15th 2024, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by William and Cathy Vitucci owners of 5447 Regional Road 20, be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

10.4 ITEM P44-24

247

Director of Planning and Building (Brian Treble)

Re: Recommendation Report PD-46-2024 - Provincial Bypass for Highway 20 on Southwest side of Smithville

RECOMMENDATION:

1. That, Recommendation Report PD-46-2024, titled "Provincial Bypass for Highway 20 on Southwest side of Smithville", dated October 15, 2024 be received; and,
2. That, Administration be directed to notify the Region of Niagara that the Provincial Highway 20 bypass is no longer consistent with the recommendations of the Township of West Lincoln Transportation Master Plan and can therefore now be removed from the affected lands as they are no longer lands required for future bypass development.

10.5 ITEM P45-24

266

Senior Planner (Susan Smyth), Manager of Planning (Gerrit Boerema) and Director of Planning and Building (Brian Treble)

Re: Recommendation Report PD-49-2024 – Extension of Draft Plan Approval for Marz Homes Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Marz Homes - Thrive Subdivision (File No. 2000-90-20)

RECOMMENDATION:

1. That, Recommendation Report PD-49-2024, titled “Extension of Draft Plan Approval for Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Thrive Subdivision (File No. 2000-90-20) (Marz Homes Inc.)”, dated October 15, 2024 be received; and,
2. That, the Draft Plan Approval for Smithville West – Dunloe Subdivision (Lot 7, Plan M98) be extended for a period of two years to expire on December 17, 2026 subject to conditions included in Schedule C to this report; and,
3. That, the Draft Plan Approval for Thrive Subdivision (Lot 9 of Plan M98 & Part 1 of Plan 30R15792) be extended for a period of two years to expire on November 25, 2026 subject to conditions included in Schedule D to this report; and,
4. That, Council deem the changes to the conditions of approval found in Schedules C and D to be minor; and,
5. That, notices of decision be circulated to relevant agencies and departments for both applications.

- 10.6 ITEM P46-24** 308
Senior Planner (Susan Smyth), Manager of Planning (Gerrit Borerma),
and Director of Planning and Building (Brian Treble)
Re: Information Report PD-42-2024 - No. 3, Comprehensive Zoning By-
law Amendments Housekeeping 8 Draft By-law Update

RECOMMENDATION:

1. That, Information Report PD-42-2024, titled "Information Report No. 3, Comprehensive Zoning By-law Amendments Housekeeping 8, Draft By-law Update," dated October 15, 2024, be received for information; and
2. That, Administration be directed to finalize the amendments to Housekeeping 8 and present the final version for adoption by Council.

- 10.7 ITEM P47-24** 326
Director of Planning (Brian Treble)
Re: Recommendation Report PD-47-2024 - Minor Modifications to the
Clean Yard By-law

RECOMMENDATION:

1. That, Recommendation Report PD-47-2024, titled "Minor Modifications to the Clean Yard By-law", dated October 15, 2024 be received; and,
2. That, an amending by-law such as the by-law found at Schedule A to this report, be adopted by Township Council, to amend the current Clean Yards By-law in order to improve the intent and enforcement of Section 2.10; and,
3. That, a future report be presented to Council to implement the Administrative Monetary Penalty (AMPs) by-law for ticketing purposes for the enforcement of the Clean Yards and Property Standards By-law.

- 10.8 ITEM P48-24** 345
Director of Planning and Building (Brian Treble)
Re: Information Report PD-39-2024 – New Provincial Planning
Statement Overview 2024 and Provincial Transition Recommendation

RECOMMENDATION:

1. That, Information Report PD-39-2024, regarding "Recommendation Report – New Provincial Planning Statement Overview 2024 and Provincial Transition Recommendation", dated October 15th, 2024, be received.

11. OTHER BUSINESS

- 11.1 ITEM P49-24**
Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

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

13. CONFIDENTIAL MATTERS

There are no Confidential Items

14. ADJOURNMENT

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

From: [Dennis Fisher](#)
To: [Justin Paylove](#)
Subject: Fireworks Display approval
Date: September 24, 2024 1:49:33 PM
Attachments: [image47116a.PNG](#)
[image2ecf8d.PNG](#)
[imageaeb616.PNG](#)
[image2fa88f.PNG](#)

Good Day Justin

As per our conversation the yesterday here is the information regard the fireworks display request from Rebecca Vrugteveen _ wedding

Rebecca Vrugteveen

5267 Elcho road

905-933-8191

Date October 19,2024

Fireworks 10pm

Fireworks Display by Redboss Pyrotechnicians Inc.

I have received all the paperwork , sie drawings insurance and licences

West Lincoln Fire has approved this request

Any questions let me know

Dennis

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>Dennis Fisher</p> <p>Fire Chief</p> <p>Tel: 905-957-3346 ext.6729 Email: dfisher@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: [Jesse Knuth](#)
To: [Justin Paylove](#)
Subject: Noise exemption
Date: September 30, 2024 11:07:51 AM

Hello, Justin.

My name is Jesse Knuth, we spoke last week concerning a noise exemption for an event I want to host on October 18th on the property of 8412 South Chippawa Road. The event would be held indoors with several musical acts performing starting at 8:00pm possibly lasting until 2am

DATE: October 15, 2024

REPORT NO: PD-50-2024

SUBJECT: **Technical Report – Backyard Chickens Updated Information and Draft By-law (File No. 1601-002-24)**

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

OVERVIEW:

- Several inquiries regarding the possibility of allowing backyard chickens on residential properties in the Township were received as well as By-law complaints.
- The Township’s Zoning By-law currently prohibits the keeping of any livestock on residentially zoned properties, including those within Smithville, hamlets and on rural residential parcels in the agricultural area.
- Following a delegation of a resident at the September 11, 2023 Planning/Building/Environmental Committee, a public survey was launched from January 9, 2024 until March 15, 2024. Multiple written comments were received and over 500 online surveys were completed.
- A non-statutory Public Meeting was held on February 12, 2024 and provided an opportunity for additional public and agency input. Planning Report [PD-11-2024](#) provided additional background to Council and the Public regarding backyard chickens.
- Administration, upon direction from Council, conducted research including contacting representatives of the poultry industry, OMAFRA staff and other municipalities on the policies and regulations for backyard chickens.
- Based on the information gathered, correspondence and policies from area municipalities, as well as the public comments received, Administration has prepared a draft Backyard Chickens By-law for consideration. The regulations for the pen/runs, manure storage and waste removal requires an amendment to the Animal Control By-law 2023-54, of which is also prepared for consideration.
- The proposed draft Backyard Chickens By-law will not allow for backyard chickens on lots that are less than 0.5 hectares (1.2 acres) and not zoned Agricultural (A), Rural Residential (RuR) or Low Density Residential (R1A).
- This additional statutory Public Meeting is scheduled to receive feedback on the draft by-law and determine its appropriateness for the residents who expressed an interest in backyard chickens.
- Depending on the outcome of the Public Meeting, Staff will make any necessary changes if required to the by-laws for approval at a future Committee meeting.

RECOMMENDATION:

1. That, Technical Report PD-50-2024 regarding backyard chickens updated information and draft by-law (File No. 1601-002-24) be received; and,
2. That, a Recommendation Report be submitted to a future Planning/Building/Environmental Committee once all public and agency comments have been taken into account and a full staff and agency review has been completed.

ALIGNMENT TO STRATEGIC PLAN:

Themes #1 & 2

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

BACKGROUND:

Backyard chickens in urban areas have become an increasingly popular trend as individuals are looking to raise their own chickens for fresh eggs, meat and companionship. This movement aligns itself with a broader interest in sustainable living and local food production.

However, chickens in the urban settlements comes with a set of unique challenges and considerations particularly around issues like noise, waste management for animals, pests, and the general welfare of the chickens and the space and care requirements for these animals.

Administration and Council have received several inquiries regarding the possibility of allowing backyard chickens throughout the Township including the urban settlement areas like Smithville.

The purpose of this report is to provide the feedback received since the last Public Meeting and online survey as well as the additional information regarding current regulations for backyard chickens in other area municipalities that assisted Administration Staff to prepare the draft by-law. Staff notes that the draft by-law to permit the residential use of backyard chickens is directed to the residential lots that have a minimum of lot area and also the requirement for amendments of the current Animal Control By-law 2023-54.

CURRENT SITUATION:

While the keeping of livestock, including chickens, has generally been associated with agriculturally zoned lots and not residential lots in Smithville or the hamlets, the supporters of backyard chickens have cited benefits related to sustainability and food quality. On the other hand, those who oppose backyard chickens in the urban settlements have focused on concerns relating to disease, odour, noise and potential for attracting rodents/predators. Currently, the Township's Zoning By-law permits raising or keeping of livestock including

chickens on properties zoned A (Agricultural) and is prohibited on residentially zoned lots in Smithville, the hamlets and on Rural Residential zones in the agricultural area.

The Township's By-law Enforcement Unit has received multiple complaints regarding backyard chickens over the last several years. The proposed draft zoning by-law amendment and amendments to the Animal Control By-law sets out the regulations to permit backyard chickens and the associated keeping and maintenance in an attempt to minimize these complaints by encouraging best practices and continuing to restrict backyard chickens from being raised within the urban area of Smithville.

Administration is proposing a gradual rolling out of the permissions for backyard chickens (hens/female chickens) specifically on the lots in the Township that have a minimum lot area of 0.5 hectares (1.2 acres) and zoned as Rural Residential (RuR) and Low Density Residential (R1A) and small holding lots zoned as Agricultural (A) in the hamlet settlements. Depending on the success of this initial phase, there can be future considerations for the permissions to be granted Township wide.

The proposed regulations and amendments to the Animal Control By-law will provide the ability for the Township to apply AMPS (Administrative Monetary Penalty System) for penalties for non-compliance and simplify the by-law enforcement process.

From a policy framework, the permissions to allow for backyard chickens in the agricultural and rural areas on smaller lots align with the agricultural policies of the Provincial Planning Statement (PPS), Niagara Region and Township Official Plans, in addition to supporting the agri-food system. A full planning policy review will be completed as part of the recommendation report.

FINANCIAL IMPLICATIONS:

Changes will be needed to ensure that AMPS penalties apply to infractions to the proposed by-law. This will provide a revenue stream to offset any additional costs that may be required within the By-Law operating budget in relation to enforcement of the regulation.

INTER-DEPARTMENTAL COMMENTS:

The Township Public Works Department has no objection to the proposed amendments to the Animal Control By-law or the proposed Backyard Chickens By-law.

PUBLIC COMMENTS:

Administration has received public comments and petitions that are in favour and that are not supportive of the proposed Backyard Chickens By-law. Refer to Schedule C for the public comments and petitions that are in favour of the proposed by-law and Schedule D for the public comments and petitions that are not supportive of the proposed by-law. Public comments will be fully reviewed as part of the future recommendation report.

CONCLUSION:

Planning Staff has completed a review of all received written and oral public and agency comments as well as survey responses and first Public Meeting comments although would like an opportunity for additional feedback on proposed backyard chicken by-law and amendments to the Animal Control By-law.

Upon consideration of the feedback and comments, Staff will bring forward a recommendation report to a future Committee and/or Council meeting with the final by-laws for approval.

SCHEDULES:

- Schedule A – Draft Backyard Chicken By-law
- Schedule B – Amended Animal Control By-law 2023-54
- Schedule C – Public Comments and Petitions in Support
- Schedule D – Public Comments and Petitions Against

Prepared & Submitted by:

Susan Smyth, CPT
Senior Planner

Approved by:

Brian Treble, MCIP, RPP
Director of Planning & Building

Reviewed by:

Gerrit Boerema, MCIP, RPP
Manager of Planning & Building

Approved by:

Truper McBride
CAO

SCHEDULE A - PD-50-2024

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-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 By-law 2017-70, be amended by adding the following definitions:

“Backyard Chickens” means a hen (female chicken) kept for companionship as a pet or for the purpose of providing food for the personal consumption of occupants of a main dwelling on the same lot, and shall not include roosters, waterfowl or other non-domesticated birds.

“Coop” means a fully enclosed, locking, weatherproof structure where hens are kept and the interior of which contains nest boxes for egg laying, roosts for hens to sleep on and containers for food and water. Does not apply to lots zoned as Agricultural greater than 0.5 hectares (1.2 acres) in size.

“Hen” means a domesticated female chicken that is at least four months old.

“Run” means a covered, fully fenced and secure enclosure that allow hens access to the outdoors from the coop. Does not apply to lots zoned as Agricultural greater than 0.5 hectares (1.2 acres) in size.

2. THAT Part 3 – General Provisions of Zoning By-law 2017-70, be amended to include the following section as follows:

3.4 BACKYARD CHICKENS

3.4.1 Regulations

The following regulations apply to backyard chickens:

- a) Shall be permitted in lots zoned as Agricultural “A”, Rural Residential “RuR”, and Residential Low Density “R1A” as an accessory use or incidental to a main dwelling and principle use on a lot.
- b) Shall have a minimum lot size of 0.5 hectares (1.2 acres).
- c) Maximum of four (4) hens and no roosters (male chickens) are permitted per lot.
- d) Multiple residential properties such as townhouses and apartments are not permitted to have hens.

3.4.2 Setback Regulations

The following regulations apply to the coop, or similar enclosures for the backyard chickens:

- a) Coops/enclosures shall only be permitted in the rear yard.
- b) Coops/enclosures shall be a minimum of:
 - i. 3.5 metres from the rear yard/lot line.
 - ii. 2.5 metres from the interior or exterior side yard/lot line.
- c) Runs and exterior portions of the coop shall meet the minimum setback regulations.

3. THAT, regulations for the coop, enclosure, manure storage and animal care are found in the Animal Care and Control By-law 2023-54, as amended from time to time.
4. THAT, Section 3.13 Prohibited Uses be amended to make an exception to permit a maximum of four (4) hens.
5. THAT, all other provisions of Zoning By-law 2017-70, as amended continue to apply.
6. 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.
7. 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 XXXXX, 2024**

MAYOR CHERYL GANANN

**JUSTIN PAYLOVE
ACTING DIRECTOR OF LEGISLATIVE SERVICES/CLERK**

DRAFT V3

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

The purpose of this by-law is to address the current trend in the Niagara Region and throughout Ontario for backyard chickens and their cited benefits related to sustainability and food quality, and economical benefits. Conversely, to address concerns related to disease, odour, noise and potential for attracting rodents and predators. These regulations are to control the accessory use that is to be incidental to the principle use of an Agricultural, Rural Residential or Residential Low Density lot with a minimum lot area of 0.5 hectares (1.2 acres) in size including the location and setbacks for the backyard chickens and their coops/enclosures.

A Public Meeting was held on _____ and _____ members of the public provided oral comments. _____ written comments were additionally received by the public and agencies. All comments received were evaluated by Staff and Council through their decision.

File: 1601-002-24
Township of West Lincoln

DRAFT V3

SCHEDULE B - PD-50-2024

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2023-54

BEING A BY-LAW TO REGULATE ANIMAL CARE AND CONTROL WITHIN THE TOWNSHIP OF WEST LINCOLN

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“Municipal Act”) authorize a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 8(3) of the Municipal Act confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under that Act is guilty of an offence;

AND WHEREAS section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties, and the Provincial Offences Act, R.S.O. 1990, c. P.33, shall be to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS Section 103 of the Municipal Act provides that if a municipality passes a by-law regulation or prohibiting with respect to the being at large or trespassing of animals it may provide for the seizure and impoundment of animals found at large or trespassing contrary to that by-law under certain conditions;

AND WHEREAS the Act, Section 105 provides, inter alia, for the muzzling of dogs;

AND WHEREAS Section 391 of the Municipal Act enables a municipality to pass a by-law imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Council deems it expedient and in the public interest to license dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the Municipal Act;

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

1. Short Title:

This by-law shall be known as the “Animal Control By-Law”

2. DEFINITIONS

For the purposes of this By-law:

“Animal” means any member of the animal kingdom but excluding fish;

“At large” means being at any place other than the premises of the owner of the animal and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property;

“Attack” means physical contact, other than accidental contact, by an Animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a Person or an Animal or damage to clothing worn by a Person, and the words “Attacked” or “Attacking” have a corresponding meaning;

“Backyard Chickens” means a hen (female chicken) kept for companionship as a pet or for the purpose of providing food for the personal consumption of occupants of a main dwelling on the same lot,

and shall not include roosters, waterfowl or other non-domesticated birds;

"Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal;

"Bona fide farmer" means a farmer who is carrying on farming operations where his/her actions as well as his/her intentions are genuine intentions to develop land as a farming proposition in the hope, based on reasonable grounds, that an ultimate profit will be derived;

"Cat" means a domesticated feline animal, male or female;

"Commercial kennel" means a premise where the primary purpose of the facility is for the boarding of Dogs for hire or gain;

"Coop" means a fully enclosed, locking, weatherproof structure where hens are kept and the interior of which contains nest boxes for egg laying, roosts for hens to sleep on and containers for food and water;

"Council" means The Corporation of the Township of West Lincoln;

"Dog" means a domesticated canine animal, male or female;

"Domestic animal" means any tamed or domesticated Animal;

"Dwelling unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;

"Hen" means a domesticated female chicken that is at least four months old;

"Kennel (Private)" is a Kennel where four or more dogs, excluding pups under ten weeks of age, are kept for personal uses as hunting Dogs, sled Dogs or show Dogs, kept for the purpose of training or kept as pets and where there is no boarding and no revenue derived from the Kennel;

"Keep" means to have temporary or permanent control or possession of an Animal, the words "Kept" or "Keeping" have a corresponding meaning;

"Kennel" means a building or structure or part thereof whereby animals are kept as pets or for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance and excludes animal clinics, grooming establishments, Humane Societies and Pet Shops;

"Leash" means a rope, chain or other restraining device for a dog that may not exceed 5 metres;

"Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;

"Livestock Guardian Dog (LGDs)" means a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose;

"Motor vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over

the mouth of the dog, but that is of sufficient strength to prevent the dog from biting, the words "Muzzled" and "Muzzling" have a corresponding meaning;

"Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, and Animal Control Officers employed by the Society including agents and inspectors designated as such under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36 and all other enforcement officers as may be appointed by the Province of Ontario and the Region of Niagara.

"Owner" means any person who possesses, harbours or keeps an animal, and where the Owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal, the word "Owns" has a corresponding meaning;

"PAWS" means the Provincial Animal Welfare Services Act, 2019, S.O.2019, c. 13;

"Person" means an individual, corporation, association, or any other non-incorporated entity;

"Pet shop" means a shop or place where animals are sold or kept for sale for use as pets;

"Pound" means the part of the premises of the society used for the temporary housing and care of animals that have been impounded pursuant to this by-law, in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

"Premises" includes a Dwelling unit, a house or building and the land or Premises on which the building or house is situated or attached;

"Prohibited animal" means any Animal that is set out in Schedule "B" attached to this by-law and which may be amended by the Council from time to time as required;

"Redemption Period" is a period of seventy two (72) hours where an impounded animal may be claimed by the owner when in custody of the pound;

"Run" means a covered, fully fenced and secure enclosure that allows hens access to the outdoors from the coop;

"Service dog" means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons;

"Shelter" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the animal for whose use it is intended from the elements and in which the animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;

"Society" means the Niagara SPCA and Humane Society;

"Sterilized" in respect of a dog means either spayed or neutered and

"Sterilization" has a corresponding meaning;

"Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an animal from moving away from a localized area, the words "Tethered" and "Tethering" have a corresponding meaning;

"Township" means the Township of West Lincoln or the geographic area thereof and shall include all servants, agents and contractors;

"Urban boundary" means the urban boundary as set out and or as amended in Schedule "A" or as amended as provided in the Comprehensive Zoning By-law 2017-70, as amended, and its successor thereto;

"Wild animal" means all mammals other than domestic animals but does not include the domestic ferret; and

"Without provocation" when used in reference to a bite or attack on a person or animal, means in the absence of any abuse, assault, teasing, tormenting, unwanted physical contact or the like by the person or animal who sustained the bite or attack.

3. CARE OF ANIMALS

Responsibility to Care for Animals

- 3.1 Every Person who keeps an Animal within the Township shall at all times provide the Animal, or cause it to be provided with:
 - 3.1.1 a clean and sanitary environment free from the accumulation of waste matter; and
 - 3.1.2 adequate and appropriate care, food, water, Shelter, and the opportunity for physical activity.
- 3.2 Every Person who keeps an Animal that may reside outdoors, shall, in addition to complying with the requirements set out in Section 3.1 of this Bylaw, ensure that the animal is provided with:
 - 3.2.1 a Shelter that is of such a nature and condition that the Animal would not be harmed and its health would not be negatively affected for the reason of being in such a Shelter;
 - 3.2.2 a Shelter in a size and condition that will allow an Animal to extend its legs, wings and body to their full natural extent;
 - 3.2.3 an area separate from the Shelter that provides the Animal with shade and protection from direct sunlight at any time of the day; and
 - 3.2.4 an area that is dry and free from standing water.

Tethers

- 3.3 No Person shall keep an Animal Tethered unless:
 - 3.3.1 the Tether is a minimum of four metres in length;
 - 3.3.2 the Animal has unrestricted and unobstructed movement within the range of the Tether;
 - 3.3.3 the Animal has access to food, water and Shelter;
 - 3.3.4 it is attached to a permanently fixed object;
 - 3.3.5 the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
 - 3.3.6 the Animal is Tethered in a way that it will not injure itself.
- 3.4 No Person shall tether an Animal in such a way as to permit the Animal to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the Owner of the Animal has received prior consent from the Owner of that Premises.

Sanitary Conditions

- 3.5 Every Person who keeps an Animal within the Township shall keep the Animal, or cause the Animal to be kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that

may endanger the health of any Person or Animal.

3.6 Section 3.5 does not prohibit a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1.

4. DOGS

Registration

- 4.1. Every owner of a Dog within the Township shall:
 - 4.1.1. register the Dog annually with the Township and pay an annual dog registration fee as set out in Schedule "C";
 - 4.1.2. provide proof of Sterilization from a qualified veterinarian at the time of registration to qualify for a discounted annual Dog registration fee;
 - 4.1.3. ensure that the Dog identification tag, issued by the Township at registration is on the Dog's collar, and the said collar is affixed to the Dog at all times;
 - 4.1.4. promptly purchase a replacement Dog identification tag from the Township, in the event that such tag is lost, damaged or destroyed;
 - 4.1.5. not use a Dog identification tag for any Dog other than the Dog for which it was issued;
 - 4.1.6. notify the Township within seven (7) days of the sale or death of a registered Dog; and
 - 4.1.7. not provide the Township with any false information in respect of the registration, or renewal of a registration of a Dog.
- 4.2. Every Owner of a Dog shall provide the Township the following information upon registration and renewal:
 - 4.2.1. name, address, and telephone number of the Dog Owner;
 - 4.2.2. name, age, gender, breed, and colour of the Dog; and
 - 4.2.3. proof of Sterilization from a qualified veterinarian, if applicable;
 - 4.2.4. information provided under Section 4.2 changes, the Owner shall notify the Township within seven (7) days.
- 4.3. Dog registration shall be valid until December 31st of the year it was purchased, and shall be renewed annually.
- 4.4. Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential lot or in any building or structure in a Residential Zone is prohibited, but this shall not prevent the keeping of up to three (3) of any type of Domestic Animal, such as dogs, cats, hamsters, mice, rabbits, turtles.

Dog Kennel

- 4.5. No person shall construct, establish, maintain or operate a Dog Kennel in the Township unless:
 - 4.5.1. the Kennel is in compliance with the provisions of this By-law, any other applicable municipal by-law and any applicable Act or Regulation including, without restricting the generality of the foregoing, the Township's Zoning By-law No. 2017-70, as amended, and any successor thereto, the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, the *Building Code Act*, 1992, S.O. 1992, c. 23, and the *Fire Protection and Prevention Act*, 1997, S. O. 1997, c. 4;
 - 4.5.2. the Kennel and its surrounding environment prevents escape by any Dog from the Kennel;
 - 4.5.3. the Owner or operator of the Kennel registers the Kennel annually with the Township and pays the annual Kennel registration fee as set out in Schedule "C";
 - 4.5.4. the Owner or operator of the Kennel renews the Kennel registration annually before January 1st of each year any time after January 1st the Owner or operator may be subject to a registration surcharge as set out in Schedule "C"; and

- 4.5.5. the Kennel is clean, secure and operated in a humane manner including compliance with the current Canadian Veterinary Medical Association (CVMA) Code of Practice for Canadian Kennel Operations.
 - 4.5.6. Every Kennel licence shall expire on the 31st day of December in the year for which it was issued and shall be renewable yearly.
- 4.6. If an Owner or operator registers a new Kennel after July 1st, the Owner operator shall pay one-half of the applicable annual registration fee as set out in Schedule "C".
- 4.7. To register a Kennel every Owner or operator shall provide the Township with the following information:
 - 4.7.1. the name, address and telephone number of the Kennel Owner;
 - 4.7.2. the name, address and telephone number of the Kennel operator;
 - 4.7.3. the name, age, gender, breed, color and sterilization status of all Dogs Kept at the Kennel; and
 - 4.7.4. the Canadian Kennel Club registration number, if applicable.
 - 4.7.5. Correspondence from the Director of Planning and Building that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.8. The issuance of a kennel licence entitles an owner to a dog tag for each dog that he or she keeps as a pet.
- 4.9. Every person who purchases a dog from a kennel is individually responsible to obtain the appropriate licence for the dog.
- 4.10. Approval or renewal of a Kennel licence shall be conditional upon receipt of confirmation from an Officer that the Kennel meets all legal current requirements for the humane treatment of dogs in a Kennel and confirmation of compliance with applicable current codes of practice as published under direction of the Canadian Veterinary Medical Association (CVMA).
- 4.11. Every Owner of a Kennel and every person who operates or manages a Kennel shall ensure that the Kennel is kept in a clean and sanitary condition, is free of refuse of any kind at all times so as to prevent the arising of excessive odours therefrom, has a fly prevention program and is kept free of vermin at all times.
- 4.12. Every Owner of a Kennel shall maintain a log of all dogs contained in the Kennel in accordance with the requirements as determined by the Society and/or the Township.
- 4.13. No person shall own, control, possess or harbor or board more than three (3) dogs in a dwelling unit unless they first procure a Kennel Licence.
- 4.14. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-Law and/or any other Municipal By-Law.
- 4.15. Where the Township or an Officer refuses a Kennel licence or suspends or revokes a Kennel registration, the owner or operator of a Kennel may appeal to Council in accordance with Council's procedures.
- 4.16. When an appeal is filed, Council shall hear the appeal in accordance with its procedures and shall have all the powers and functions of an officer in deciding the appeal.
- 4.17. No Owner or operator of a Private kennel shall permit more than twenty (20) Dogs, excluding pups under ten weeks of age, to be Kept at the Private kennel unless correspondence from the Director of Planning and Building confirms that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.18. An Owner or operator of a Commercial Kennel shall conform to all relevant regulations required in Comprehensive Zoning By-Law 2017-70, as amended,

or its successor thereto.

- 4.19. A person will be exempt from purchasing a kennel licence for the ownership of Livestock Guardian Dogs (LGDs) if three (3) or less LGDs are on a property provided that:
 - 4.19.1. the owner is keeping sheep (or other livestock) upon the same premises;
 - 4.19.2. the premise is on land that is zoned Agricultural;
 - 4.19.3. the owner provides proof of producer registration in the name recorded by the Ontario Sheep Farmers, Beef Farmers of Ontario, Ontario Goat;
 - 4.19.4. the dogs are registered/licensed annually in accordance within the Animal Control by-law;
 - 4.19.5. and that the dogs are LGDs and or herding dogs.
- 4.20. Every Owner or operator of a Kennel shall, upon request by an Officer, permit the Officer to inspect the Premises at any reasonable time for the purpose of determining compliance with this By-law.
- 4.21. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-law.
- 4.22. In the event that the Township refuses a Kennel registration or suspends or revokes a kennel registration, the Owner or operator of such Kennel may appeal to Council in accordance with Council's procedures.
- 4.23. If an appeal is taken, Council shall hear the appeal in accordance with its procedures and shall have all powers and functions of an Officer in deciding the appeal.

Leashing and Running at Large

- 4.24. For the purposes of this By-law, a Dog shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner while not on a Leash held by any Person and not under the control of any Person.
- 4.25. No owner of a Dog shall permit the Dog to run at large in the Township except in designated off-leash areas.
- 4.26. No Owner of a Dog shall use a Leash on the Dog that exceeds three (3) metres in length, but in no case shall an Owner use a Leash of a length that does not enable him or her to properly control the Dog.
- 4.27. Every Owner of a Dog shall, while the Dog is not on the Owner's Premises, control the Dog by means of a Leash that is held or affixed to their person or another competent person.
- 4.28. A Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a motor vehicle or a bicycle.
- 4.29. No Person shall use a collar on a Dog that restricts, or may restrict, the Dog's ability to breathe or swallow, or that causes, or may cause, the Dog discomfort.
- 4.30. Sections 4.24 to 4.29 of this By-law shall not apply to:
 - 4.30.1. police working Dogs or LGDs while they are in the course of fulfilling their duties; and
 - 4.30.2. hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township and provided that such Person has obtained the prior consent of the Owner of the parcel of land on which the hunting Dogs are at Large, which consent is obtained not more than one year prior to the date of the occasion on

which the Dogs are at large.

Impounding of Dogs

- 4.31. An Officer may seize any Dog that is found running at large in the Township and may cause such Dog to be delivered to the Pound.
- 4.32. Any Person may seize any Dog that is found running at large in the Township and shall immediately thereafter cause such Dog to be delivered to the Pound or, if known, returned to its Owner.
- 4.33. A Dog seized pursuant to sections 4.31 or 4.32 of this by-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.
- 4.34. Upon seizing or taking possession of any Dog, the Pound shall impound the Dog and make reasonable efforts to determine the identity of the Owner of the Dog and inform such Person that his or her Dog has been impounded.
- 4.35. The Pound shall keep any Dog impounded pursuant to this By-law for a redemption period of up to three days. This redemption period shall be calculated by excluding:
 - 4.35.1. the day on which the Dog was impounded;
 - 4.35.2. statutory holidays; and
 - 4.35.3. days on which the Pound is closed.
- 4.36. During the redemption period, the Pound:
 - 4.36.1. may provide such veterinary or other care for an injured or ill impounded Dog as may be necessary to sustain its life or relieve any distress;
 - 4.36.2. shall be entitled to recover from the Owner of the Dog, the cost of any veterinary or other care provided while the Dog was impounded; and
 - 4.36.3. shall be entitled to recover from the Owner of the Dog, any Pound fees for the redemption of the Dog.
- 4.37. During the redemption period, the Pound may euthanize an impounded Dog without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
- 4.38. During the redemption period, the Owner of an impounded Dog may obtain release of such Dog by first:
 - 4.38.1. providing evidence to the Pound that the Dog is registered in accordance with the requirements of this By-law or if the Dog is not registered, by registering the Dog with the Township in accordance with this By-law;
 - 4.38.2. paying the costs and fees provided for in Section 4.36 of this By-law; and
 - 4.38.3. taking any other action in relation to the care or control of the Dog that the Township or Pound may direct.
- 4.39. After the expiration of the redemption period, the Pound may:
 - 4.39.1. release the Dog to its owner upon compliance with Section 4.38 of this by-law; or
 - 4.39.2. Keep, sell or dispose of the Dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.
- 4.40. Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound.

Dog Bites & Muzzling of Dogs

- 4.41. No Owner of a Dog shall willfully cause the Dog, or permit the Dog through neglect or failure to control, to Without Provocation Bite, Attack or chase a Person or another Animal, or to damage public or private property.

- 4.42. No Owner shall Muzzle a Dog in any manner that restricts or may restrict the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.
- 4.43. Where an Officer becomes aware, either through his own investigation or as a result of information received by him/her from any source, that a Dog has Bitten or Attacked a Person or Animal Without Provocation, the Officer may, by written notice served upon the Owner, require the Owner to comply with the requirements set out in Sections 4.45 and 4.46 of this By-law within the time stipulated in said notice, and the Dog shall thereafter be deemed to be a dangerous Dog.
- 4.44. Every Owner of a dangerous Dog shall, at all times while the dangerous Dog is not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the Owner's Premises, ensure that the dangerous Dog wears a Muzzle in accordance with Section 4.42 of this By-law and ensure that:
- 4.44.1. the Dog is securely Tethered in accordance with Sections 3.3 and 3.4 of this By-law;
 - 4.44.2. the Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or Animal; and
 - 4.44.3. a sign, no smaller than 5" x 7", is displayed at all entrances to the property upon which the Dog is Kept, bearing words and a symbol that warn that there is a dangerous Dog on the property.
- 4.45. Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, keep the dog:
- 4.45.1. Muzzled in accordance with Section 4.42 of this By-law;
 - 4.45.2. under the control of a competent Person capable of handling the Dog who is sixteen years of age or older; and
 - 4.45.3. on a Leash that does not exceed two (2) metres in length.
- 4.46. Every Owner of a dangerous Dog shall immediately notify the Township of the following:
- 4.46.1. any change in ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
 - 4.46.2. if the Dog runs at large, Attacks or Bites any Person or Animal; or
 - 4.46.3. if the Dog dies.
- 4.47. An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with Sections 4.41 and 4.46 of this By-law.
- 4.48. Sections 4.41 through 4.45 of this By-law shall not apply to police working Dogs while they are carrying out their duties.

Stoop and Scoop

- 4.49. Every Owner of a Dog shall immediately remove any feces left by the Dog in any place other than the Premises of the Owner and dispose of it in a proper waste receptacle.
- 4.50. Section 4.49 of this By-law shall not apply to:
- 4.50.1. the handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment;
 - 4.50.2. a blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
- 4.51. A police working Dog while they are carrying out their duties.

Number of Dogs Restricted

- 4.52. No Person shall Keep on their Premises more than three (3) Dogs over ten

weeks of age, unless:

- 4.52.1. the Premises is registered as a Kennel in accordance with the provisions of this By-law and the comprehensive Zoning By-law 2017-70, as amended, and any successor thereto;
- 4.52.2. the Premises is a Pet shop;
- 4.52.3. the Premises is used by the Society; or
- 4.52.4. the Premises is an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

5. GENERAL ANIMALS

Rabies Immunization

- 5.1. Every Owner of a Dog that is four months of age or older shall ensure that the Dog is duly immunized against rabies and that the immunization is maintained as current.

Transporting Animals

- 5.2. For the purpose of this By-law, "Roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of vehicles.
- 5.3. No Person transporting an Animal shall allow the Animal to be outside of the passenger cab of a Motor Vehicle on a Roadway, regardless of whether the Motor Vehicle is moving or stationary.
- 5.4. Notwithstanding Section 5.3, a Person may allow an Animal to be outside the passenger cab of a Motor Vehicle while on a Roadway, including riding in the bed of a pick-up truck or flatbed truck, if the Animal is:
 - 5.4.1. in a fully enclosed trailer;
 - 5.4.2. in a fully enclosed bed area of a truck, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or
 - 5.4.3. contained in a crate or similar device manufactured for the confinement or transport of an Animal, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.
- 5.5. Notwithstanding Section 5.3, a Person may transport an Animal in the bed of a pick-up truck or flatbed truck provided that the Animal is securely Tethered in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the bed of the truck.
- 5.6. No Person shall Keep an Animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes or may cause the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary distress, hardship, privation or neglect.
- 5.7. An Officer may use any means as are necessary to remove an Animal in need of assistance from a Motor Vehicle or any enclosed space and the Township shall be entitled to recover its costs for such removal from the registered owner of the Motor Vehicle or enclosed space.

Tormenting Animals

- 5.8. No Person shall annoy, assault, batter, tease or torment an Animal or willfully and recklessly kill or cause injury, pain or suffering to an Animal.
- 5.9. Section 5.8 of this By-law shall not be interpreted so as to prohibit:
 - 5.9.1. a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended and other applicable law; or

- 5.9.2. a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township.

Trapping Animals

- 5.10. No Person shall trap any Animal unless:
 - 5.10.1. the Animal is causing a nuisance to, or damaging, the aggrieved Person's property;
 - 5.10.2. the Animal is trapped in a live trap;
 - 5.10.3. the Animal is trapped in a humane manner;
 - 5.10.4. once trapped, the Animal is not Kept in a trap for more than 24 hours;
 - 5.10.5. once trapped, the Animal is Sheltered from the elements, including the sun; and
 - 5.10.6. the Animal is trapped on the property of the aggrieved Person.
- 5.11. No Person shall set out any trap that causes or may cause injury, pain or suffering to an Animal including, without limiting the generality thereof, conibear traps, killer traps, leg-hold traps and snares.
- 5.12. Any Person who traps a Domestic Animal, in addition to the provisions of Sections 5.10 and 5.11 of this By-law, shall only release the Animal to:
 - 5.12.1. the rightful Owner of the Animal;
 - 5.12.2. an Officer; or
 - 5.12.3. the Pound.
- 5.13. Sections 5.10 and 5.11 of this By-law shall not apply to a Person trapping an Animal where the Person is licensed by the Ontario Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and such trapping shall be conducted in accordance with such applicable law.

Livestock

- 5.14. No Person shall Keep Livestock on any Premises in the Township unless the Premises is zoned to permit the Keeping of Livestock by Township of West Lincoln Zoning By-law No. 2017-70, as amended, and any successor thereto, and/or any Provincial Regulation(s).
- 5.15. For the purposes of this By-law, Livestock shall be deemed to be running At large if found in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.
- 5.16. No Owner of Livestock shall permit any Livestock to run at large in the Township.
- 5.17. An Officer may seize any Livestock that is found running at large in the Township and may cause such Livestock to be delivered to the Pound, and/or retain the services of a third party, the Society shall invoice the Township separately for each occurrence. The Township shall be responsible for recovering costs from the owner.
- 5.18. Any Person may seize any Livestock that is found running at large in the Township and shall immediately cause such Livestock to be delivered to the Pound or, if known, returned to the Owner.
- 5.19. Any Livestock seized pursuant to Sections 5.17 or 5.18 of this By-law shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.
- 5.20. The Pound may seize and impound any Livestock running at large in the Township and shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner that the Livestock has been

impounded, in accordance with the *Pounds Act*, R.S.O. 1990, c. P. 17, as amended.

5.21. The Pound:

5.21.1. may provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress;

5.21.2. shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock was impounded; and

5.21.3. shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.

5.22. The Pound may euthanize any impounded Livestock without delay if, in the opinion of the Pound, such action is warranted for humane reasons.

5.23. The Owner of any Livestock impounded may obtain release of such Livestock by first:

5.23.1. paying all costs and fees incurred by the Pound; and

5.23.2. taking any other action in relation to the care or control of the Livestock that the Township or Pound may direct.

5.24. The Pound may, in accordance with the *Pounds Act*, R.S.O. 1990, c. P.17, as amended:

5.24.1. release the Livestock to its Owner upon compliance with Sections 5.23 and 5.25 of this By-law; and

5.24.2. Keep, sell or dispose of the Livestock.

5.25. The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock and for the costs incurred by the Pound and or Township in seizing and or impounding such Livestock.

5.26. Whenever any impounded Livestock is released to its Owner, a record of such release shall be kept by the Pound.

Wild Animals

5.27. No Person shall remove any Wild animals from any public land in the Township unless authorized to do so by the Township or by law and provided that the removal is done in a humane manner.

5.28. No Person shall Keep, or cause to be Kept, any Wild animal in the Township unless they are authorized to do so by law.

5.29. Despite Section 5.28 of this By-law a person who comes into the possession of any Wild animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case no longer than 24 hours after coming into possession of the Wild animal:

5.29.1. release the Wild animal back into the wild within 1 kilometre from where it was found;

5.29.2. surrender the Wild animal to the care of the Society; or

5.29.3. surrender the Wild animal to a Person or facility licensed by the Ministry of Natural Resources to care for wildlife.

Prohibited Animals

5.30. No person shall Keep, either temporarily or permanently, any Animal listed in Schedule "B", as may be amended by Council from time to time, unless the Premises on which the Animal is Kept or is to be Kept is zoned by Township of West Lincoln Zoning By-law No. 2017-70, as amended and any successor thereof, to permit a Kennel and:

5.30.1. the Person is authorized to Keep the Animal by the Government of Canada or the Province of Ontario; or

5.30.2. the Animal is a bird used for falconry.

- 5.31. Despite Section 5.30 of this By-law, a Person who is lawfully Keeping a Prohibited animal on the date this By-law comes into effect shall be permitted to Keep such Animal on his or her Premises provided that the Animal is Kept in an environment which is appropriate for the species and the Owner has registered the Animal by advising the Township in writing of the species of Animal, the name, current address and phone number of the Owner and providing a photograph clearly depicting the Animal within ninety (90) days of the date that this By-law comes into effect.
- 5.32. The onus of proving the exemption provided for in Section 5.31 of this By-law is upon the Person seeking the exemption.
- 5.33. The exemption provided for in Section 5.31 of this By-law is for the life of the Prohibited animal.
- 5.34. The Township may maintain a list of all Prohibited animals for which written notice has been received in accordance with Section 5.31 of this By-law.
- 5.35. Section 5.30 of this By-law shall not apply to:
- 5.35.1. any Premises used by the Society;
 - 5.35.2. any Premises of the Government of Canada, the Province of Ontario, the Region of Niagara or the Township of West Lincoln;
 - 5.35.3. any lawful fair, circus or other entertainment event where Animals are displayed;
 - 5.35.4. Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended;
 - 5.35.5. Premises owned or operated by any zoo or exhibit, permanently and lawfully located in the Township, and where such Premises or facilities are accredited by the Canadian Association of Zoos and Aquariums (CAZA);
 - 5.35.6. areas of the Township in which professionally produced films are being lawfully made using such Animals, provided that there is supervision by an agent or inspector of PAWS;
 - 5.35.7. any area of the Township in which educational programs are being lawfully conducted with such Animals, provided that the Animals are Owned by institutions accredited by the CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually being conducted;
 - 5.35.8. Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended;
 - 5.35.9. Premises owned or operated by an Ontario College or University;
 - 5.35.10. Premises that are authorized by the Ontario Ministry of Natural Resources; or
 - 5.35.11. Premises owned and legally operated by an animal rescue organization registered with the Society or pursuant to other legislation.
- 5.36. For the purposes of this By-law, a Prohibited animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Prohibited animal and not under the control of any Person.
- 5.37. No Person shall permit a Prohibited animal to run at large.

Animal Noise

- 5.38. No Owner shall permit or allow the persistent barking, calling, whining or other similar persistent sound made by a Domestic animal or any other Animal Kept or used for any purpose other than agriculture which sound(s) is clearly audible at the point of reception.

Rabbits

5.39. No Owner shall fail to comply with the regulations set out in Schedule “D” as it pertains to the Keeping of rabbits within the Township.

Coyotes

5.40. “Coyote” is an Animal that is, or appears to be, of the species *Canis latrans* and any Animal that is a cross breed of a member of the species *Canis latrans* and a domestic Dog. The singular of this word shall be deemed to include the plural with all necessary changes in detail; as set out in Schedule “E”.

Backyard Chickens

5.41. No Owner shall fail to comply with the regulations set out in Schedule “F” as it pertains to keeping of backyard chickens on lots zoned Agricultural “A”, Rural Residential “RuR” and Residential Low Density “R1A” with a minimum lot size of 0.5 hectares (1.2 acres) in the Township.

6. ADMINISTRATION

Enforcement

- 6.1. Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.
- 6.2. An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.
- 6.3. An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - 6.3.1. the provisions of this By-law are being complied with; or
 - 6.3.2. a direction or order under this By-law is being complied with.
- 6.4. No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

Offences and Penalties

- 6.5. No person shall fail to comply with any provision or standard of this By-law;
- 6.6. The Township’s Administrative Monetary (Non-Parking) Penalty By-law No. 2021-84 as amended, applies to each administrative penalty issued pursuant to this By-law;
- 6.7. Each person who contravenes any provision of this By-law shall, upon the issuance of a Penalty Notice in accordance with the Township’s Administrative (Non-Parking) Penalty By-law, be liable to pay the Township an administrative penalty in the amounts specified in the applicable schedule of the Township’s Administrative (Non-Parking) Penalty By-law, as amended from time to time;
- 6.8. Each person who contravenes any provision of this By-law is guilty of an offence and is liable on conviction to a fine recoverable pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, of:
 - 6.8.1. not more than \$10,000.00;
 - 6.8.2. not more than \$25,000.00 for a second or subsequent conviction for the same offence;

7. APPEALS

- 7.1 Where a dog has been declared vicious by the Township and/or the Society, pursuant to the provisions of this by-law, the owner of the dog may apply to the Township for a hearing in respect of such Notice to Muzzle.
- 7.2 An application with the applicable fee as set out in Schedule “C” for a hearing shall be made in writing and delivered to the Clerk of the Township within 10 days after the Notice to Muzzle has been served.
- 7.3 Upon receipt of the application for a hearing from an owner of the alleged vicious dog, the Clerk shall convene a meeting of the Appeal Committee and

shall give the owner of the dog, any material witness relevant to the declaration, the victim, if any, and the agency which declared the vicious dog and issued the Notice to Muzzle, 7 days written notice, by personal service or express post mail of the time, date and location of the hearing.

7.4 The applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog.

7.5 When the owner of the dog does not attend at the proper time and location, the Appeal Committee may proceed with the hearing in his/her absence and the applicant shall not be entitled to any further notice of the proceeding.

8. APPEAL COMMITTEE:

8.1 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than 10 days following the date of the hearing.

8.2 The decision of the Appeal Committee is final and binding.

8.3 The Appeal Committee shall confirm the vicious dog declaration and order, or exempt the owner of the dog from any of the muzzle, restraining or leashing requirements, or all, or dispose of an appeal by Consent Order.

8.4 The procedure of the Appeal Committee shall govern the hearings of the matter subject only to the discretion of the Chair of the Committee to modify such procedures for the purpose of accommodating exigent circumstances and further to the extent that any matter arising during the course of proceedings not covered in the provisions of this by-law, shall be governed by the Statutory Powers and Procedures Act.

8.5 Notwithstanding that an applicant has applied for a hearing to appeal a Notice to Muzzle, all responsibilities on a person, including the Notice to Muzzle take effect when the declaration is served on the person to whom it is directed and all responsibilities will remain in effect until the Appeal Committee has made its decision on the appeal.

8.6 A written copy of the decision of the Appeal Committee, or the Consent Order shall be prepared, as soon as practicable after the conclusion of the hearing, and shall be delivered or mailed by express post mail to the applicant at the address shown on his/her application, the defendant, Niagara Regional Police, Regional Public Health Department, the Township, the Society, members of Council, Appeal Committee Members and the Clerk.

9.0 REPEAL

9.1 By-Law 2011-44 is hereby repealed: (Dog Control By-Law)

10.0 EFFECT

10.1 This By-law shall become effective on the date of passage.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
17TH DAY OF JULY, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

SCHEDULE "A"

WEST LINCOLN URBAN BOUNDARY



May 2023

0 287.5 575 1,150 Meters

West Lincoln

Legend

Smithville Urban Boundary

SCHEDULE "B"

PROHIBITED ANIMALS

1. All protected or endangered Animals being all Animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the Animal is not identified in this Schedule.
2. All Canids, except the domestic Dog;
3. All Felids, except the domestic Cat;
4. All Marsupials (such as, Kangaroos and Opossums);
5. All Non-human Primates (such as, Gorillas and Monkeys);
6. All Viverrids (such as, Mongooses, Civets and Genets);
7. All Mustelids (such as, Skunks, Weasels, Otters, Badgers), except the domestic Ferret;
8. All Ursids (Bears);
9. All Artiodactylus Ungulates, except domestic Goats, Sheep, Pigs and Cattle;
10. All Procyonids (such as, Raccoons, Coatis and Cacomistles);
11. All Hyaenas;
12. All Perissodactylus Ungulates, except the domestic Horse and Ass;
13. All Elephants;
14. All Pinnipeds (such as, Seals, Fur Seals and Walruses);
15. All Snakes of the Families Pythonidae and Boidae;
16. All Families of Venomous Snakes;
17. All Ratite Birds (such as, Ostriches, Rheas, Cassowaries);
18. All diurnal and nocturnal Raptors (such as Eagles, Hawks and Owls);
19. All Edentates (such as, Anteaters, Sloths and Armadillos);
20. All Bats;
21. All Crocodylians (such as, Alligators and Crocodiles);
22. All families of Venomous Spiders;
23. All other Snakes that reach an adult length larger than three (3) meters; and
24. All other Lizards that reach an adult length larger than two (2) meters;

SCHEDULE "C"
FEES AND CHARGES

1.	Early purchase discount rate (December 1st to December 31st of preceding year)		
	(a) Unspayed or unneutered dog	\$	25.00
	(b) Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof)	\$	14.00
	(c) Vicious Dog	\$	100.00
2.	January 1st to November 30th of each year		
	(a) Unspayed or unneutered dog	\$	30.00
	(b) Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof)	\$	17.00
	(c) Vicious Dog	\$	100.00
3.	Kennel Licence Fee		
	Base Fee	\$	100.00
	Plus: per spayed and neutered dog	\$	5.00
	per unspayed and unneutered dog	\$	10.00
4.	Replacement of lost or destroyed dog tag	\$	3.00
5.	Application for Hearing – Fee	\$	150.00

SCHEDULE "D"

RABBITS

1. In this Schedule:
 - 1.1 The maximum number of rabbits permitted within the Urban boundary (Schedule "A") shall be four (4).
 - 1.2 All rabbits must be kept only in the rear yard and in a rabbitry that fully encloses the rabbits and prevents them from escaping.
 - 1.3 The rabbitry must be designed and constructed to ensure proper ventilation and sufficient space for the rabbits and maintained in accordance with good animal husbandry practices and must keep all vermin out.
 - 1.4 All dead rabbits must be disposed of immediately and in any event, within 24 hours.
 - 1.5 Rabbit feces shall be hygienically stored and promptly removed from the premises;
 - 1.6 The rabbit's food supply must be secured against vermin.
 - 1.7 All Premises on which rabbits are Kept must have:
 - 1.7.1 detached dwellings on them;
 - 1.7.2 a frontage of at least forty feet; and
 - 1.7.3 a depth of at least 100 feet.
 - 1.8 The rabbitry shall be located at least 25 feet from the rear lot line of the lot on which the rabbitry is located.
 - 1.9 The rabbitry shall be located at least 15 feet from any side lot line of the lot on which the rabbitry is located.

SCHEDULE "E"

COYOTES

WHEREAS Coyotes are wild animals native to the Niagara Region.

1. PURPOSE

- 1.1 The purpose of this Schedule is to reduce the number of interactions between humans, their pets and property, and Coyotes that result in injury or inconvenience to humans, their pets and property.

2. INTERPRETATION

- 2.1 "Feed" includes any manner of providing or delivering Food, whether passive or active;
- 2.2 "Food" includes any matter or thing that can be consumed by a Coyote for sustenance;
- 2.3 managing Food or an Animal feeder in such a way as to attract Animals which Animals, in turn, attract a Coyote, is deemed to be managing Food or an Animal feeder in such a manner as to attract a Coyote; and
- 2.4 without limiting the generality of the definition of Food set out above, managing Food shall include the disposal of waste, garbage and refuse.

3. REGULATIONS

- 3.1 No Person shall Feed a Coyote.
- 3.2 No Person shall place, expose or allow to be placed or exposed, Food that is consumed by a Coyote.
- 3.3 No Person shall manage Food or an Animal feeder intended to attract or feed Animals other than Coyotes, in such a manner that the Food or feeder attracts a Coyote.

SCHEDULE "F"

BACKYARD CHICKENS

1. In this Schedule, the following regulations apply to Backyard Chickens:

- 1.1 Shall be permitted in an Agricultural "A", Rural Residential "RuR" and Residential Low Density "R1A" zoned lots in the Township as an accessory use or incidental to the main use.**
- 1.2 Shall have a minimum lot area of 0.5 hectares (1.2 acres) in size.**
- 1.3 Maximum of four (4) hens and no roosters (male chickens) are permitted.**
- 1.4 Shall only be permitted on lots where the property owner resides, not rental properties.**
- 1.5 Backyard chickens shall be contained at all times on the property and not permitted to run at large.**
- 1.6 Multiple residential properties (e.g., townhouse, apartment units) are not permitted to have backyard chickens.**
- 1.7 Sale of eggs, manure, other products associated with the chickens is prohibited.**
- 1.8 Home slaughter of chickens is not permitted.**
- 1.9 Backyard chickens shall be kept in an enclosed run when not in the coop.**
- 1.10 Coops and runs shall only be located in the rear yard.**
- 1.11 Backyard chickens shall at all times be cared for consistent with all applicable regulations and best practices including those issued by the Ontario Ministry of Agriculture, Food and Rural Affairs.**

2. Enclosure Regulations

- 2.1 Each hen shall be provided with a minimum of 0.4m² of coop area and 1m² of covered outdoor enclosure.**
- 2.2 Coop shall not exceed 10m² in total floor area, inclusive of outdoor enclosure.**
- 2.3 Coop shall provide protection from weather and be adequately ventilated.**
- 2.4 Coop and run shall be constructed and maintained to exclude rodents and predators from entry.**
- 2.7 Coop floors must be lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning.**

3. Manure Storage Regulations

- 3.1 Manure shall be stored in an enclosed container no more than 0.5 cubic metres of manure stored at any one time.**
- 3.2 Manure must be maintained in a clean condition and shall be kept free of odours.**
- 3.3 Manure shall not be used for composting or fertilizing and shall be properly disposed of through the Niagara Regional waste program.**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SCHEDULE "G" TO
BY LAW NO. 2023-54

BEING A BY LAW TO REGULATE ANIMAL CARE AND CONTROL IN THE TOWNSHIP OF WEST
 LINCOLN PART 1 PROVINCIAL OFFENCES ACT

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to provide an animal with clean and sanitary environment	S. 3.1.1	\$250.00
Failing to provide an animal with adequate/appropriate care	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate food	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate water	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate shelter	S. 3.1.2	\$250.00
Failing to provide an animal opportunity for sufficient physical activity	S. 3.1.2	\$250.00
Failing to provide an animal with enclosure of sufficient size	S. 3.2.2	\$100.00
Failing to provide an animal with sufficient shade	S. 3.2.3	\$200.00
Failing to provide an animal with an area dry and free from standing water	S. 3.2.4	\$150.00
Improper tethering of an animal - Tether less than 4 metres	S. 3.3.1	\$150.00
Improper tethering of an animal- failing to give animal unrestricted/unobstructed movement within range of the tether	S. 3.3.2	\$150.00
Improper tethering of an animal - no access to (food/water/shelter)	S. 3.3.3	\$250.00
Improper tethering of an animal - permitting animal to injure itself	S. 3.3.6	\$100.00
Improper tethering of an animal- permitting animal to reach beyond limits of premises	S. 3.4	\$100.00
Improper tethering of an animal- tying (rope/chain/cord/restraining device) directly around animals neck	S. 3.3.5	\$100.00
Keeping an animal in unsanitary conditions	S. 3.5	\$250.00
Failing to register a dog with the Township	S. 4.1.1	\$100.00
Failing to renew a dog registration with the Township	S. 4.3	\$100.00
Failing to display a dog identification tag on collar affixed to the dog	S. 4.1.3	\$50.00
Failing to obtain replacement dog identification tag	S. 4.1.4	\$50.00
Failing to notify the Township within seven(7) days of the (sale/death/change of ownership) of a dog	S. 4.1.6	\$50.00
Improper use of a dog tag- use of tag on dog other than one for which tag was issued	S. 4.1.5	\$75.00
Provide false information respecting a dog registration/renewal of dog registration	S. 4.1.7	\$100.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to construct/establish/maintain/operate a kennel in compliance with the By-Law	S. 4.5.1	\$250.00
Operate kennel where escape is not prevented	S. 4.5.2	\$100.00
Failing to pay kennel registration fee	S. 4.5.3	\$200.00
Failing to renew kennel registration	S. 4.5.4	\$200.00
Failing to comply with Kennel Operations Standards	S. 4.5.5	\$200.00
Owner of a Private Kennel permit more than twenty (20) dogs to be kept	S. 4.17	\$250.00
Owner of a Commercial Kennel permit more dogs than Zoning By-Law 2017-70, as amended/or its successor, allows	S. 4.18	\$250.00
Failing to permit an officer to inspect kennel premises	S. 4.20	\$250.00
Permitting a dog to run at large	S. 4.25	\$150.00
Improper use of a leash on a dog- Leash longer than three (3) metres	S. 4.26	\$150.00
Failing to properly control a dog on a leash	S. 4.27	\$150.00
Failing to use leash on a dog	S. 4.27	\$100.00
Failing to control a dog with a leash- affixing leash to (an/a) (Immovable structure/motor vehicle/bicycle)	S. 4.28	\$100.00
Improper use of collar on a dog- restricts the dogs ability to (breathe/swallow)	S. 4.29	\$250.00
Improper use of collar on a dog- causes the dog discomfort	S. 4.29	\$250.00
Failing to turn over found dog to the pound	S. 4.32	\$100.00
Failing to turn over found dog to its owner	S. 4.32	\$100.00
Permitting a dog to (bite/attack/chase) a person	S. 4.41	\$250.00
Permitting a dog to (bite/attack/chase) an animal	S. 4.41	\$250.00
Permitting a dog to damage (public/private) property	S. 4.41	\$250.00
Improper muzzling of a dog- restricts dogs ability to (breathe/drink water)	S. 4.42	\$250.00
Improper muzzling of a dog- muzzle causes dog (pain/suffering/injury)	S. 4.42	\$250.00
Failing to comply with a notice respecting a dangerous dog	S. 4.43	\$500.00
Failing to muzzle a danger dog on owners premises	S. 4.44	\$300.00
Failing to securely tether a dangerous dog	S. 4.44.1	\$500.00
Failing to properly confine a dangerous dog with an appropriate fence	S. 4.44.2	\$500.00
Failing to display a danger dog sign on property	S. 4.44.3	\$200.00
Failing to display a danger dog sign at least 5" X 7" in size	S. 4.44.3	\$200.00
Failing to muzzle a dangerous dog	S. 4.45.1	\$400.00
Failing to keep a dangerous dog under control of a competent person when off owner's premises	S. 4.45.2	\$400.00
Failing to keep a dangerous dog under control of persons eighteen years of age or older when off owner's premises	S. 4.37.2	\$400.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Using leash of more than two(2) metres on dangerous dog	S. 4.45.3	\$400.00
Failing to notify town of change in (ownership/residence) of a dangerous dog	S. 4.46.1	\$300.00
Failing to provide town with current information for a new owner of a dangerous dog	S. 4.46.1	\$300.00
Failing to notify the town of dangerous dog (running at large/attacking a person/biting a person)	S. 4.46.2	\$400.00
Failing to notify town of a dangerous dog (attacking an animal/biting an animal)	S. 4.46.2	\$400.00
Failing to notify the town operator of the death of a dangerous dog	S. 4.46.3	\$150.00
Failing to immediately remove dog feces	S. 4.49	\$100.00
Failing to dispose of dog feces in a proper waste receptacle	S. 4.49	\$100.00
Keeping more than three (3) dogs over ten (10) weeks of age on a premises	S. 4.52	\$150.00
Failing to register additional dog(s) for three (3) dog limit exemption within the first ninety (90) days of this by law	S. 4.52.1	\$100.00
Failing to have a dog immunized against rabies	S. 5.1	\$110.00
Failing to maintain a dog with current immunization against rabies	S. 5.1	\$110.00
Failing to keep an animal inside of a passenger cab of a motor vehicle while the motor vehicle (parked/moving)	S. 5.3	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed trailer	S. 5.4.1	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed bed area of truck	S. 5.4.2	\$250.00
Animal in fully enclosed bed area of truck of insufficient dimensions	S. 5.4.2	\$150.00
Animal outside of passenger cab of motor vehicle- not in crate	S. 5.4.3	\$150.00
Animal confined in crate on the bed of a truck of insufficient dimensions.	S. 5.4.3	\$150.00
Improper transportation of animal failure to securely tether the animal in bed of a (pickup truck/flatbed truck	S. 5.5	\$150.00
Improper transportation of animal- (causing/permitting)(illness/pain/injury/suffering) or undue or unnecessary (distress/hardship/privation/neglect) to an animal while in bed of a (pickup truck/flatbed truck	S. 5.6	\$250.00
(Annoying an Animal/assaulting an animal/battering an animal/teasing an animal/tormenting an animal) or willfully and recklessly (kill/causing injury to/causing pain to/cause suffering to) an animal	S. 5.8	\$250.00
Trapping an animal when the animal is not (causing a nuisance/damaging property)	S. 5.10.1	\$150.00
Trapping an animal in other than a live trap	S. 5.10.2	\$250.00
Trapping an animal in an inhumane manner	S. 5.10.3	\$250.00
Keeping a trapped animal in a trap for more than 24 hours	S. 5.10.4	\$250.00
Failing to shelter a trapped animal from the elements	S. 5.10.5	\$250.00
Trapping an animal on property not owned by the aggrieved person	S. 5.10.6	\$150.00
Trapping an animal- using trap that (causes/may cause) the animal (injury/pain/suffering)	S. 5.11	\$250.00
Failing to release a domestic animal to the owner	S. 5.12.1	\$150.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to release a domestic animal to an officer	S. 5.12.2	\$150.00
Failing to release a domestic animal to the pound	S. 5.12.3	\$150.00
Keeping livestock in area not zoned to permit the keeping of livestock	S.5.14	\$200.00
Permitting livestock to run at large	S. 5.16	\$300.00
Failing to turn over found livestock to the pound	S. 5.18	\$200.00
Failing to turnover found livestock to its owner	S. 5.18	\$200.00
Did remove a wild animal from public lands in the Township where unauthorized to do so	S. 5.27	\$150.00
Did remove a wild animal from public lands in the Township in an inhumane manner	S. 5.27	\$150.00
Did (keep/cause to be kept) a wild animal	S. 5.28	\$150.00
Failing to release a wild animal after possessing it for more than twenty-four (24) hours	S. 5.29	\$150.00
Failing to release a wild animal within one (1) kilometer from where it was found	S. 5.29.1	\$150.00
Failing to surrender a wild animal to the Society	S. 5.29.2	\$150.00
Failing to surrender a wild animal to a (person/facility) licenced by the Ministry of Natural Resources to care for wildlife	S. 5.29.3	\$150.00
Keeping a prohibited animal	S. 5.30	\$300.00
Failing to register a grandfathered prohibited animal	S. 5.31	\$150.00
Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 5.31	\$300.00
Permitting a prohibited animal to run at large	S. 5.37	\$300.00
Owner-(allow/permit) persistent barking by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent whining by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent calling by any domestic pet	S. 5.38	\$200.00
Owner- fail to comply with the Regulations in Schedule "D" as it pertains to the keeping of Rabbits	S. 5.39	\$250.00
Owner- fail to comply with the Regulations in Schedule "F" as it pertains to the keeping of Backyard Chickens	S 5.41	\$250.00
Obstructing an officer in the execution of (his/her) duties	S. 6.4	\$300.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SCHEDULE “G” TO
BY LAW NO. 2023-54

BEING A BY LAW TO REGULATE ANIMAL CARE AND CONTROL IN THE TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to provide an animal with clean and sanitary environment	S. 3.1.1	\$250.00
Failing to provide an animal with adequate/appropriate care	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate food	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate water	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate shelter	S. 3.1.2	\$250.00
Failing to provide an animal opportunity for sufficient physical activity	S. 3.1.2	\$250.00
Failing to provide an animal with enclosure of sufficient size	S. 3.2.2	\$100.00
Failing to provide an animal with sufficient shade	S. 3.2.3	\$200.00
Failing to provide an animal with an area dry and free from standing water	S. 3.2.4	\$150.00
Improper tethering of an animal - Tether less than 4 metres	S. 3.3.1	\$150.00
Improper tethering of an animal- failing to give animal unrestricted/unobstructed movement within range of the tether	S. 3.3.2	\$150.00
Improper tethering of an animal - no access to (food/water/shelter)	S. 3.3.3	\$250.00
Improper tethering of an animal - permitting animal to injure itself	S. 3.3.6	\$100.00
Improper tethering of an animal- permitting animal to reach beyond limits of premises	S. 3.4	\$100.00
Improper tethering of an animal- tying (rope/chain/cord/restraining device) directly around animals neck	S. 3.3.5	\$100.00
Keeping an animal in unsanitary conditions	S. 3.5	\$250.00
Failing to register a dog with the Township	S. 4.1.1	\$100.00
Failing to renew a dog registration with the Township	S. 4.3	\$100.00
Failing to display a dog identification tag on collar affixed to the dog	S. 4.1.3	\$50.00
Failing to obtain replacement dog identification tag	S. 4.1.4	\$50.00
Failing to notify the Township within seven(7) days of the (sale/death/change of ownership) of a dog	S. 4.1.6	\$50.00
Improper use of a dog tag- use of tag on dog other than one for which tag was issued	S. 4.1.5	\$75.00
Provide false information respecting a dog registration/renewal of dog registration	S. 4.1.7	\$100.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to construct/establish/maintain/operate a kennel in compliance with the By-Law	S. 4.5.1	\$250.00
Operate kennel where escape is not prevented	S. 4.5.2	\$100.00
Failing to pay kennel registration fee	S. 4.5.3	\$200.00
Failing to renew kennel registration	S. 4.5.4	\$200.00
Failing to comply with Kennel Operations Standards	S. 4.5.5	\$200.00
Owner of a Private Kennel permit more than twenty (20) dogs to be kept	S. 4.17	\$250.00
Owner of a Commercial Kennel permit more dogs than Zoning By-Law 2017-70, as amended/or its successor, allows	S. 4.18	\$250.00
Failing to permit an officer to inspect kennel premises	S. 4.20	\$250.00
Permitting a dog to run at large	S. 4.25	\$150.00
Improper use of a leash on a dog- Leash longer than three (3) metres	S. 4.26	\$150.00
Failing to properly control a dog on a leash	S. 4.27	\$150.00
Failing to use leash on a dog	S. 4.27	\$100.00
Failing to control a dog with a leash- affixing leash to (an/a) (Immovable structure/motor vehicle/bicycle	S. 4.28	\$100.00
Improper use of collar on a dog- restricts the dogs ability to (breathe/swallow)	S. 4.29	\$250.00
Improper use of collar on a dog- causes the dog discomfort	S. 4.29	\$250.00
Failing to turn over found dog to the pound	S. 4.32	\$100.00
Failing to turn over found dog to its owner	S. 4.32	\$100.00
Permitting a dog to (bite/attack/chase) a person	S. 4.41	\$250.00
Permitting a dog to (bite/attack/chase) an animal	S. 4.41	\$250.00
Permitting a dog to damage (public/private) property	S. 4.41	\$250.00
Improper muzzling of a dog- restricts dogs ability to (breathe/drink water)	S. 4.42	\$250.00
Improper muzzling of a dog- muzzle causes dog (pain/suffering/injury)	S. 4.42	\$250.00
Failing to comply with a notice respecting a dangerous dog	S. 4.43	\$500.00
Failing to muzzle a danger dog on owners premises	S. 4.44	\$300.00
Failing to securely tether a dangerous dog	S. 4.44.1	\$500.00
Failing to properly confine a dangerous dog with an appropriate fence	S. 4.44.2	\$500.00
Failing to display a danger dog sign on property	S. 4.44.3	\$200.00
Failing to display a danger dog sign at least 5" X 7" in size	S. 4.44.3	\$200.00
Failing to muzzle a dangerous dog	S. 4.45.1	\$400.00
Failing to keep a dangerous dog under control of a competent person when off owner's premises	S. 4.45.2	\$400.00
Failing to keep a dangerous dog under control of persons eighteen years of age or older when off owner's premises	S. 4.37.2	\$400.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Using leash of more than two (2) metres on dangerous dog	S. 4.45.3	\$400.00
Failing to notify town of change in (ownership/residence) of a dangerous dog	S. 4.46.1	\$300.00
Failing to provide town with current information for a new owner of a dangerous dog	S. 4.46.1	\$300.00
Failing to notify the town of dangerous dog (running at large/attacking a person/biting a person)	S. 4.46.2	\$400.00
Failing to notify town of a dangerous dog (attacking an animal/biting an animal)	S. 4.46.2	\$400.00
Failing to notify the town operator of the death of a dangerous dog	S. 4.46.3	\$150.00
Failing to immediately remove dog feces	S. 4.49	\$100.00
Failing to dispose of dog feces in a proper waste receptacle	S. 4.49	\$100.00
Keeping more than three (3) dogs over ten (10) weeks of age on a premises	S. 4.52	\$150.00
Failing to register additional dog(s) for three (3) dog limit exemption within the first ninety (90) days of this by law	S. 4.52.1	\$100.00
Failing to have a dog immunized against rabies	S. 5.1	\$110.00
Failing to maintain a dog with current immunization against rabies	S. 5.1	\$110.00
Failing to keep an animal inside of a passenger cab of a motor vehicle while the motor vehicle (parked/moving)	S. 5.3	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed trailer	S. 5.4.1	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed bed area of truck	S. 5.4.2	\$250.00
Animal in fully enclosed bed area of truck of insufficient dimensions	S. 5.4.2	\$150.00
Animal outside of passenger cab of motor vehicle- not in crate	S. 5.4.3	\$150.00
Animal confined in crate on the bed of a truck of insufficient dimensions.	S. 5.4.3	\$150.00
Improper transportation of animal failure to securely tether the animal in bed of a (pickup truck/flatbed truck	S. 5.5	\$150.00
Improper transportation of animal- (causing/permitting)(illness/pain/injury/suffering) or undue or unnecessary (distress/hardship/privation/neglect) to an animal while in bed of a (pickup truck/flatbed truck	S. 5.6	\$250.00
(Annoying an Animal/assaulting an animal/battering an animal/teasing an animal/tormenting an animal) or willfully and recklessly (kill/causing injury to/causing pain to/cause suffering to) an animal	S. 5.8	\$250.00
Trapping an animal when the animal is not (causing a nuisance/damaging property)	S. 5.10.1	\$150.00
Trapping an animal in other than a live trap	S. 5.10.2	\$250.00
Trapping an animal in an inhumane manner	S. 5.10.3	\$250.00
Keeping a trapped animal in a trap for more than 24 hours	S. 5.10.4	\$250.00
Failing to shelter a trapped animal from the elements	S. 5.10.5	\$250.00
Trapping an animal on property not owned by the aggrieved person	S. 5.10.6	\$150.00
Trapping an animal- using trap that (causes/may cause) the animal (injury/pain/suffering)	S. 5.11	\$250.00
Failing to release a domestic animal to the owner	S. 5.12.1	\$150.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to release a domestic animal to an officer	S. 5.12.2	\$150.00
Failing to release a domestic animal to the pound	S. 5.12.3	\$150.00
Keeping livestock in area not zoned to permit the keeping of livestock	S.5.14	\$200.00
Permitting livestock to run at large	S. 5.16	\$300.00
Failing to turn over found livestock to the pound	S. 5.18	\$200.00
Failing to turnover found livestock to its owner	S. 5.18	\$200.00
Did remove a wild animal from public lands in the Township where unauthorized to do so	S. 5.27	\$150.00
Did remove a wild animal from public lands in the Township in an inhumane manner	S. 5.27	\$150.00
Did (keep/cause to be kept) a wild animal	S. 5.28	\$150.00
Failing to release a wild animal after possessing it for more than twenty-four (24) hours	S. 5.29	\$150.00
Failing to release a wild animal within one (1) kilometer from where it was found	S. 5.29.1	\$150.00
Failing to surrender a wild animal to the Society	S. 5.29.2	\$150.00
Failing to surrender a wild animal to a (person/facility) licensed by the Ministry of Natural Resources to care for wildlife	S. 5.29.3	\$150.00
Keeping a prohibited animal	S. 5.30	\$300.00
Failing to register a grandfathered prohibited animal	S. 5.31	\$150.00
Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 5.31	\$300.00
Permitting a prohibited animal to run at large	S. 5.37	\$300.00
Owner-(allow/permit) persistent barking by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent whining by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent calling by any domestic pet	S. 5.38	\$200.00
Owner- fail to comply with the Regulations in Schedule "D" as it pertains to the keeping of Rabbits	S. 5.39	\$250.00
Obstructing an officer in the execution of (his/her) duties	S. 6.4	\$300.00

Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

Town Council of West Lincoln
318 Canborough St.
Smithville, Ontario L0R2A0

Dear Members of the Council,

I am respectfully requesting the Council consider and find that a small number of hens (2 to 3), kept properly confined in their owner's yard, be deemed as household pets, and therefore permitted to be kept in urban and residential communities of West Lincoln.

The local foods movement is not only gaining ground, it is here to stay; and that includes family flocks of chickens. Chickens are the mascots of local foods because of the many talents and skill sets they innately bring to small scale food production. These skill sets include being pesticides (eating mosquitoes, ticks and fleas), herbicides (by eating and clearing unwanted vegetation), and organic fertilizer generators (that can help create and enhance garden soil). The trend for backyard flocks is so strong, that in the past few years, towns and cities have revised their laws to allow urban folks to keep their own chickens. With the reemergence of backyard chickens across the country, there have been tremendous amounts of misconceptions, false beliefs and downright prejudice surrounding the keeping of micro-flocks of chickens.

Across the country, urban and suburban areas are allowing small backyard flocks of hens. Major cities allowing hens as pets to be kept, include; Toronto, Ottawa, Brampton, Kitchener, Burlington, Sudbury, Sarnia, Cambridge, Guelph, Kingston, Waterloo, Brantford, Niagara Falls, Peterborough, Orangeville, Norfolk County, Hallimand and several others.

Hens as Pets

Owners of pet hens prize them for their tame, friendly and entertaining personalities, but also because they can play a part in a greener lifestyle. They naturally control insect pests, eat vegetable scraps, improve the lawn and provide eggs for the table.

Hens properly kept in a yard are comparable to rabbits in terms of care. An adult hen will thrive in 4 to 8 square feet of pen, compared to about 7 to 10 feet for a rabbit. It can be seen that backyard hens are pets to most home owners, rather than livestock from several points. First, the owner keeps hens ONLY; keeping chickens as livestock would require a rooster for breeding. Secondly, eggs produced by backyard hens, if any, would be used by the owners and not sold (for meat or eggs produced). Finally, the number of hens would be too small to constitute a profitable venture in either eggs or meat.

I'd like to present a few benefits to allowing hens as pets.

(1) Fresh Eggs from Humanely Raised Hens

Home raised hens living in spacious, clean conditions produce eggs that are fresher, better tasting and often more nutritious than their commercially farmed counterparts. Raising chickens also promotes the humane treatment of food-producing animals and a local, sustainable food system.

(2) Pets, Companions, and Therapy Animals

Depression, anxiety, PTSD, autism, hypertension, dementia, end-of-life care, and even general stress can be eased by the presence of animals, including chickens. "Chickens are social and empathetic creatures. As such, they can form special bonds with their human caretakers. These bonds can tremendously help individuals who are suffering from mental illnesses such as anxiety, depression, PTSD, and more. Therapy chickens have been found to lower levels of isolation and loneliness—both major contributors to mental illness. Studies have shown that they reduce anxiety and depression, they encourage verbal communication, they encourage routine and responsibility and they provide laughter and lessen loneliness.

Pet chickens are routinely used as therapy animals for individuals with a wide array of emotional, physical and other life challenges, as well as visitors to the elderly in health and retirement facilities.

Pet chickens are a hobby for most modern-day keepers; they provide companionship, entertainment and stress reduction. They are appreciated for their distinct personalities and their curious social interactions with each other.

Chickens are green pets. They eat a variety of weeds and disease-carrying insects, making backyard and water supplies safer than those where toxic insecticides and pesticides are routinely applied. Given the opportunity, they gladly till, turn, aerate, and enrich gardens with homemade, nitrogen-rich fertilizer.

There have been references to several reasons why there has been hesitation to allowing backyard chickens within the residential zoned areas of West Lincoln, and I'd like to present the following Myths and Facts.

Myth: Chickens are dirty and smelly.

Fact: Chickens spend hours each day dust bathing and meticulously preening themselves to maintain good hygiene. Chickens do not smell – animal waste smells. ALL animal waste smells. When managed properly, no odors emanate from a chicken yard. Compared to dogs, chickens produce valuable waste that can be used as valuable garden amendment, compared to a dog that generates pathogenic waste that is not usable.

Myth: Chickens attract rodents and predators

Fact: Wild animals and rodents reside in every neighborhood and are attracted to food sources such as seed in wild bird feeders and garbage cans which can be found in hundreds of yards everywhere. Concerns related to attracting rodents and predators should really be addressed by restricting bird feeders, which entice rodents and wild birds into yards where they can transmit diseases. Skunks, raccoons and other wild animals frequent backyards regardless of whether chickens occupy those yards. Chicken keepers are simply more aware of the threat predators pose to their pets than the average homeowner because we spend a lot of money implementing safeguards to prevent losses to them. Indeed, chickens are part of the solution to pesky problems. Chickens are voracious carnivores and will seek and eat just about anything that moves including ticks (Lymes disease), fleas, mosquitoes, grasshoppers, stink bugs, slugs, and even mice, baby rats and small snakes

Myth: Chickens carry disease that can spread

Fact: The truth is that small flocks have literally no risk of avian flu transmission. The 2006 Grain Report states: "When it comes to bird flu, diverse small-scale poultry is the solution, not the problem."

Centers for Disease Control (CDC) states on their website: "There is no need at present to remove a (family) flock of chickens because of concerns regarding avian flu." Avian flu has been in the press as concern to commercial poultry production where birds are raised in monster-size flocks that are confined in over-crowded environments. This causes high stress and compromised immune systems in the birds. Any sign of disease, including a sneeze, could result in a huge number of birds getting sick; and this puts at risk a large amount of profit. As many experts have stated publicly, the solution to avian flu is in small-scale poultry.

There is one huge advantage to family flocks that is often overlooked. That is their role and value in solid waste management systems. Chickens can divert tons of organic matter from the trash collection and landfills. Chickens will eat just about all kitchen "waste". They love people food, even those leftovers in the refrigerator. Combine their manure with grass clippings, fallen leaves and garden waste, and you create compost. Composting with chicken helpers keeps tons of biomass out of municipal trash collection systems.

All this can save BIG TIME taxpayer dollars, which is especially valuable in these times of stressed municipal budgets.

There is precedence for employing family flocks as part of trash management. One example is the town of Deist in Flanders, Belgian. The city buys laying hens to give to residents who want them. The chickens' job is to divert food waste from the trash stream and not having to be pickup by workers, transported, and then disposed. The savings are significant.

I have done some research on the transmission of Avian Flu, which is a concern that is being taken into consideration for legalization of backyard chickens.

The province of Manitoba has reported the following:

"In North America there are two major reservoirs or sources of avian influenza:

1. Wild ducks and geese in Canada and the U.S. naturally carry a wide range of avian influenza viruses. None of these North American strains have been implicated directly in killing large numbers of poultry and none are known to have made people sick. Of the many variations of the virus found in wild waterfowl, a few have the potential to mutate after they infect a poultry flock into forms that will kill large numbers of birds. In strains native to North America, the virus must cycle through thousands of domestic poultry before it has the opportunity to change into a highly pathogenic strain capable of killing large numbers of chickens or turkeys. No cases are known where an avian influenza virus has mutated into the deadly form in a small flock of chickens or turkeys.
2. The 100 or more live bird markets in New York, New Jersey and other U.S. states are a man-made reservoir of the disease. At these live bird markets, people can pick out live chickens, turkeys, ducks and other animals that they can have slaughtered on-site or take home to process themselves. Because of the large number and turnover of birds at these markets, the virus has the opportunity to survive by infecting the thousands of birds that pass through the markets on a weekly basis. The virus also has the potential to mutate to a deadly form under these conditions. The close contact between thousands of people visiting the markets and the manure and feathers produced by the birds is a potential human health problem. Fortunately, no live bird markets that can act as effective reservoirs of avian influenza are known to operate in Manitoba. To be an effective reservoir, a market will likely need to operate 40 weeks or more each year and accept hundreds of new birds on a weekly or monthly basis. (unless we have these live bird markets here in West Lincoln or surrounding area, we are safe from this)

The Government of Canada (Inspection Canada):

How avian influenza is transmitted and spread

Wild birds, especially waterfowl, are natural reservoirs of influenza viruses. They are not normally affected by the disease, but can still transmit it to domestic birds.

The disease can spread to birds through **contact** with infected poultry and poultry products. It can also spread through contaminated manure, litter, clothing, footwear, vehicles, equipment, feed and water.

It is essential for commercial poultry producers to use strict [biosecurity practices](#) in order to prevent introduction of the virus to their flock. Farmers should take the following measures.

- Keep poultry away from areas frequented by wild birds.
- Maintains strict control over access to poultry houses.
- Make sure that equipment is cleaned and disinfected before taking it into poultry houses.
- Do not keep bird feeders or create duck ponds close to poultry barns because they attract wild birds.
- Maintain high sanitation standards.

They further advise:

If you are in contact with live birds infected with the AI virus, take appropriate personal hygiene measures, such as the following.

- Wash your hands
- Shower
- Wash all of the clothing you had with you while abroad
- Clean and disinfect your footwear

When you return home, do the following.

- Avoid contact with farmed animals (including poultry), zoo animals or wildlife for 5 days after you return if you were exposed to similar animals while you were abroad.
- Do not visit Canadian farms for 14 days if you visited a farm or had contact with wild birds while abroad.
- Be sure the footwear you wore to the farm or when you had contact with wild birds is disinfected and your clothing is washed thoroughly and dried at a high temperature.

As per above, there are rules enacted by the Government of Canada to protect farms and farm animals. Poultry farmers should not normally allow others to enter their poultry houses and if they do, they should be following strict regulations imposed by the Government of Canada to protect their flocks.

West Lincoln has many, many homes which are zoned as farm land and most of these homes have dozens of chickens which are kept for the sale of eggs and meat. Some know how to raise

chickens; others are just learning. The idea that just by the fact that you own a piece of land that allows for the raising of dozens of chickens is safer than someone who owns a home in an area zoned as residential is not safe, is a bit prejudicial. Any city person who has a bit of money and decides they want to come live in the country, buys a farm and has chickens, is no more knowledgeable than one who has a home in a residential area. Some of us came from environments where we lived on farms in the past, or have parents who lived on farms. In many cases, the farms that have chickens, goats, horses, pigs, sheep etc, are literally one street away.

Backyard hen owners invest a lot of money and efforts into the care of their hens. The fact that they only have 2 to 4 hens, allows for individual attention to each of their pets/hens. They even give them names. They are more apt to keep their coop clean and make sure they are fed properly, like they would their dog or cat. They take more care than a farm that has 30 chickens on it, with the disposal of any manure, therefore eliminating any risk of spread of any diseases. They would be more likely to wash their hands, clothing and have a good sanitation regimen, after cleaning their coop.

In conclusion, as stated by many, small flocks are not the spreaders of disease. A flock of 2 to 4 chickens have practically a zero risk to any of the chicken farms in the area. Changing the by-law will not have hundreds of families coming forward to keep chickens, but what it will do is to give the few that do want chickens for pets/companions/support animals, to have the same rights as others in many other cities and towns.

The truth is that regardless of regulations, there are many backyard flocks at present that are kept and untold number of chickens that fly under the municipal authority radar and are living in backyards unnoticed.

Enforcement is an important consideration but potential problems already fall under other municipal jurisdictions such as Animal control, Police and Health Departments. Nuisance and health codes, address smell, noise, sanitation concerns. Having said this, I'm not sure how anyone in the West Lincoln area can complain about backyard chicken smell with the smell of chicken and farm animal manure that permeates for miles in the area on a constant basis, from the farms in this area.

There will always be abuse of any standard, but a few bad actors should not be the expected norm that would prevent the responsible owners who would be following all the recommended rules. In fact, a few summonses for infractions issued to those who abuse, should fix that problem. I would presume the town would have the right to withdraw a permit to those homes.

I hope that this helps clarify some concerns and we can move forward to allowing the residents the choice.

Respectfully submitted,
Dora Pavlidis

Susan Smyth

From: [REDACTED]
Sent: September 23, 2024 12:28 AM
To: Susan Smyth
Subject: Question about draft Backyard Chicken Bylaw Amendment

Dear Ms. Smyth,

I see that the draft chicken bylaw amendment has a 1.2 acre minimum lot size to be able to own chickens. Does this mean that no urban residential lots will be eligible to own hens? I do not imagine many, if any, would have that large of a lot.

Is this large lot size the early consensus of council, thus not worth while asking them for urban hens?

The new trend in Ontario is allowing some urban residents (with the exception of very small, new subdivision lots) to have a couple hens. I am not seeing where this bylaw allows for much improvement. 1/2 acre is lots of room for a couple pet hens.

Kind regards
Pam

Sent from my Galaxy

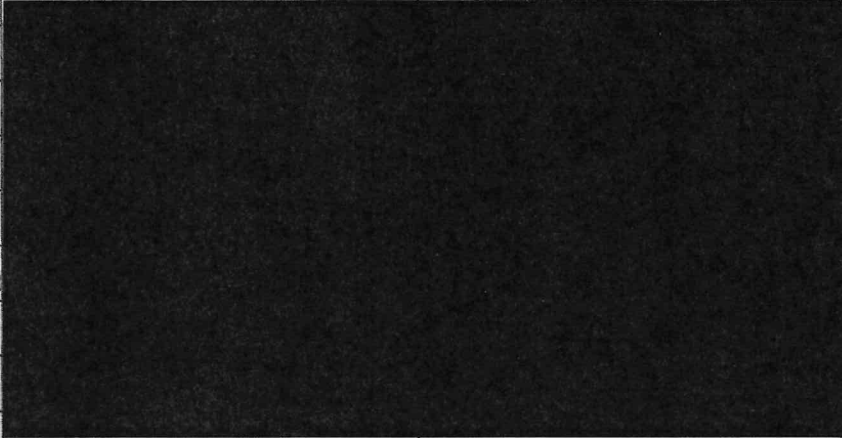
Backyard Chicken Bylaw Amendment For West Lincoln

PRESCRIBED FORM OF PETITION

TO: The Mayor and Council, Town of West Lincoln,
c/o Town Clerk
318 Canborough Street,
Smithville, ON, L0R 2A0

I/We the undersigned, petition the council of the Town of West Lincoln,


I support making an allowance for urban homeowners to own a couple pet hens (female chickens), under specific regulations that would keep them safe from predators, clean, and within required distances from property line.

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Rebekah Roy		
Julie DeSalvo		
Yuri Bengeminev		
LINDA KOSLOWSKI		
CAROL HOGEVEEN		
Dee-Anne Hammer		
Linda Berger		

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the Town of West Lincoln.

Petition to West Lincoln Council

We the undersigned, petition the council of West Lincoln to:
Support make an allowance for urban homeowners to own between 2 to 4 pet hens (female chickens), under specific regulations that would keep them safe from predators, clean, and within distances from property lines. That this allowance be for all residents of West Lincoln.

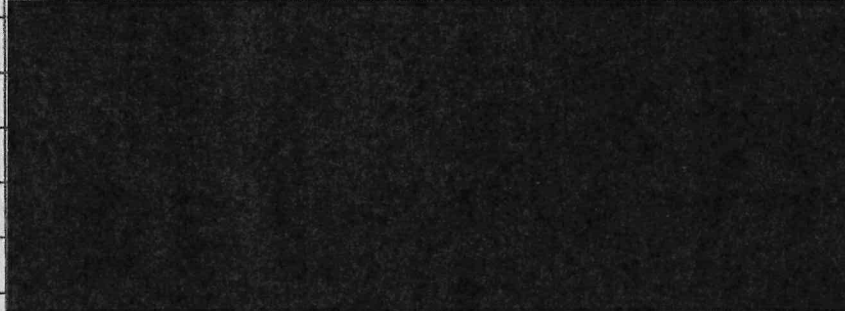
Name	Address	Signature
Alisa VanderVelde		
John Menutt		
Dwayne Muir		
Nicole Muir		

PRESCRIBED FORM OF PETITION

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c/o Town Clerk
318 Canborough Street,
Smithville, ON, L0R 2A0

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I support making an allowance for urban homeowners to own a couple pet hens (female chickens), under specific regulations that would keep them safe from predators, clean, and within required distances from property line.

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Miles Roberts		
Christina Guazzelli		
PRESTON ROBERTS		
Amanda Jong		


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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Deborah Dow		
Steven Pearce		
Walter Feenstra		
Kerri Haist		
SHEILA HEMPHILL		
Dor MA AUGUS		
Ray Jones		
Rick Bas		
Kristen Boverhof		
Issac Via		
LWANY KINDE		
Courtney Baptist		
Daniel VAN WEERT		
Jodi Van Weert		
Laurena Brown		
Jolly Cheef		
KAREN HAYTON		
C. Schilstra		
R STEPZEL		

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the Town of West Lincoln.

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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Nicole VanAndel		
Renise Balice		
John Vajda		
Jacob Hachey		
Robert Marshall		
Tony Crowle		
Sheryl Hultrak		
Tiffany Johnston		
Will Smith		
Lisa Mitchell		
Emilie Nelson		
Carmi Crossman		
Iris Jackson		
Megann Cumoy		
Stacy Penney		
Willie Kokotec		
GENE Gillies		
Krystal Gillies		
Katie VanDuzen		

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Petition to West Lincoln Council

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Support make an allowance for urban homeowners to own between 2 to 4 pet hens (female chickens), under specific regulations that would keep them safe from predators, clean, and within distances from property lines. That this allowance be for all residents of West Lincoln.

Name	LAURA GALE
	Shayna Buitenwerf
	Spencer Howe
	Harold Hillburg
	Martha vd Wier
	LeRoy Goodall
	EDITI MILLER
	MIKE DEL FINE
	Heather Talons
	West Talons
	Lisa Maychak
	michell
	DAVE Wellio
	BRANDALLEN
	L Robert
	Will McKay
	Lindsay McKay
	Steden Cook
	Aaron Luce
	KRIS ARBUCKLE

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From: David Castellan [REDACTED]

Sent: October 7, 2024 1:53 PM

To: Justin Paylove <jpaylove@westlincoln.ca>

Subject: Backyard Chicken Public Meeting

Good afternoon Mr. Paylove,

I am currently a resident in Town and would like to throw my two cents into the discussion surrounding the proposed Backyard Chicken bylaw. I am hoping to attend the in person meeting on Oct 15th and possibly speak on my concerns, but given the time of the meeting and my personal schedule I may not be able to make it.

My primary concern lies with the number of hens allowed to be kept. A blanket limit to the number of hens allowed on a property does not take into consideration the diversity of the types of properties within the community.

While the bylaw applies to Agricultural (A), Rural Residential (RUR) and Residential (R1A) of which there is a wide range of property sizes that fall within the R1A designation.

My interpretation of the bylaw is that this excluded Agricultural properties whose purpose is the commercially raising poultry and the sale of their byproducts, but would include Agricultural properties whose primary product is not poultry, thus restricting them to 4 hens. Agricultural properties do not apply to me necessarily, but I think warrants clarification in the bylaw.

I own and will shortly be living on a property zoned R1A in the hamlet of Abingdon, the property is 4 acres, this type of R1A property differs vastly from a R1A property that is located within the urban boundary, and thus should be treated differently. I believe that the hen capacity a property would be permitted should be based on per acre not limited to a capped number. A person with 4 acres can manage more hens than a person with 1.2 acres, similarly a person with 10 acres can manage more hens than a person with 4 acres.

In addition to my concern regarding capacity, I have a concern with the prohibition of land owners being allowed to sell their excess eggs. I have been part of this community now for approximately 10yrs, I enjoy being able to support local residents with the purchase of their eggs and produce from their driveway farm stands, modifying a bylaw to prohibit this and I feel is an overreach of the Municipality.

Thank you for your time,

David Castellan
[REDACTED]

Report a Concern

If you want to report a concern in the Township of West Lincoln, please fill in the form below. Thank you for taking the time to help keep your community safe, clean and enjoyable for everyone.

Your Contact Information

Date:

Full Name: *

Email Address: *

Phone Number: *

Street Address:

Concern or Complaint Information

Please select your area of concern: *

Please describe the location of your concern. Include nearest intersections and other descriptive landmarks. *

Please provide a description of your concern. *

As a township there is a proposed bylaw revision in review regarding the allowance of barnyard animals within our urban boundary. Initially when I read about this proposal, I failed to submit any concerns. However, since that time I have had an immediate backyard neighbour with chickens (no longer present), and I have a neighbour in close proximity with a rooster and chickens. The roosters 'free' alarm at our home at 5:45 am is not so appreciated, and the fact that the rooster crows at all hours of the day is not cool. The chicken poop that is produced with these free range birds is just hosed into the grass (if hosed at all) and will most certainly increase the rat population within our subdivision. Also not cool.

We moved to our current home 21 years ago. We love the small town feel of Smithville, and we love our neighbourhood. The occasional farm smells that come because of our surrounding farm community is something that does not bother us. The farmers were here first. Chickens living in subdivisions where the rats will affect more than just 'the farm' is not fair to those of us who have made this community our home. We can not buy the warfarin that farmers use to control rat populations. At this point we are quite concerned about the long term effects of the township passing a ByLaw allowing this practice.

Please to not pass a bylaw that allows farm animals in town.

Would you like to provide an image of the issue? *

Yes No

Do you want to provide any additional information? *

Yes No

Would you like us to personally respond to you about your concern? *

Yes No

GILLES ARGUIN

PETITION TO THE TOWNSHIP OF WEST LINCOLN

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
Sept 2/24	Warran Goutzen		
Sept 3/24	ANNE ARGUIN		
SEPT 3/24	GILLE ARGUIN		
SEPT 3/24	Kevin Gill		
Sept 3/24	Heather Gill		
Sept 3/24	Vicki Farrell		
Sept 3/24	IBON FARRELL		
SEPT 3/	WAYNE RUSSELL		
Sept 3	ZORAVKA AUGUSTIN		
SEPT 3	LINDA MCINTOSH		
SEPT 3	SARAH ARCARO		
Sept 3	Karen Potts		
SEPT 3	Denise Sellick		
Sept 3	Joseph Majorovic		
SEP 3	JUST BERTHOUD		
SEPT 3	CATHY SMITH		
Sept 3	John P Smith		
Sept 3	GABRIEL COCKERILL		

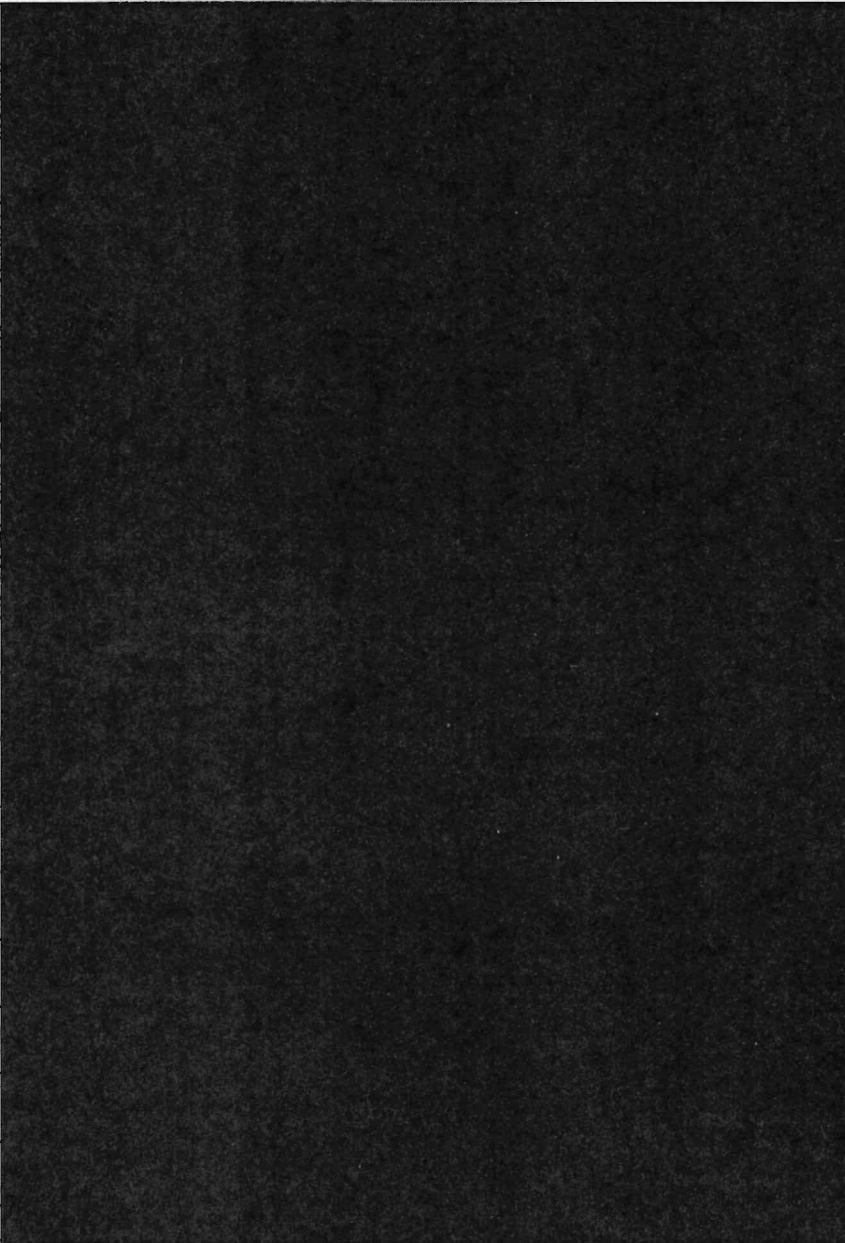
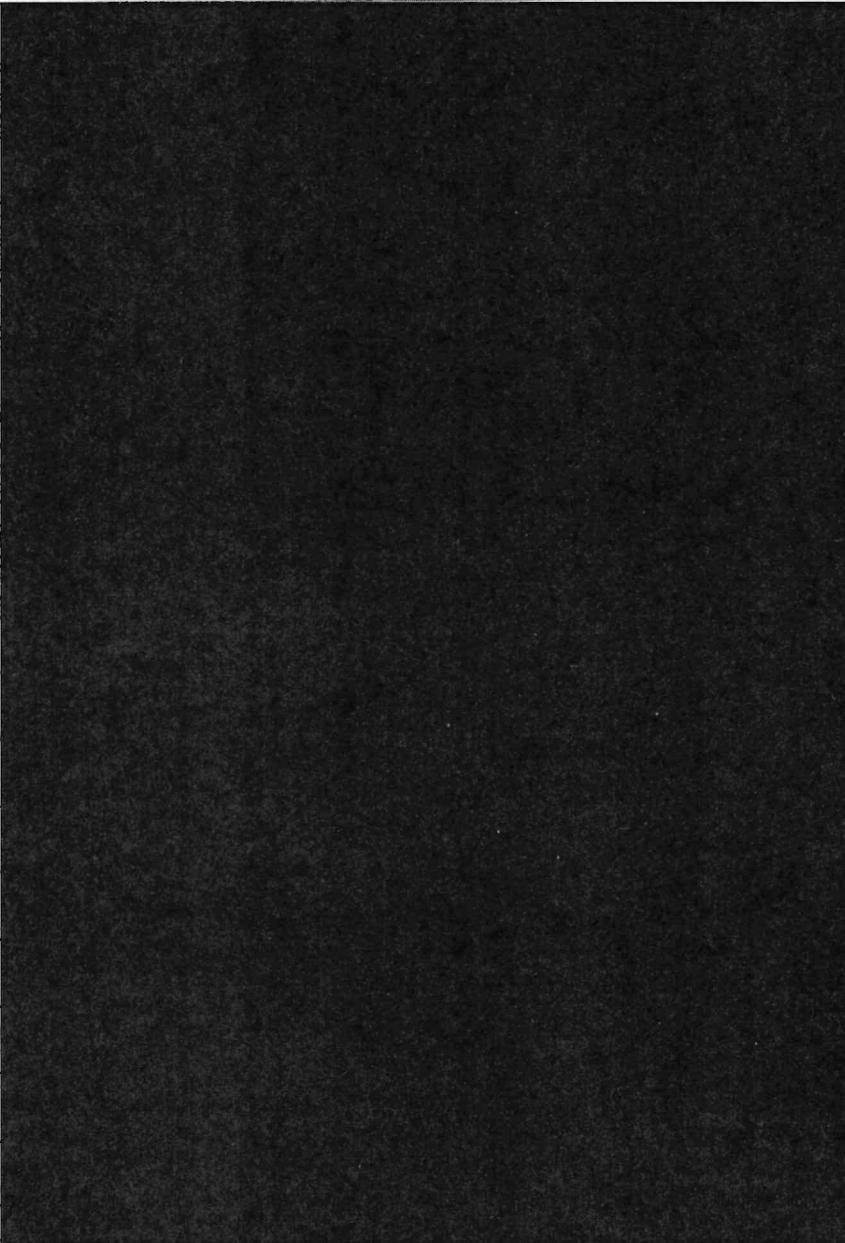
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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 3	David Cockerill	[REDACTED]	[REDACTED]
SEPT 3	FRANK JONES		
SEPT 3	WINDY SCHRANK		
SEPT 3	ED SCHRANK		
SEPT 3	Wayne Bristow		
SEPT 3	TIM STAICH		
SEPT	LARISA STAICH		
Sept 4	Tracey Gamble		
SEPT	DIANNE HAYDEN		
Sept 4	Warren Gamble		
Sept 4	Alicia Prost		
Sept 5	JANICE DRAHO		
Sept 5	GORD DRAHO		
SEP 5	JULIE BAKER		
SEP 5	FRED VERSTRATE		
SEPT. 5	MICHAEL KOZAK		
SEPT. 5	Robert Pajun		
SEPT 5	RUS LAFFLEUR		

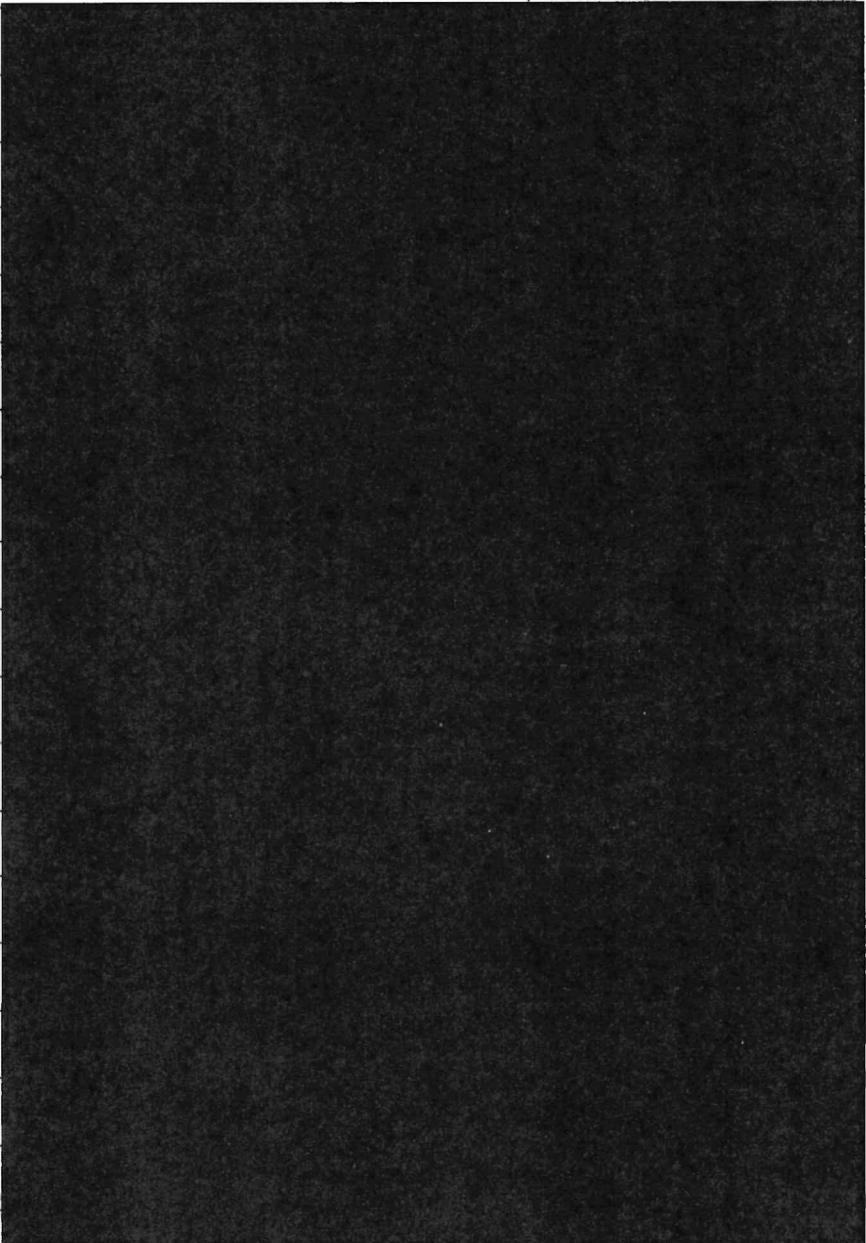
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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 5	Jim Love		
Sept 5	LORI DONALDSON		
Sept 5	Bonita Champion		
Sept 5	Deil Henderson		
Sept 5	Art Kaul		
SEPT 5	CRAIG BARBER		
SEPT 5	H KING.		
SEPT 5	R COOPER		
Sept 5	George OBRIEN		
SEPT 7	Jean Hish		
SEPT 7	HOWARD GARDINE		
SEPT 7	HEIDI SNELLING		
SEPT 7	TOM MARR		
SEPT 7	ARNOLD HEIN		
	Rita Hein		
SEPT 7	H. WEBSTER		
SEPT	B. Winkler		
SEPT	C. O'CONNOR		

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 7	L. MCGEE		
SEPT 7	M DICKSON		
SEPT 7	S. EASTWOOD		
SEPT 7	P. COUTELAIN		
SEPT 7	Denise Bahce		
SEPT 7	P. CHUNG		
SEPT 7	ROB LEISHMAN		
SEPT 7	MARK STORCH		
SEPT 7	Traci Gaspar		
SEPT 7	INZON EVANS		
SEPT 8	Shala Murdoch		
SEPT 8	Mary Keyes		
SEPT 8	Dennis Keyes		
SEPT 8	Joy Harper		
SEPT 8	H Gallant		
SEPT 8	Josh Mulo		
SEPT 8	Jessie ^{ED} Laughier		
SEPT 8	ROB VANDERLA		



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DATE	PRINTED NAME	ADDRESS	SIGNATURE
Sept 8/24	Kathleen Vanderlaan		
SEPT 8	Gary Hyop		
SEPT 8	MICHAEL BAILL		
SEPT 8	TOE WETZELWIK		
SEPT 8	JOHN ANDRIDGE		
SEPT 8	ARLENE DUNDEGE		
SEPT 8	Karen Pettitt		
SEPT 8	Nancy Robertson		
SEPT 8	Gianna Yerritt		
SEPT 8	Bryon Kool		
SEPT 8	AL Rumph		
Sept 8	John Rumph		
SEPT 8	Caroline Burke		
SEPT 8	TERRY KELL		
Sept 8	Lynne Bell		
Sept 8	JEFF FULLITER		
Sept 8	Mike Buck		
Sept 8	Cathy Fulliter		

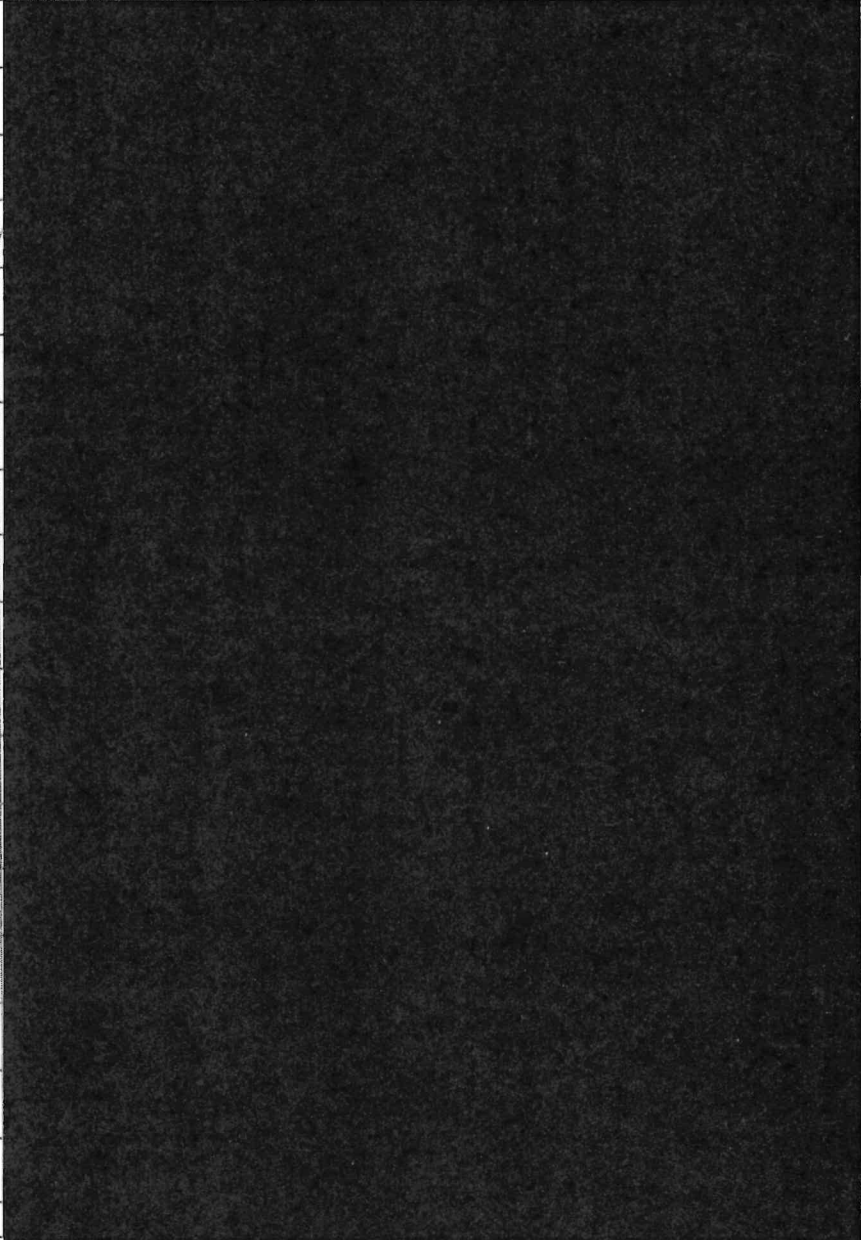
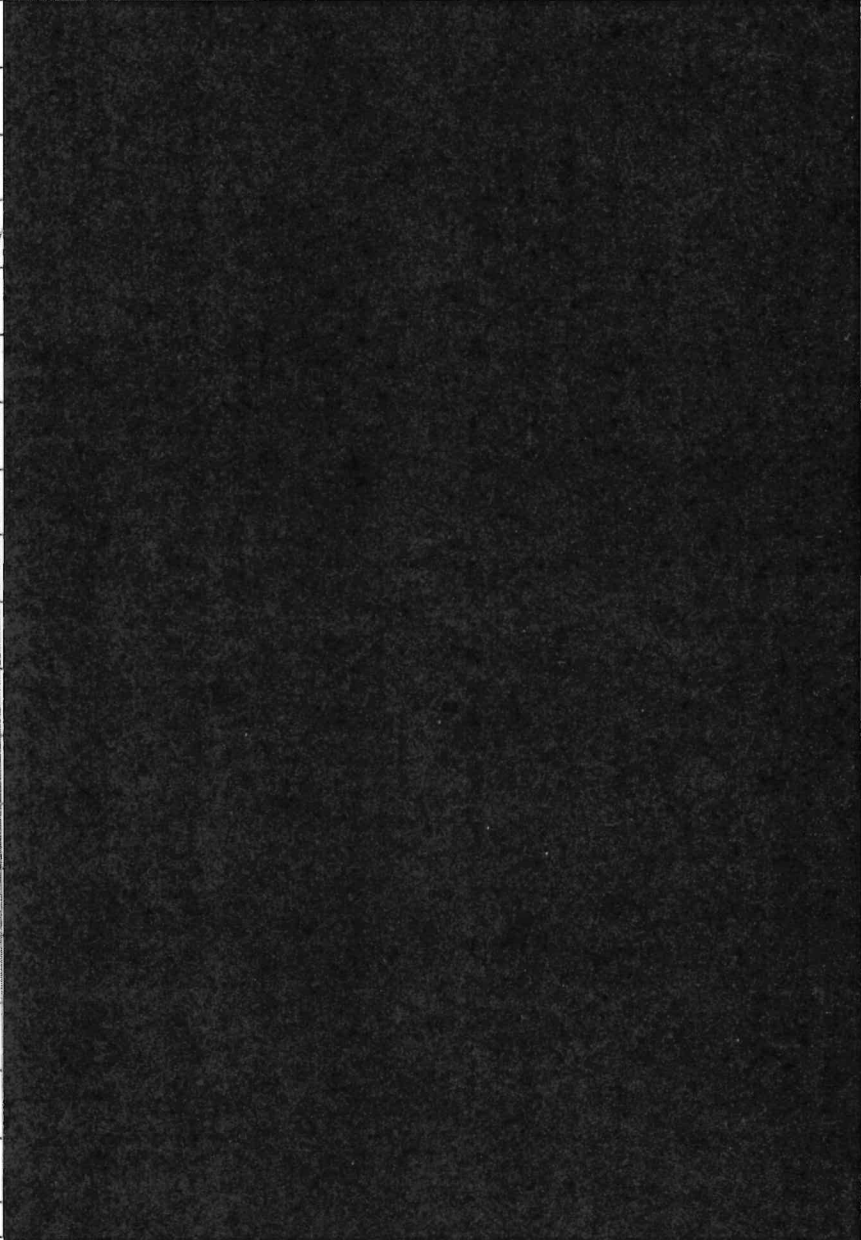
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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 10	Donna Urquhart		
SEPT 10	Lynn Orr		
SEPT 10	LIDYA RINGROSE		
SEPT 10	WARREN KELLY		
SEPT 10	RICK WRIGHT		
SEPT 10	DOUG RILEY		
SEPT 10	M RILEY		
SEPT 10	Y. Munson		
SEPT 10	M. Barrera		
SEPT 10	M. ALLEN G. ALLEN		
SEPT 10	D THOMP		
SEPT 10	J WOLFE		
SEPT 10	AUDREY SCHWAB		
SEPT 10	Michelle Archibald		
SEPT 10	Marina Coxe		
SEPT 10	Nancy Ferritucci		
SEPT 10	CAROLINE STEGER		
SEPT 10	RON ARDITO		

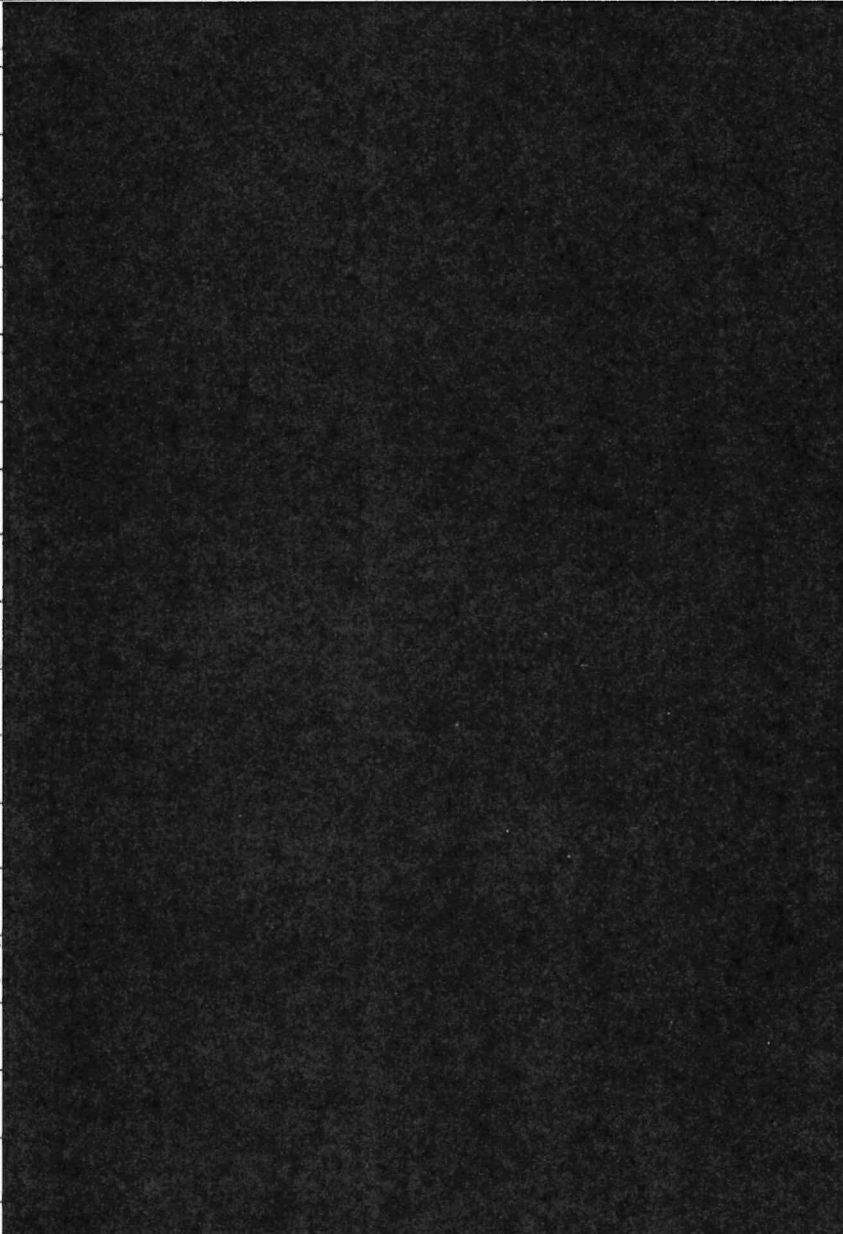
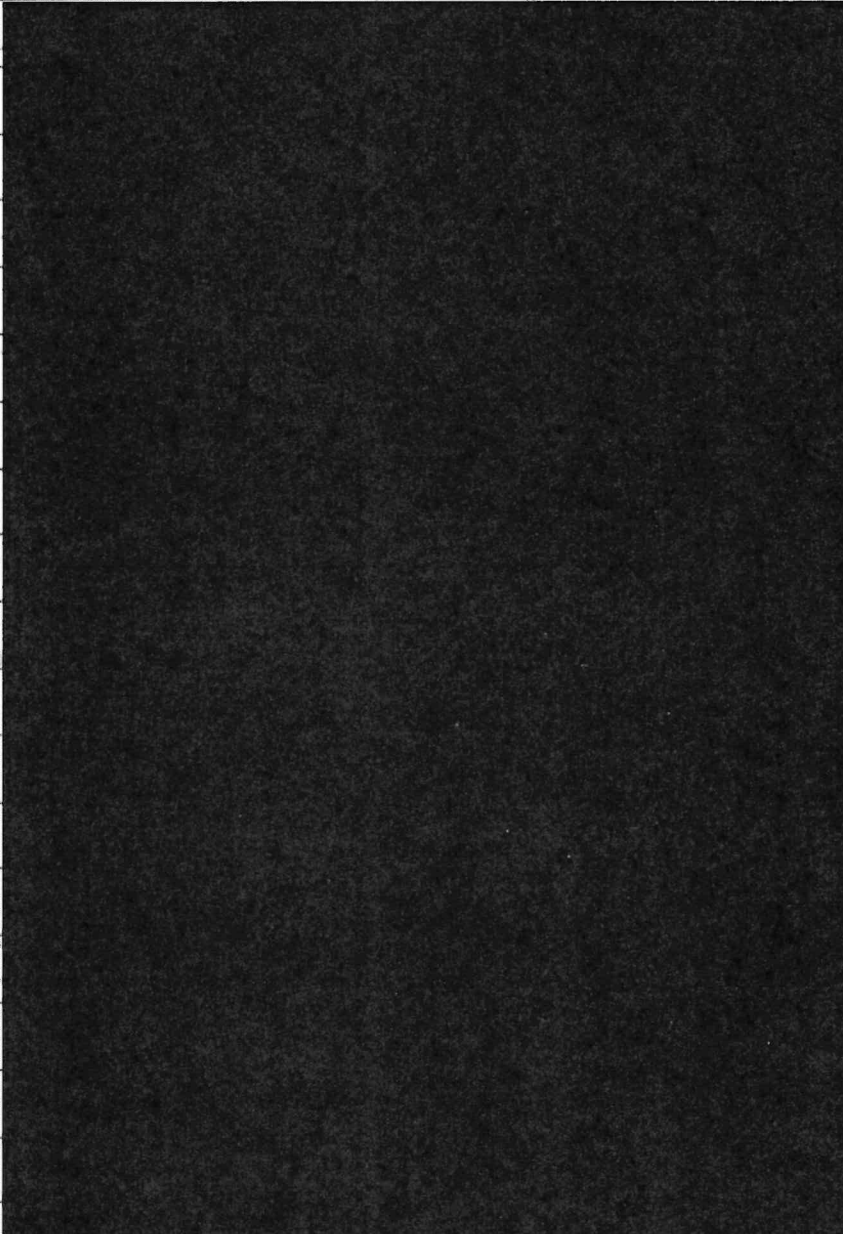
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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 11	S. Green		
SEPT 11	R CUNNINGHAM		
SEPT 11	G ALLWATT		
SEPT 14	Donabella Almond		
SEPT 14	R. CUARASCIA		
SEPT 14	N. JOHNSTON		
SEPT 14	A. Paquin		
SEPT 14	P. STERFIELD		
SEPT 14	D. McAVISH		
SEPT 12	M. BRENNAN		
SEPT 12	P. SLOANE		
SEPT 14	S. CRIPING		
SEPT 14	D. BACKLEY		
SEPT 14	MIKE LODATO		
SEPT 14	ANDY WICKBOE		
SEPT 14	Melba Hayward		
SEPT 14	L. HARRILL		
SEPT 14	S. FETTITT		

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 14	MELBA VAN BALEN		
SEPT 14	DONALD CANDLER		
SEPT 14	NICK SEMIPACK		
SEPT 14	Cindy Kiehl		
SEPT 14	CAMILLA DUNN		
SEPT 14	TALANT COSGRAVE		
SEPT 14	ROBERT GUTHRIE		
SEPT 14	PATRICK MARRAS		
SEPT 14	CATHY BRISTOWE		
SEPT 14	HEATHER BLANCHARD		
SEPT 14	TED BLANCHARD		
SEPT 16	Debbie Heidt		
SEPT 16	Sara Bremer		
SEPT 16	Aire Marie Smith		
SEPT 16	FRANK WOOD		
SEPT 16	P W Wontz		
SEPT 16	L Seigler		
SEPT 16	B Rodgers		

12 5

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
SEPT 16	PETER JOPP		
SEPT 17	STEVE HILL		
SEPT 17	Andre Schermel		
SEPT 17	Denis Tasse		
SEPT 17	EVYNN BECK		
SEPT 17	C. MAZZUCA		
SEPT 17	D. MILLAR		
SEPT 17	B. CLANCY		
SEPT 17	E de WEL		
SEPT 17	R. WILLIAMS		
SEPT 17	WENDY CANDLER		
SEPT 19	MICHAEL AVICHO		
SEPT 21	THOMAS KURP		
Sept 21	E+W Ancoian		
SEPT 21	HEM JANSSEN		
SEPT 21	Cam Miller		
SEPT 21	Rebecca Harrop		
SEPT 21	DOUG BRIGNOLL		

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
Sept 25 2024	Jen Watt		

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
AUG 26	Greg Maybank	[REDACTED]	[REDACTED]

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DATE	PRINTED NAME	ADDRESS	SIGNATURE
OCT 3	EODNE GARCIA		
OCT 3	CHES. UNDERHILL		
OCT 3	Richard Adler		
OCT 3	NEAR WALTERS		

DATE: October 15, 2024

REPORT NO: PD-44-2024

SUBJECT: **Technical Report – Application for Zoning Bylaw Amendment - 7395 Twenty Road – Ross Robbins (File No. 1601-004-24)**

CONTACT: Madyson Etzl, Senior Planner

OVERVIEW:

- An application for a Zoning Bylaw Amendment has been submitted by Ross Robins on behalf of the property owners, Jeffrey and Evelyn Duck to rezone a portion of 7395 Twenty Road, which has been naturally severed by North Creek.
- The intent of this rezoning application is to recognize the parcel of land north of the creek as a “lot” under the Township’s Zoning Bylaw, 2017-70 for the purposes of building, following a natural severance that was approved by the Ontario Superior Court of Justice on August 17th, 2024. The resulting parcels north and south of the creek do not meet the definition of a ‘lot’ as identified in the Township’s Zoning By-Law.
- This application also proposes a site specific exception to recognize the deficient lot area, being 7.5 hectares (18.53 acres) whereas, 40 hectares (98.84 acres) is identified as the minimum lot area permitted within an Agricultural ‘A’ zone, and to permit a deficient lot frontage of 44.3 meters whereas the zoning by-law required 100 meters.
- The applicants are also requesting an amendment to the Township’s zoning bylaw to permit a contracting business on the property as an on-farm diversified use.
- Planning Staff will prepare a Recommendation Report following input from the public meeting and any agency comments, and will be presented at a future Planning/ Building/ Environmental Committee or Council Meeting.

RECOMMENDATION:

1. That Technical Report PD-44-2024, titled “Technical Report – Application for Zoning Bylaw Amendment - 7395 Twenty Road – Ross Robbins (File No. 1601-004-24)”, dated October 15, 2024, be received; and,
2. That a Recommendation Report be submitted to a future Planning/Building/

Environmental Committee meeting once a full staff and agency review has been completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

BACKGROUND:

An application for a Zoning Bylaw Amendment has been made by Ross Robins on behalf of property owners, Jeffrey and Evelyn Duck to rezone a portion of 7395 Twenty Road which has been naturally severed through the Beds of Navigable Waters Act. The subject lands are located of South Grimsby Road 8 and north of North Creek.

The intent of this rezoning application is to recognize the parcel of land north of North Creek (Part 1 on the survey sketch found in Schedule F) as a “lot” for the purposes of building under the Township’s Zoning Bylaw 2017-70 following a natural severance that was approved by the Ontario Superior Court of Justice on August 17th 2024 (see Court Order found in Schedule C). The resulting parcels do not meet the definition of a ‘lot’ as identified in the Township’s Zoning By-Law 2017-70, as amended as the bylaw specifically states that parcels created by way of a severance for Navigable Waters are not “lots’ for the purposes of zoning.

The rezoning application is also requesting a reduced lot area and lot frontage as the naturally severed parcel does not meet the minimum lot area and frontage of the Township’s Zoning Bylaw.

The applicants submitted a number of studies and reports in support of the application including an archaeological assessment, Environmental Impact Assessment, Farm Business Plan, house plan, Planning justification report and the court decision regarding the natural severance.

CURRENT SITUATION:

Township Staff have reviewed the application to determine alignment with the relevant Provincial, Regional and Local policies.

Provincial Policy Statement –2020 / A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidated

The Provincial Policy Statement (PPS) remains in effect until October 19th, 2024, following which the new Provincial Planning Statement, 2024 comes into effect. The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

The subject lands are designated as a Prime Agricultural Area and Natural Heritage within

both the existing Provincial Policy Statement and the Provincial Planning Statement 2024. While both PPS documents do not specifically speak to severances by way of Navigable Waters, the PPS is generally not supportive of severances that have the effect of creating non-agricultural lots. Both the PPS 2020 and 2024 requires the protection of agricultural areas for long-term agriculture use.

The applicants were required to submit both a farm business plan and planning justification report to demonstrate how the rezoning will achieve the objectives of the PPS in order to ensure that agricultural uses remain the primary use of the subject property. The three major business activities of the proposed start up farm are as follows, the first is natural garlic crops, the applicants have stated that the farm will offer garlic in its natural form as well as in the future provide other garlic products. The second business is a horse boarding business, which in the future the farm will provide horse care and boarding on the property. The applicants are proposing a 6 stall horse barn for this proposed business. The third business proposed on the property is hay products. The hay will be grown on the farm, it will be baled by a third party and will be offered for sale as a bale.

A portion of the property is also designated as natural heritage. The applicants have also submitted a scoped Environmental Impact Assessment which concludes that there will be no negative impacts from the proposed development on the Natural Heritage features.

Planning Staff will continue to review this application against the PPS 2024 and provide a full review as part of a future recommendation report.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) provides long-term strategic policy planning and framework for managing the anticipated growth for the Niagara Region. The subject lands are located within the Prime Agricultural Area and Section 4 of the NOP provides the objectives for the Agricultural System which is facilitating a strong, diverse, and resilient agricultural economy and protecting the Region's agricultural land base. While the NOP does not have any specific policy regarding natural severances, one of the main objectives of the plan is ensuring the long-term sustainability and function of uses within the system and protecting long term use of agriculture.

The applicants have stated in their business plan, which is included as Attachment 4 to this report, that it is their intent to maintain the existing cash crop farming operation on the subject lands, but also to include 10 acres of hay crops and 3-acre garlic crops, small scale egg production and a future 6 stall horse barn for horse boarding. A dwelling and accessory building are also proposed. In addition to agricultural uses, a portion of the accessory building is also proposed to be used for a contractor's business of the owner. The owners have stated this is an on-farm diversified use. Ross Robins has provided information on his business which states that Robins Electric provides wiring internally in the various industries and structures associated with each, the latest being the Huzinga Dairy operation in Wellandport, and a new horse farm in Dunnville on Crown Rd. 70% of the business deals with new builds, additions, or service works. The other 30% being

residential or municipal service work. The employees of the business of not work at the property however they park there occasionally.

Township of West Lincoln Official Plan (OP)

The subject lands are designated as Good General Agricultural lands and Natural Heritage System (Environmental Protection Area and Environmental Conservation Area) within the Township’s Official Plan (OP). The purpose of the Township’s Good General Agricultural designation is to ensure that these areas are protected and preserved for long term Agricultural purposes.

As previously noted, the applicants have stated that it is their intent to maintain the existing cash crop farming operation on the subject lands as well as to include 3-acre garlic crops, small scale egg production and a future 6 stall horse barn for horse boarding.

The Township’s OP policy for Good General Agricultural Area Policies support smaller agricultural parcels provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:

- i. Is appropriate for the agricultural activities proposed,
- ii. Is suited to the particular location and common in the area, and
- iii. Provides some flexibility for changes in the agricultural operation.

While the parcel north of the creek is significantly undersized for an agricultural parcel in reference to the minimum lot area of the Township’s Zoning Bylaw, it has already been created though a natural severance.

The applicants have additionally provided a scoped EIS report which indicates that the proposed development and zoning bylaw amendment have no negative impacts on the environmental features on the property and therefore the Township’s Natural Heritage Policies of the OP are maintained.

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

The subject parcel is currently zoned Agricultural ‘A’, Environmental Conservation ‘EC’, and Environmental Protection ‘EP’.

This rezoning application is to recognize the subject parcel as a “lot” for the purposes of zoning following the natural severance that was approved in August 2024. The subject parcel does not meet the definition of a ‘lot’ in the Township’s Zoning By-law 2017-70, as amended. In summary, a lot means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office and which fronts on a public street, please refer to the complete definition of ‘Lot’ below from the Township’s Zoning By-law 2017-70, as amended.

“LOT means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office which is:

- *a whole lot as shown on a Registered Plan of Subdivision except those which have been deemed not to be a Registered Plan of Subdivision under a by-law enacted pursuant to the*

Planning Act; or

- *a separate parcel of land shown on a Registered Plan of Condominium that is individually owned and conveyed as a single unit with associated private outdoor areas excluding common elements and other shared facilities that have common ownership;*
- *a separate parcel of land without any adjoining lands being owned by the same owner as of March 5, 1979 (Bylaw 2018-89); or*
- *a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or*
- *a separate parcel of land being the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act;*

and which:

- *fronts on a public street; or*
- *fronts on, and is legally tied to, a private street within a Registered Plan of Condominium which provides direct access to a public street or which connects to another private street(s) in Registered Plan(s) of Condominium having access to a public street; or*
- *for an existing lot, the existing lot has access to an existing private street which provides direct access to a public street or which connects to another existing private street(s) having access to a public street.*

For the purposes of this By-law, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it had or have been conveyed to or acquired by any public agency.

For greater certainty, a lot created through testamentary devise or by a navigable waterway is not a lot for the purposes of this by-law unless it meets the requirements of this definition and By-law 2017-70. (BY-LAW NO. 2022-67)” (please refer to pages 15 and 16 of the ZBL).

As previously mentioned, a Court Order was issued on August 17th 2023 declaring that the bed of North Creek is navigable through the property (Court File No. CV-23- 000061500-0000) and ordered that the draft reference plan of Rasch & Hyde Ltd. dated August 31st 2023, be deposited as a reference plan in the Land Registry Office which was received and deposited on August 31st, 2023. Please see PLAN 30R-16154 found in Schedule F. The Court Decision did not go as far as to say that the parcel of land (Both Parts 1 and 2) are deemed as lots under the Township’s Zoning Bylaw.

In addition to recognizing Part 1 as a “lot”, this application will rezone the Agricultural ‘A’ lands on Part 1 of PLAN 30R-16154 to an Agricultural zone with a site specific provision recognizing the deficient lot area resulting from the related natural severance. The subject lands have a total lot area of 7.5 hectares (19.53 acres) whereas, Table 12 of the Township’s Zoning By-Law 2017-70, as amended, identifies 40 hectares (98.84 acres) as the minimum lot area permitted within an Agricultural ‘A’ zone. This

application also seeks to recognize a deficient lot frontage of 44.3 metres whereas the zoning bylaw required 100 metres.

Finally, this application also seeks to permit a contractor's establishment on the property as an on-farm diversified use on a property of 7.5 hectares, whereas the Zoning Bylaw requires a minimum of 10 hectares to permit an on-farm diversified use.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on September 11th, 2024 and the notice was also posted to the Township's website.

Regional Staff of the Growth Strategy and Economic Development Department and Environmental Planning offers no objection to the proposed amendment to recognize the subject parcel as a buildable lot subject to the satisfaction of the Township. In addition, staff recommends that a Holding Provision is placed on the subject parcel in order to implement the recommendations of the EIS. Further, the Township should be satisfied that a principal agricultural use is established prior to the approval of an On Farm Diversified Use as discussed above.

The Niagara Peninsula Conservation Authority (NPCA)

Provided in the Zoning By-Law Amendment Application, the applicant has provided a proposal for a 'Scoped Environmental Impact Statement' dated, November 29, 2023.

Provided in the Zoning By-Law Amendment Application, the applicant submitted a proposed Grading Plan dated, July 23, 2024 by Rasch and Hyde Ltd. The NPCA has reviewed and offers no objections to the proposed dwelling, storage, septic tank and dog kennel. The proposed driveway provides safe access for the proposed works, and flood hazards are not of a concern for the proposed placement. However, the applicant is advised that the proposed driveway does encroach on the NPCA Regulated Limited as such, an NPCA Permit (with applicable fees) will be required prior to the start of proposed development.

Public Works Department has reviewed the application and have no comments to provide as this application has no impacts to Township infrastructure.

At the time of writing this report, the Township's Building Department and Septic Inspection Manager have yet to provide comments on this application.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject

property on September 11th, 2024. In addition, a yellow sign was posted on the property on September 12th, 2024. As of the preparation of this Report, Planning Staff have not received any public comments regarding this application.

CONCLUSION:

An application for rezoning to recognize a parcel of land as a “lot” for the purposes of zoning following a natural severance approved by the Ontario Superior Court of Justice has been submitted by the agent Ross Robins on behalf of Evelyn Duck, property owner of the subject lands, being 7395 Twenty Road.

The applicant is requesting to rezone the subject lands to permit a buildable lot which currently does not meet the definition of a ‘lot’ in the Township’s current Zoning By-law 2017-70, as amended. This application also proposes a site specific exception to recognize the deficient lot area of Part 1 being 7.5 hectares (18.53 acres) whereas, 40 hectares (98.84 acres) is identified as the minimum lot area permitted within an Agricultural ‘A’ zone by Table 12 in the Townships Zoning By-law 2017-70, as amended and to permit a deficient lot frontage of 44.3 meters whereas the zoning by-law required 100 meters.

Administration Staff will consider any comments received and will bring a recommendation report forward at a future Planning Building and Environment Committee Meeting.

SCHEDULES:

- Schedule A – Location Map
- Schedule B – Planning Justification Report
- Schedule C – Site Plan
- Schedule D – Site Servicing Plan
- Schedule E – Court Order
- Schedule F- Plan 30R16154
- Schedule G – Archaeological Assessment & Public Register of Archaeological Assessment Report
- Schedule H - Robins Creek Farm Business Plan
- Schedule I – Environmental impact Study
- Schedule J – Agency Comments

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**Gerrit Boerema
Manager of Planning**

Approved by:

**Brian Treble
Director of Planning and Building**

Approved by:

**Truper McBride
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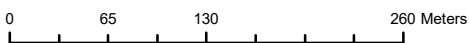
Location Map
7395 Twenty Road

West Lincoln

Your Future Naturally

Legend

- ZoneBoundary
- Subject Property





7395 TWENTY ROAD

WEST LINCOLN

PLANNING JUSTIFICATION REPORT

Prepared by:
Metropolitan Consulting Inc.
2255 Barton Street East, Unit 3B
Hamilton, ON L8H 7T4

August 2024

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**7395 TWENTY ROAD
PLANNING JUSTIFICATION REPORT**

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1.0 INTRODUCTION

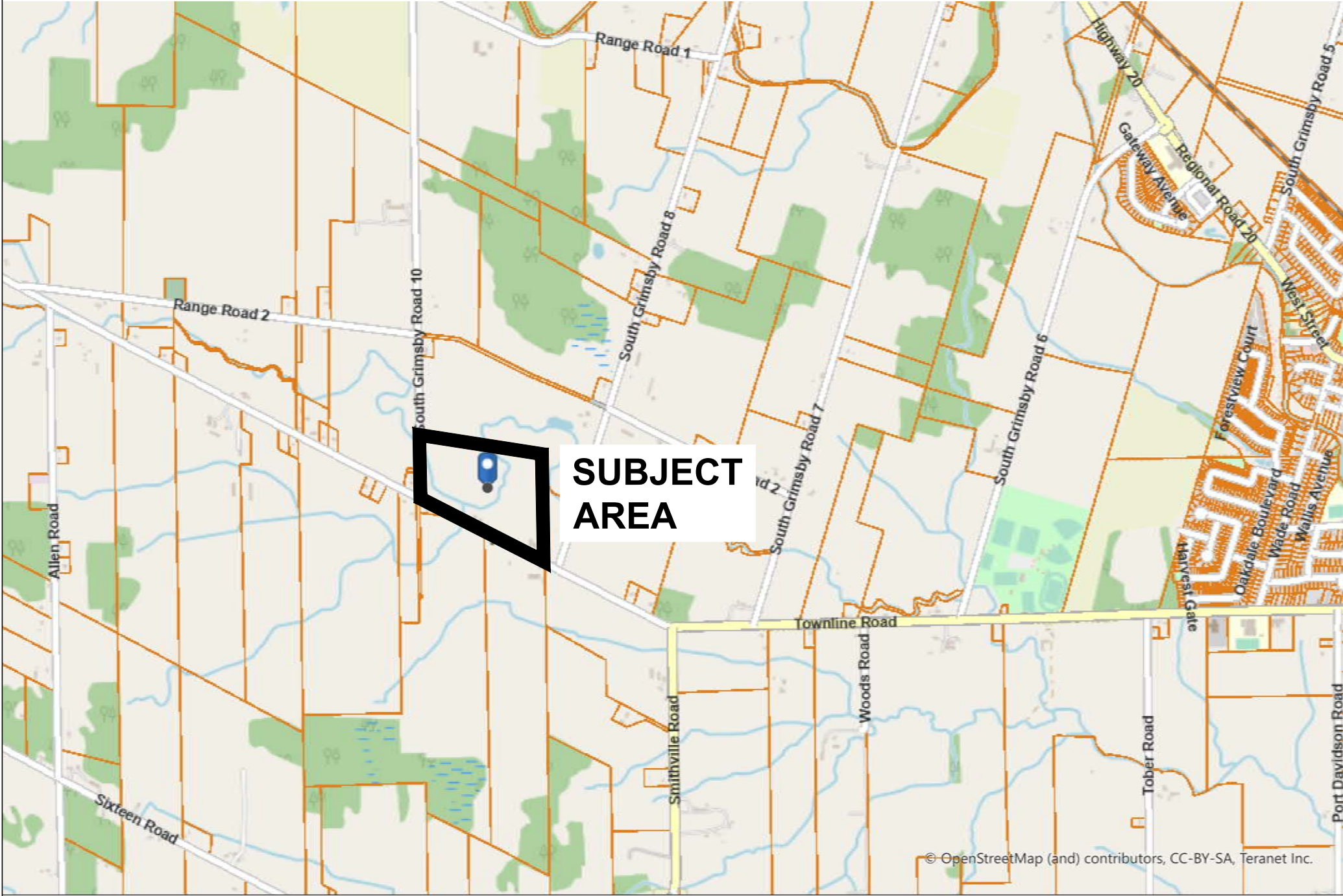
1.1 LOCATION

The subject property is located on the northeast corner of Twenty Road and South Grimsby Road 10 as shown on Figure 1 - Location Map. The subject property has a municipal address of 7395 Twenty Road and a legal description of Part of Lot 2, Range 2, Township of South Grimsby. The property has approximately 593.17 metres of frontage on Twenty Road and approximately 283.21 metres on South Grimsby Road 10, a north property line length of approximately 533.08 metres, an east property line length of approximately 460.93 metres, and a total area of approximately 19.22 hectares. There is a single detached dwelling, implement shed, 2 silos and an open-ended agridome structure currently on the property all along the Twenty Road property line.

The surrounding land uses include:

North: Agriculture
South: Agriculture (Twenty View Farms) and residential
East: Agriculture
West: Agriculture and residential

FIGURE 1 – LOCATION MAP



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1.2 BACKGROUND

Metropolitan Consulting Inc. has been retained by Schilstra Builders Inc., on behalf of Ross Robins, owner, as their planner to prepare a Planning Justification Report to support the development of a farm parcel with a reduced lot area. A Pre-Consultation meeting was held on January 19, 2023, and the Pre-consultation Meeting Form was issued thereafter. An application for an amendment to Township of West Lincoln Zoning By-law No. 2017-70 is required.

The purpose of this report is to provide justification on how the proposed By-law Amendment is in conformity with the relevant Provincial planning policies and meets the general intent of the Niagara Region Official Plan and Township of West Lincoln Official Plan.

1.3 PROPOSAL

The owner applied to the Courts to have the watercourse bisecting the property deemed “navigable waters” thereby splitting the property into two parcels. The Courts granted the request on August 14, 2023. However, since the Township’s Zoning By-law only recognizes parcels created by this process prior to 1979, an Amendment to the By-law is required to address this issue as well as the minimum lot frontage and lot area requirements of the Agricultural “A” Zone. In addition, since the owners will also be operating a home industry from the property and the property does not meet the minimum lot area requirement, this also needs to be recognized.

The following additional reports/information are being submitted in support of these applications:

- Stage 1-2 Archaeological Assessment, dated October 20, 2023, by Seguin Archaeological Services
- Scoped Environmental Impact Statement, dated November 29, 2023, by Terrastory Environmental Consulting Inc.
- Private Servicing Plans, dated November 8, 2023, by Attema Consulting Services
- Farm Business Plan

2.0 POLICY ANALYSIS

This section of the report provides an overview and analysis of the policy framework applicable to the applications.

2.1 THE PLANNING ACT

The Planning Act, R.S.O. 1990, as amended, provides the legal framework for land use planning throughout Ontario and describes how land uses may be controlled and by whom. Section 2 prescribes that:

“The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features, and functions,
- (b) the protection of the agricultural resources of the Province,
- (c) the conservation and management of natural resources and the mineral resource base,
- (d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest,
- (e) the supply, efficient use and conservation of energy and water,
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,
- (g) the minimization of waste,
- (h) the orderly development of safe and healthy communities,
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies,
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities,
- (j) the adequate provision of a full range of housing, including affordable housing,
- (k) the adequate provision of employment opportunities,
- (l) the protection of the financial and economic well-being of the Province and its municipalities,
- (m) the co-ordination of planning activities of public bodies,
- (n) the resolution of planning conflicts involving public and private interests,
- (o) the protection of public health and safety,
- (p) the appropriate location of growth and development,
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians,

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant,
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3.(1) states:

“The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.”

There is a watercourse that traverses the subject property which has been determined to be “navigable waters” by the courts and there are wetlands which are to be preserved with the appropriate buffers. The home industry does not involve any outdoor storage and the vehicles associated with the business will only occupy 14% of the proposed storage building.

Based on the technical studies prepared for the proposed application it has been shown that the proposed application “has regard to”:

- “(a) the protection of ecological systems, including natural areas, features and functions;***
- (b) the protection of the agricultural resources of the Province;***
- (o) the protection of public health and safety.”***

2.2 PROVINCIAL POLICY STATEMENT (2020)

A review of the Provincial Policy Statement 2020 has been undertaken for the proposed application. As required, the entire PPS has been reviewed, however, the following outlines the relevant or applicable policies:

“1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may

include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.5 Rural Lands in Municipalities

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

2.1.4 *Development and site alteration* shall not be permitted in:

a) *significant wetlands* in Ecoregions 5E, 6E and 7E1; and

2.1.5 *Development and site alteration* shall not be permitted in:

a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;

d) *significant wildlife habitat*;

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.6 *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

2.1.8 *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.3 Agriculture

- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.

2.3.3 Permitted Uses

- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

- 2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

- 2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.6 Cultural Heritage and Archaeology

2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources or areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.”

The following servicing policies are considered to be applicable:

“3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- 3.1.2 *Development and site alteration* shall not be permitted within:
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and”

Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 1.1.4.1 i), 1.1.5.2 d), 1.1.5.7, 2.3.3.2, 2.3.4.1 and 2.3.4.2.

As noted in the Attema Consulting Services calculations, a private sewage disposal system can be accommodated on-site outside of the natural heritage features and buffers (Policy 1.1.5.4).

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

As concluded in the Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services, no further study is required.

With regard to the proposed business, the following is applicable:

“On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.”

The business is considered a home industry which is secondary to the agricultural use of the property and will only occupy approximately 14% or 111.48 square metres of the proposed

storage building.

Therefore, the proposed application is consistent with the PPS 2020.

2.3 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (AUGUST 2020)

The subject lands are identified as being in the “Greater Golden Horseshoe Growth Plan Area” on Schedule 2 – A Place to Grow Concept (Figure 2) in the Growth Plan for the Greater Golden Horseshoe (GPGGH).

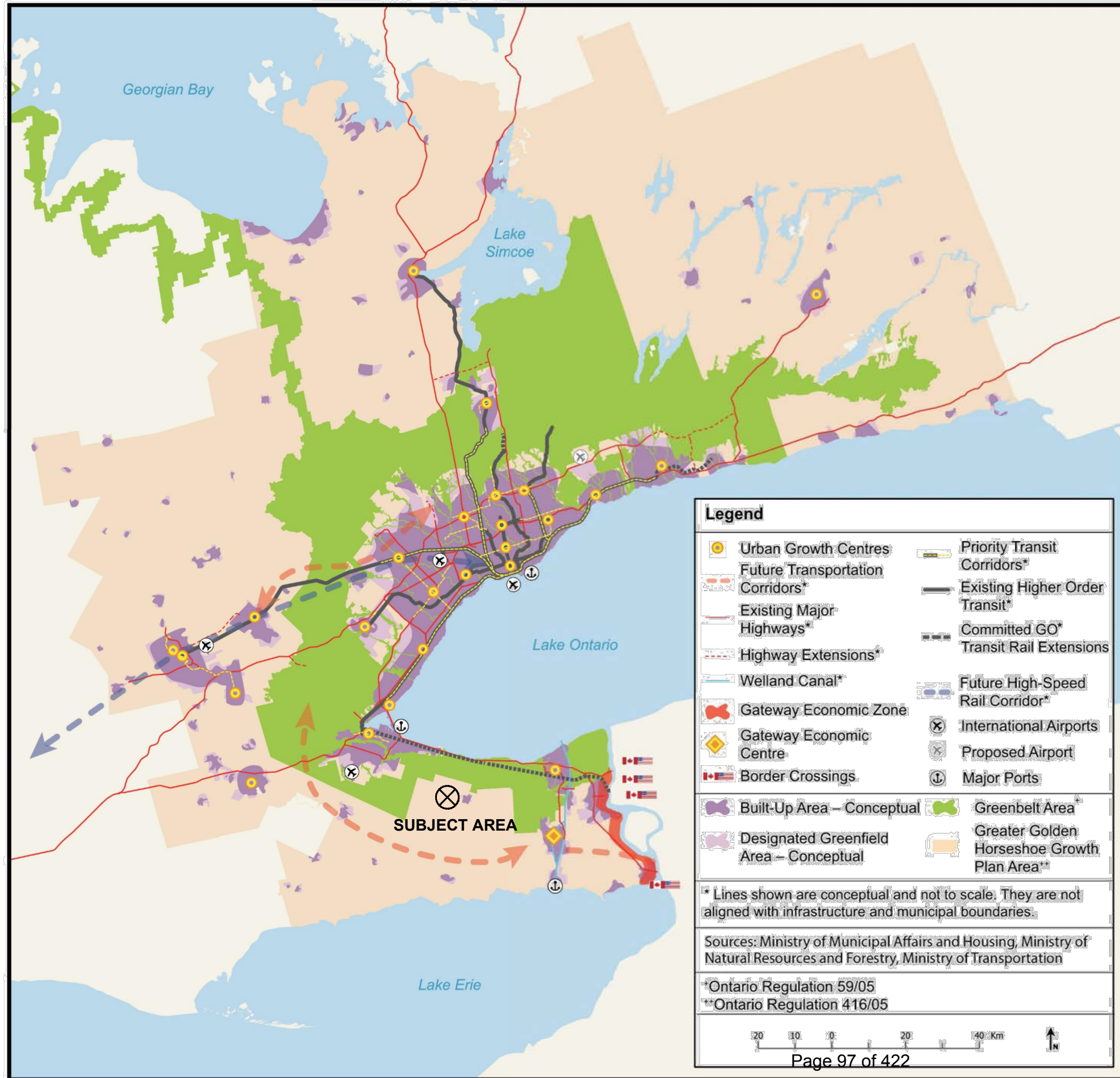
As required, the entire GPGGH has been reviewed and the following policies are considered to be most applicable or relevant:

“The following agricultural policies are considered relevant:

4.2.6 Agricultural System

1. An *Agricultural System* for the *GGH* has been identified by the Province.
2. *Prime agricultural areas*, including *specialty crop areas*, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.
4. The geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be maintained and enhanced.
7. Municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the *Agricultural System* and the long-term economic prosperity and viability of the agri-food sector, including the maintenance and improvement of the *agri-food network* by:
 - a) providing opportunities to support access to healthy, local, and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts;
8. Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper-or single-tier official plan.

Figure 2 – A Place to Grow



SCHEDULE 2
A Place to Grow Concept

Note: The information displayed on this map is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of this map.

9. Until that time, *prime agricultural areas* identified in upper-and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan.
10. Upper-and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.

2.1.7 Cultural Heritage Resources

1. *Cultural heritage resources* will be *conserved* in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of *cultural heritage resources*.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.”

The proposed new farm operation is appropriate and in conformity with Policy 4.2.6.

As concluded in the Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services, no further study is required.

Based on the foregoing analysis, the proposed application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

2.4 NIAGARA REGION OFFICIAL PLAN (2022)

The Niagara Region Official Plan was adopted by Niagara Region Council on June 23, 2022, and approved by the Ministry of Municipal Affairs and Housing on November 4, 2022.

The property is designated “Prime Agricultural Area” on Schedule F – Agricultural Land Base (Figure 3). Portions of the subject property are also identified as “Natural Environment System Overlay” on Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems (Figure 4), “Provincially Significant Wetlands” on Schedule C2 – Natural Environment System: Individual Components and Features (Figure 5) and a “Highly Vulnerable Aquifer” as identified on Schedule C3 – Key Hydrologic Areas Overlay (Figure 6). The property is within the “Jordan Harbour-Twenty Mile Creek” Quarternary Watershed as identified on Schedule D – Tertiary and Quarternary Watersheds (Figure 7).

Twenty Road is identified as part of the “Strategic Cycling Network” on Schedule J2 – Strategic Cycling Network (Figure 8) and the property is identified as “Areas of Archaeological Potential” on Schedule K – Areas of Archaeological Potential (Figure 9). The following policies in Chapter 3 are considered relevant:

“3.1.1 The Natural Environment System

- 3.1.1.1. The features and components of the *natural environment system* are listed in Schedule L. Schedule L also includes the definitions and criteria for each of the features and components.
- 3.1.1.2. In addition to the features and components listed in Schedule L, the following features and areas are also required components of the *natural environment system*:
 - b) *surface water features*; and
- 3.1.1.3. The features and areas identified in Policy 3.1.1.2 should be screened for during the completion of a *watershed plan* or *subwatershed study*. If identified, appropriate land use planning policies or other natural resource management tools should be put in place for their protection, enhancement, or restoration, as appropriate.
- 3.1.1.4. The mapped features and components of the *natural environment system* are shown as a single overlay on Schedule C1 to this Plan. *Key hydrologic areas*, which are also a component of the *natural environment system*, are mapped separately as an overlay on Schedule C3. The purpose of Schedule C1 and C3 is to allow for preliminary screening, and to determine if the policies of the *natural environment system* may apply. Schedule C1 also includes the limits

of the *Provincial natural heritage system*.

3.1.2 Individual Features and Components of the Natural Environment System

3.1.2.1. Individual *natural heritage features and areas, key natural heritage features, key hydrological features*, and other individual components which are considered mapped features of the *natural environment system* are shown as an overlay on Schedule C2.

3.1.2.2. The individual features and components of the *natural environment system* that are mapped on Schedule C2 include:
c) *provincially significant wetlands*;
g) *permanent and intermittent streams*;

3.1.9.1. Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area

3.1.9.2. The policies of Section 3.1.9 apply to lands in *settlement areas* (i.e. *urban areas* and hamlets) and other lands that are outside of a *Provincial natural heritage system* and outside the Niagara Escarpment Plan Area.

3.1.9.3. Required outside of a *Provincial natural heritage system* and outside of *settlement areas* is a 30 metre wide *vegetation protection zone* adjacent to all *wetlands, permanent and intermittent streams*, and *inland lakes* and *their littoral zones* which are *key hydrologic features*.

3.1.9.6. Development and Site Alteration in Natural Heritage Features and Areas outside of a Provincial Natural Heritage System

3.1.9.6.1 *Development and site alteration* shall not be permitted in the following *natural heritage features and areas*:
a) *provincially significant wetlands*;

3.1.9.6.3 Notwithstanding Policies 3.1.9.6.1 permitted uses in a *natural heritage feature and area* are limited to:
a) forest, fish, and wildlife management;
b) conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;

3.1.9.6.4 Notwithstanding any other policies of this Plan, *development and site alteration* in, and adjacent to *watercourses, provincially significant wetlands*, and *other wetlands* that are regulated by the Conservation

Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When *development* or *site alteration* is proposed in or adjacent to any *watercourse*, *provincially significant wetland*, *significant valleyland*, or *other wetland* the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.

3.1.9.8 Development and Site Alteration in Adjacent Lands outside of a Provincial Natural Heritage System

3.1.9.8.1 A proposal for new *development* or *site alteration* outside of a *Provincial natural heritage system* which is adjacent to a *natural heritage feature or area* shall require an *environmental impact study* and/or *hydrological evaluation* to determine that there will be no *negative impacts* on the feature, *ecological function*, or *hydrologic function* in accordance with the *adjacent lands* distances outlined in Table 3.1.

Table 3-1 Adjacent Lands for Natural Heritage Features and Areas Outside of a Provincial Natural Heritage System

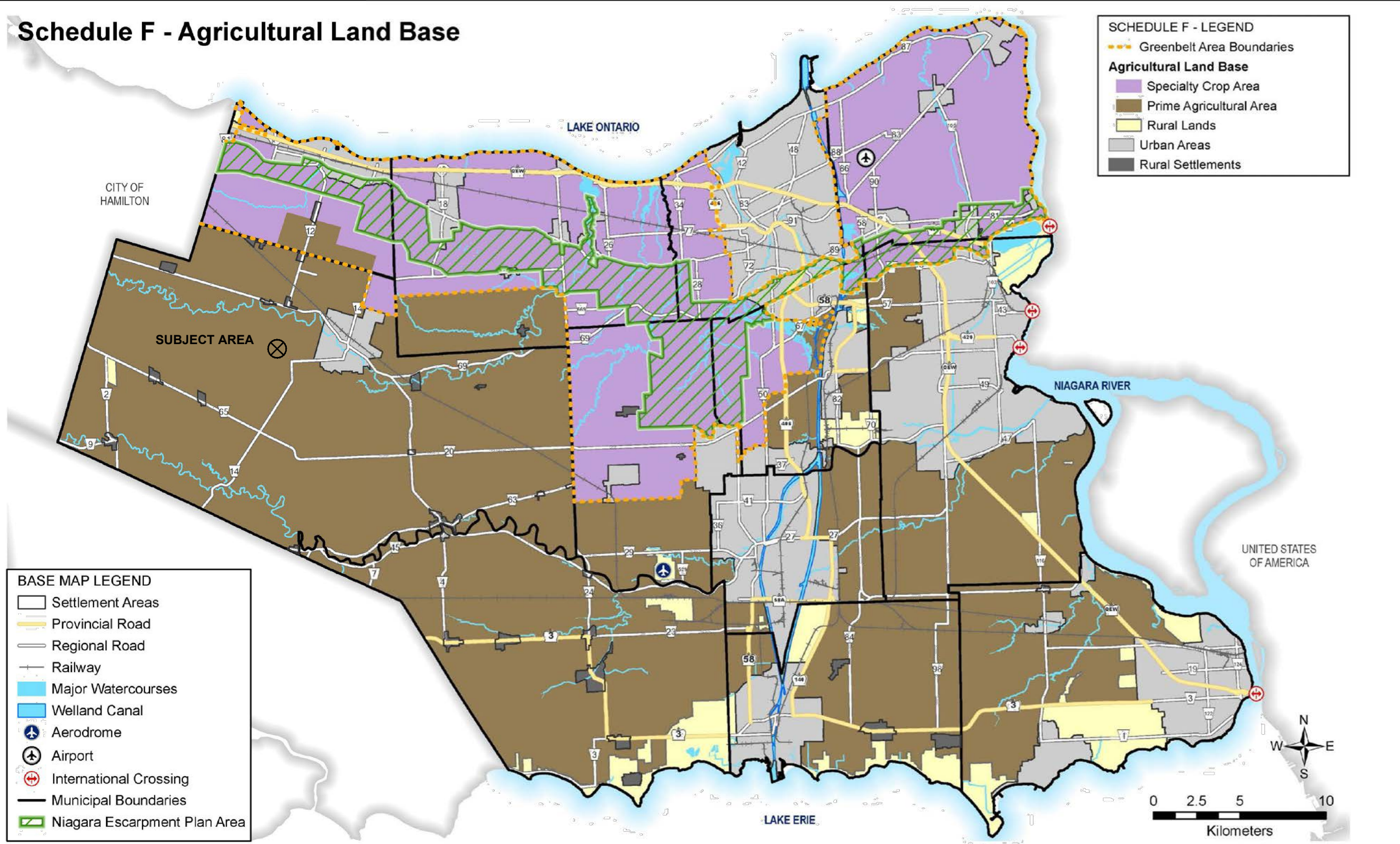
Natural Heritage Feature and Area	Adjacent Lands
Provincially Significant Wetland	120 metres
Significant Coastal Wetland	120 metres
Significant Woodland	120 metres
Other Woodland	50 metres
Significant Valleyland	50 metres
Significant Wildlife Habitat	50 metres
Habitat of Endangered Species and Threatened Species	50 metres
Life Science Areas of Natural and Scientific Interest	50 metres

3.1.9.9 Buffers Outside of Settlement Areas and Outside of a Provincial Natural Heritage System

3.1.9.9.1 Outside of *settlement areas* a minimum *buffer* on all *natural heritage features and areas* is required, as set out in Table 3-2.

Figure 3 – NROP Schedule F

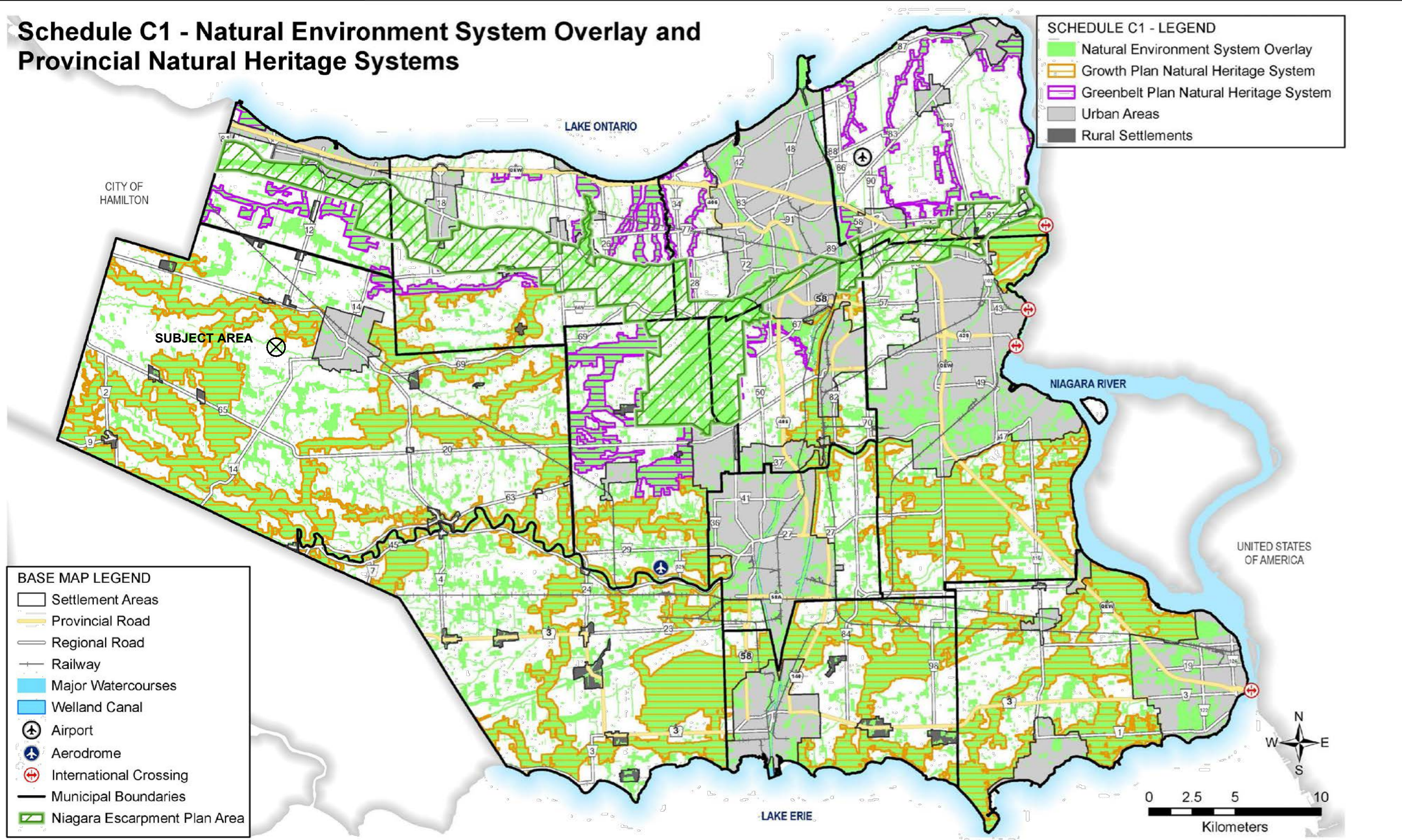
Schedule F - Agricultural Land Base



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Figure 4 – NROP Schedule C1

Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems



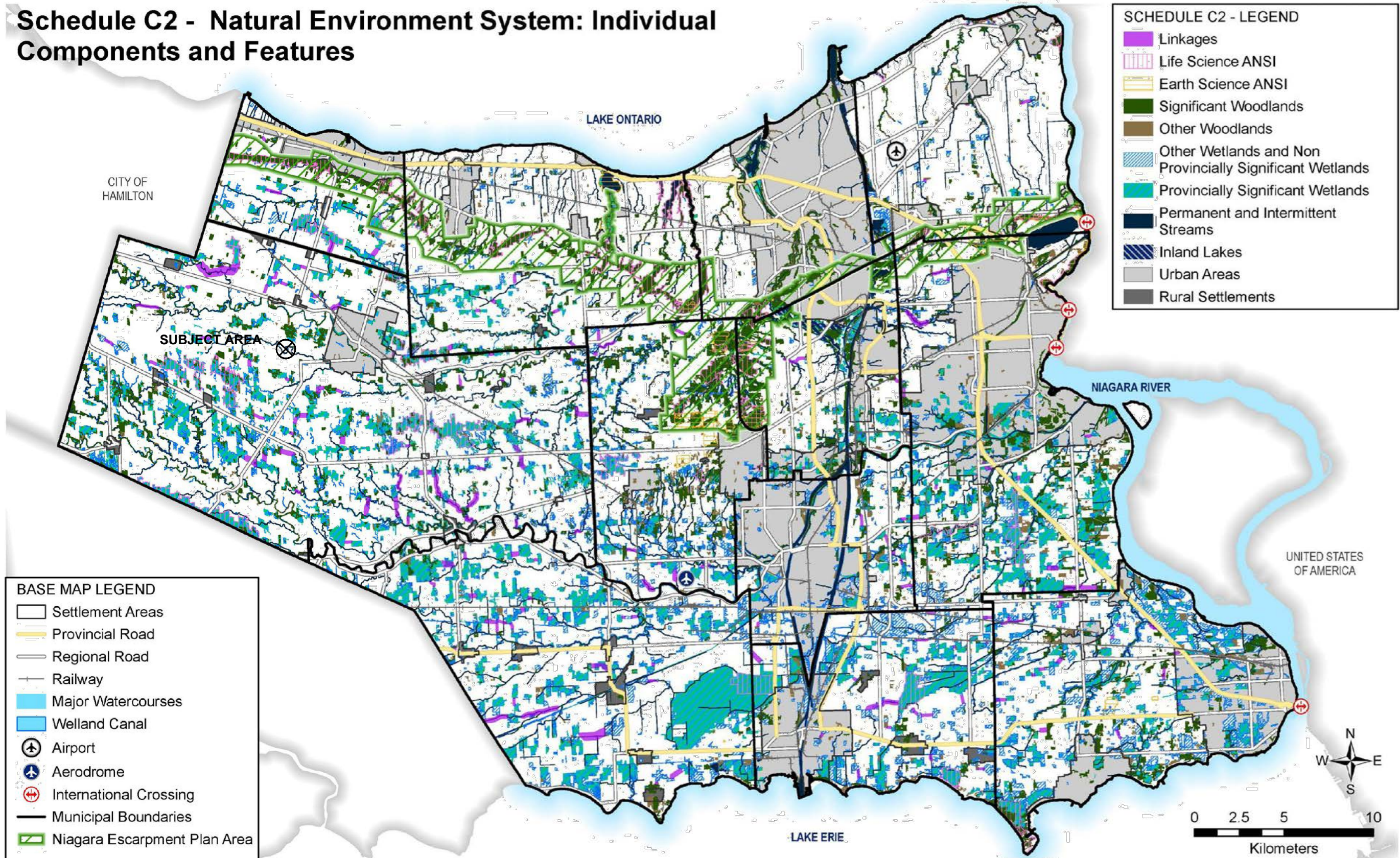
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Figure 5 – NROP Schedule C2

Schedule C2 - Natural Environment System: Individual Components and Features

- BASE MAP LEGEND**
- Settlement Areas
 - Provincial Road
 - Regional Road
 - Railway
 - Major Watercourses
 - Welland Canal
 - Airport
 - Aerodrome
 - International Crossing
 - Municipal Boundaries
 - Niagara Escarpment Plan Area

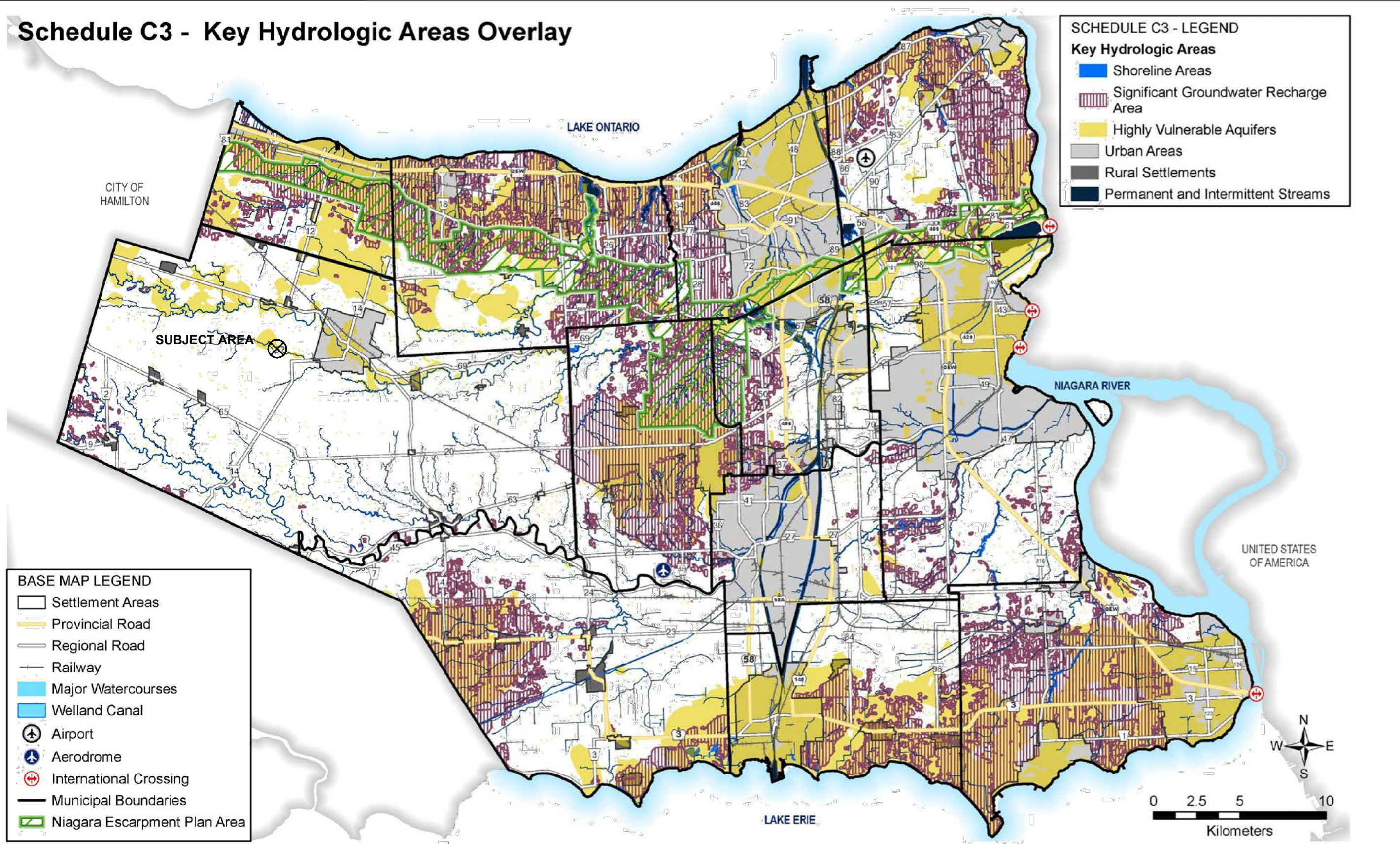
- SCHEDULE C2 - LEGEND**
- Linkages
 - Life Science ANSI
 - Earth Science ANSI
 - Significant Woodlands
 - Other Woodlands
 - Other Wetlands and Non Provincially Significant Wetlands
 - Provincially Significant Wetlands
 - Permanent and Intermittent Streams
 - Inland Lakes
 - Urban Areas
 - Rural Settlements



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Figure 6 – NROP Schedule C3

Schedule C3 - Key Hydrologic Areas Overlay



SCHEDULE C3 - LEGEND

Key Hydrologic Areas

- Shoreline Areas
- Significant Groundwater Recharge Area
- Highly Vulnerable Aquifers
- Urban Areas
- Rural Settlements
- Permanent and Intermittent Streams

BASE MAP LEGEND

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- ✈ Airport
- ✈ Aerodrome
- ↔ International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

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Figure 7 – NROP Schedule D

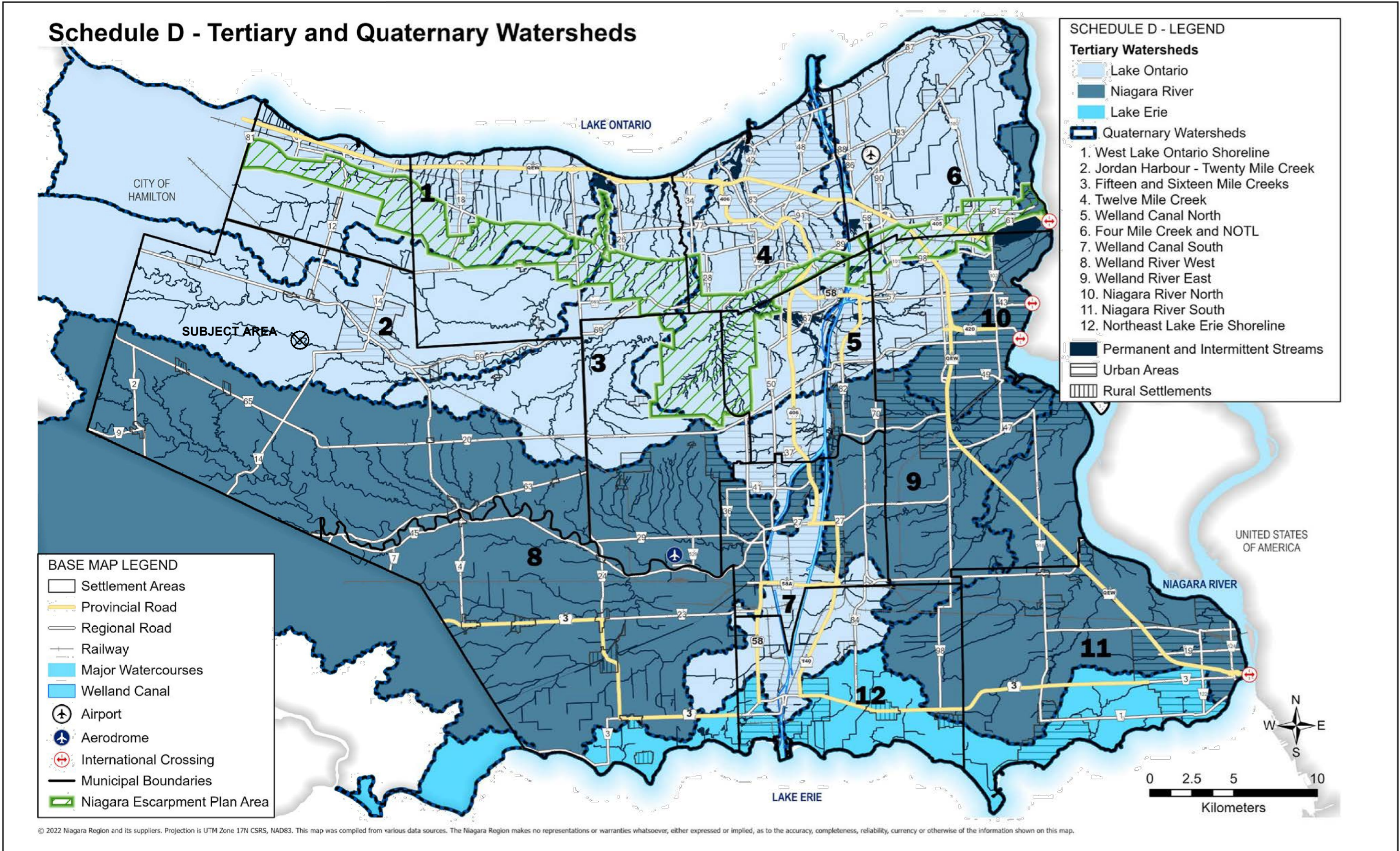
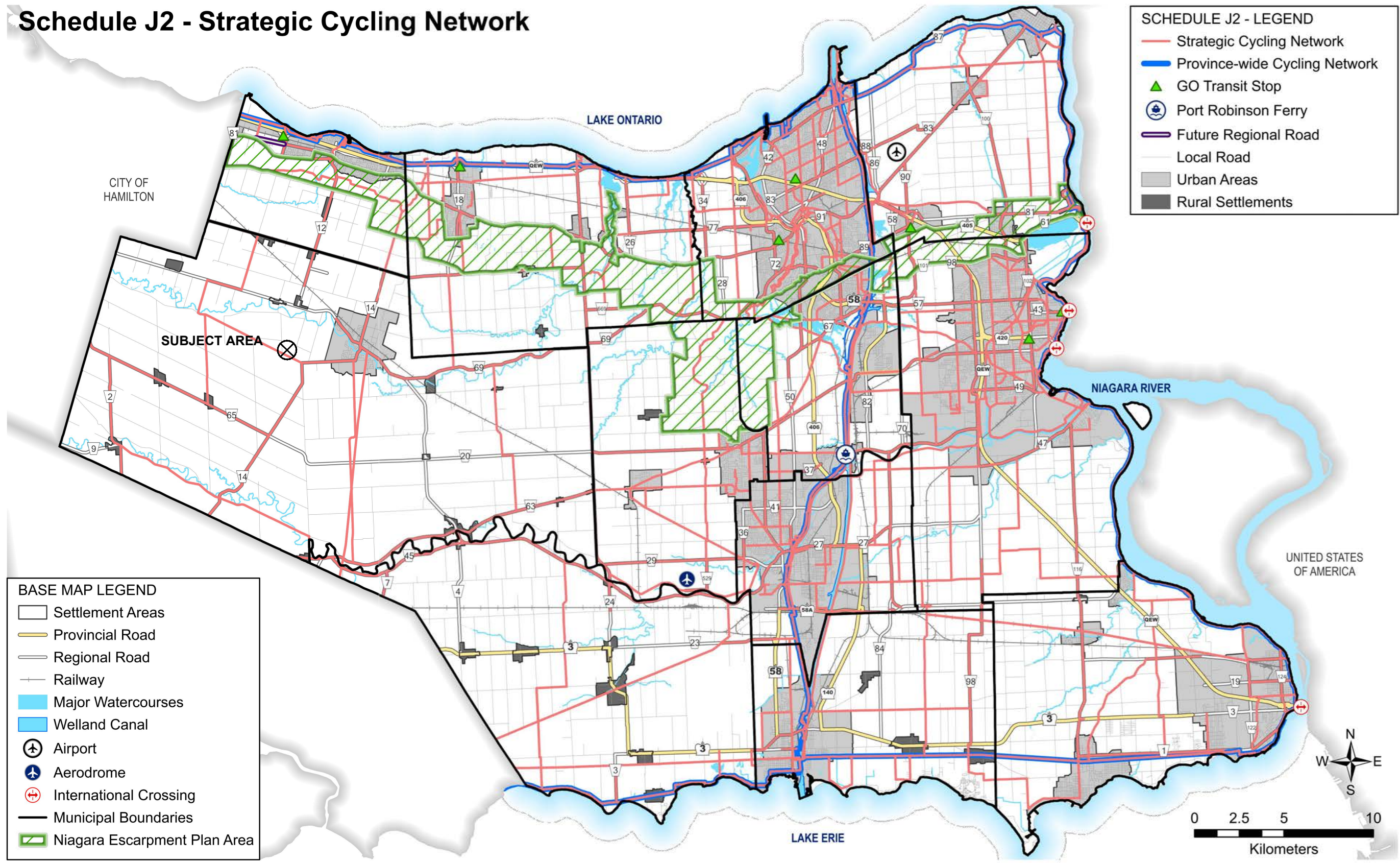


Figure 8 – NROP Schedule J2

Schedule J2 - Strategic Cycling Network



SCHEDULE J2 - LEGEND

- Strategic Cycling Network
- Province-wide Cycling Network
- ▲ GO Transit Stop
- Port Robinson Ferry
- Future Regional Road
- Local Road
- Urban Areas
- Rural Settlements

BASE MAP LEGEND

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

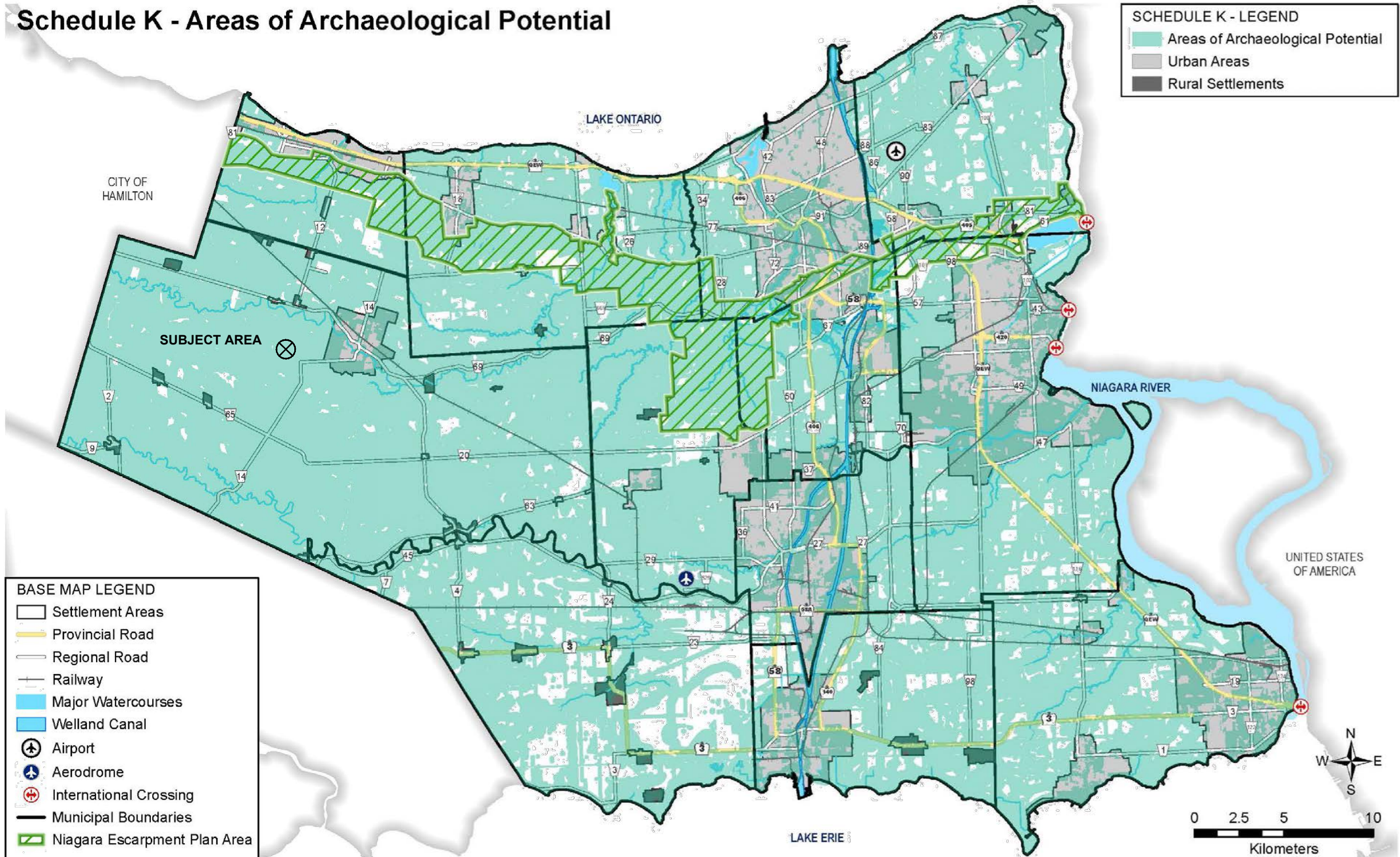
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Figure 9 – NROP Schedule K

Schedule K - Areas of Archaeological Potential



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Table 3-2 Minimum Prescribed Buffer to a Natural Heritage Feature and Area outside of Settlement Areas and Outside a Provincial Natural Heritage System

Natural Heritage Feature and Area	Minimum Buffer
Provincially Significant Wetland	30 metres
Significant Woodland	20 metres
Other Woodland	10 metres
Significant Valleyland	15 metres
Life Science Areas of Natural and Scientific Interest	20 metres

3.1.9.9.3 *Development or site alteration* shall not be permitted in the minimum *buffer* set out in Table 3-2, with the exception of that described in Policy 3.1.9.6.3 and 3.1.9.6.5 or infrastructure serving the agricultural sector, unless it has been demonstrated through the preparation of an *environmental impact study* that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended.

3.1.12 Fish Habitat

3.1.12.1. *Development or site alteration* shall not be permitted in *fish habitat* except in accordance with *Federal and Provincial requirements*. In order to determine whether *fish habitat* is present, proponents of *development or site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Region.

3.1.12.2. If *fish habitat* is determined to be present, a fish habitat assessment undertaken by a qualified professional shall be required for *development or site alteration* within or adjacent to *fish habitat*. *Development or site alteration* may be exempt from this requirement provided that:

- a) the *development* satisfies *Federal and Provincial requirements* or has been specifically authorized by the appropriate approval authority; and
- b) the regulated setback, vegetated shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major *development*.

3.1.23 Natural Hazards

- 3.1.23.1. *Development* shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
- b) lands adjacent to river, stream, and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- 3.1.23.2. *Development* or *site alteration* shall not be permitted within:
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, erosion hazards and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and,
- 3.1.23.3. Notwithstanding Policy 3.1.23.2, *development* or *site alteration* may be permitted in certain areas associated with the flooding hazard along *river, stream* and *small inland lake systems*:
- b) where the *development* is limited to uses that by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows.

3.1.26 Wetland Cover

- 3.1.26.1. *Wetland* cover shall be maintained or enhanced in the region by 2051.
- 3.1.26.2. The Region supports opportunities to maintain and restore *wetland* functions at a *watershed* and *subwatershed* scale based on historic reference conditions.

3.1.27 Riparian Vegetation Cover

- 3.1.27.1. Naturally vegetated riparian areas adjacent to *permanent* and *intermittent streams*, *wetlands*, and other waterbodies shall be maintained or enhanced in the region to support the protection and maintenance of aquatic functions.
- 3.1.27.2. The Region supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:
- a) requiring a naturally vegetated shorelines along *permanent* and *intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development* or *site alteration*;

3.1.33 Environmental Impact Studies and Hydrologic Evaluations

3.1.33.1. An *environmental impact study* and/or *hydrologic evaluation* required under the policies of this Plan shall be submitted with the application for *development* or *site alteration*, and shall be prepared and signed by a qualified professional in accordance with the Region’s Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines in addition to the relevant policies of this Plan.

3.1.33.2. The *environmental impact study* and/or *hydrologic evaluation* shall be prepared to the satisfaction of the appropriate approval authority in accordance with the following:

- i) within *settlement areas* it is the responsibility of the Local Area Municipality to ensure that: *an environmental impact study* and/or *hydrologic evaluation* is prepared in accordance with an approved terms of reference and the policies of this Plan; and
- ii) the conclusions of the *environmental impact study* and/or *hydrologic evaluation* are considered through the development approval process and appropriate conditions are established to implement the recommendations of the study and/or evaluation.

In carrying out this responsibility, the Local Area Municipality shall work in consultation with the Region and the Conservation Authority. The Region shall provide technical support as required.

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

The following policies in Chapter 4 are considered to be relevant:

“4.1 The Agricultural System

The *agricultural system* contains a structure for the agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network*

includes *infrastructure*, services and assets important to the viability of the agri-food sector. Farm stewardship facilitates agricultural protection and the environmental benefits of *natural heritage features* located throughout the *agricultural system*.

Together, the Region's *agricultural system* and *natural environment system* provide a significant contribution to Niagara's resilience and ability to adapt to *climate change*. The agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

The objectives of this section are as follows:

- a. facilitate a strong, diverse, and resilient agricultural economy;
- b. protect the region's agricultural land base;
- c. ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*;
- e. ensure the long-term sustainability and function of uses within the *agricultural system*;
- g. protect *prime agricultural areas* from fragmentation;

4.1.1 Region's Agricultural Land Base

4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the *agri-food network* will be maintained and enhanced in accordance with the policies of this section.

4.1.1.2 *Prime agricultural areas* and *specialty crop areas*, as shown on Schedule F, shall be protected for long-term use for agriculture. *Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the *prime agricultural area*, in this order of priority.

4.1.1.4 An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with Provincial standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* in accordance with Section 2.2.5 of this Plan. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and redesignation of *specialty crop areas* are prohibited.

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

4.1.2.3 In *specialty crop areas* and *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.

4.1.4 Lot Creation and Related Development Within the Agricultural System

4.1.4.1 Within the *prime agricultural area*, including the protected countryside of the Greenbelt Plan which also includes *specialty crop area*, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of this Plan.

4.1.6 Lot Creation in Prime Agricultural Areas

4.1.6.1 In *prime agricultural areas* outside of *specialty crop areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2:

- a. the consent is for *agricultural uses*, subject to the following criteria:
 - i. the resulting parcels are both for *agricultural uses*;
 - ii. the minimum lot size for the severed and retained lot is 40 ha, the resulting parcels meet the Local official plan and agriculture zoning provisions, and:
 1. is appropriate for the farming activities proposed;
 2. is suited to the particular location and common in the area; and
 3. provides some flexibility for changes in the agricultural operation.
- b. the consent is for *agriculture-related use* subject to the following criteria:
 - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity.
- c. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.6.2;
- d. the consent is for a lot adjustment for *legal or technical reasons*; or
- e. the consent is for public *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements

or rights-of-way.

4.1.7 A Resilient Agricultural Economy

4.1.7.1 The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation and drainage systems as shown in Appendix 1.

4.1.7.3 *Agricultural uses, agriculture-related uses and on-farm diversified uses* are permitted in the following areas:

- a. *specialty crop areas; prime agricultural areas; and*
- b. *rural lands.”*

Table 4-1 Agricultural Uses, Agricultural-Related Uses and On-Farm Diversified Uses

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Description	Growing of crops or raising of livestock; raising of other animals for food, fur or fibre; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations



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Examples include, but are not limited to

- a. cropland
- b. pastureland
- c. barns and other associated buildings and structures

- a. processing of agricultural products
- b. farm equipment repair shop
- c. agriculture research centre

- a. *agri-tourism uses*
- b. pick-your-own operation
- c. home occupations

Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 4.1. In addition, the proposed business is considered to be a home industry which will not result in the loss of productive agricultural lands since vehicles associated with the business will be stored in a portion (14%) of the proposed storage building.

Based on the technical studies submitted, and the detailed review and analysis of the above-noted policies, the application conforms with the Niagara Region Official Plan.

2.5 TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The subject lands are designated “Good General Agriculture” and “Natural Heritage System on Schedule ‘B-3’ – Land Use South Grimsby (Figure 10), “Environmental Protection Area” and “Environmental Conservation Area” on Schedule ‘C-1’ – Natural Heritage System (Figure 11), “Provincially Significant Wetland” and “Floodplain” on Schedule ‘C-2’ – Natural Heritage System Environmental Protection Area (Figure 12), “Valley Shoreline” on Schedule ‘C-3’ – Natural Heritage System Environmental Conservation Area (Figure 13) and “Fish Habitat” on Schedule ‘C-4’ – Natural Heritage System Other Features (Figure 14) in the Township of West Lincoln Official Plan (WLOP). Both Twenty Road and South Grimsby Road 10 are classified as an “Local Road” on Schedule ‘F’ – Infrastructure and Transportation Plan (Figure 15).

Figure 10 – WLOP Schedule B-3

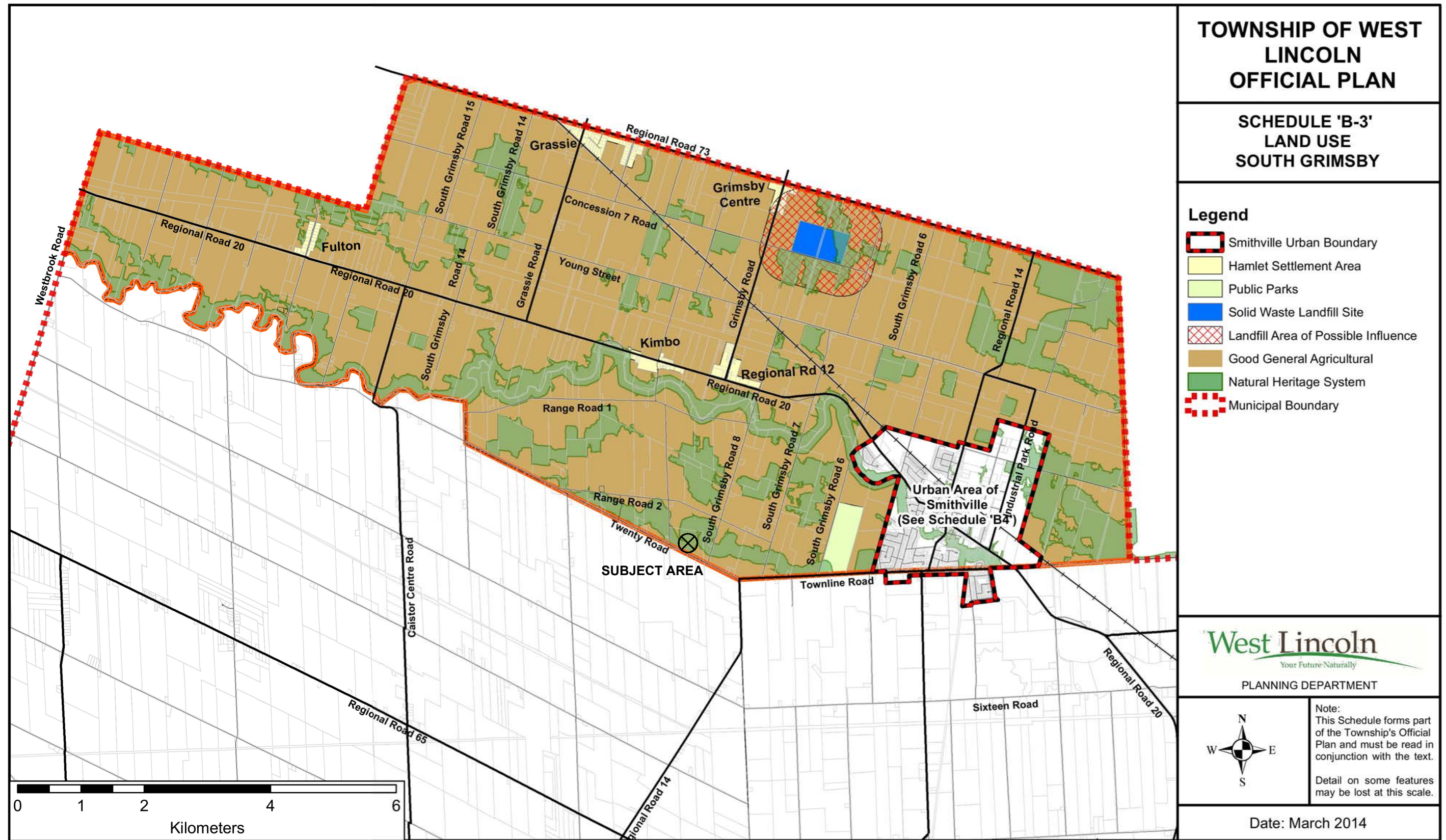


Figure 11 – WLOP Schedule C-1

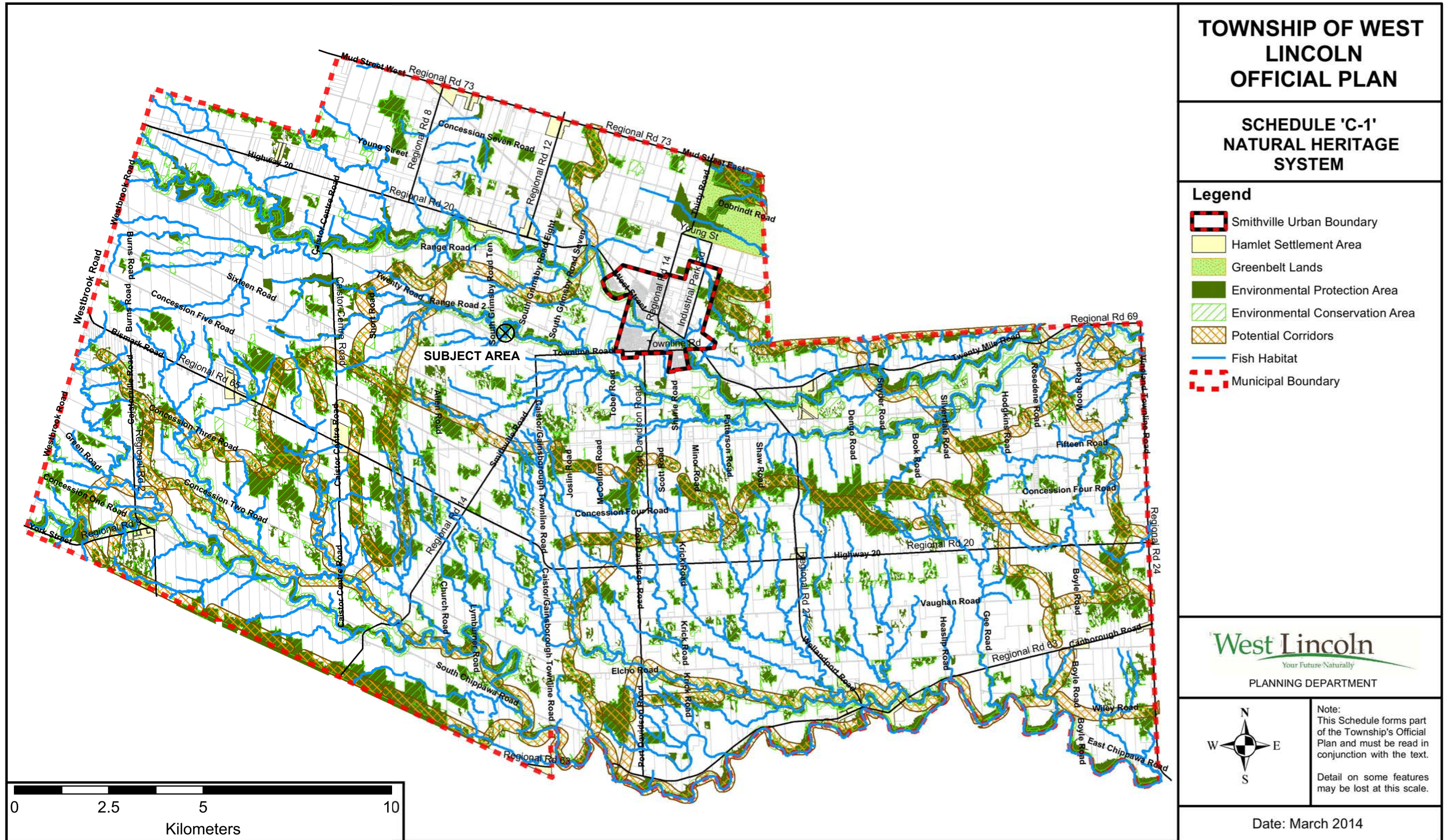


Figure 12 – WLOP Schedule C-2

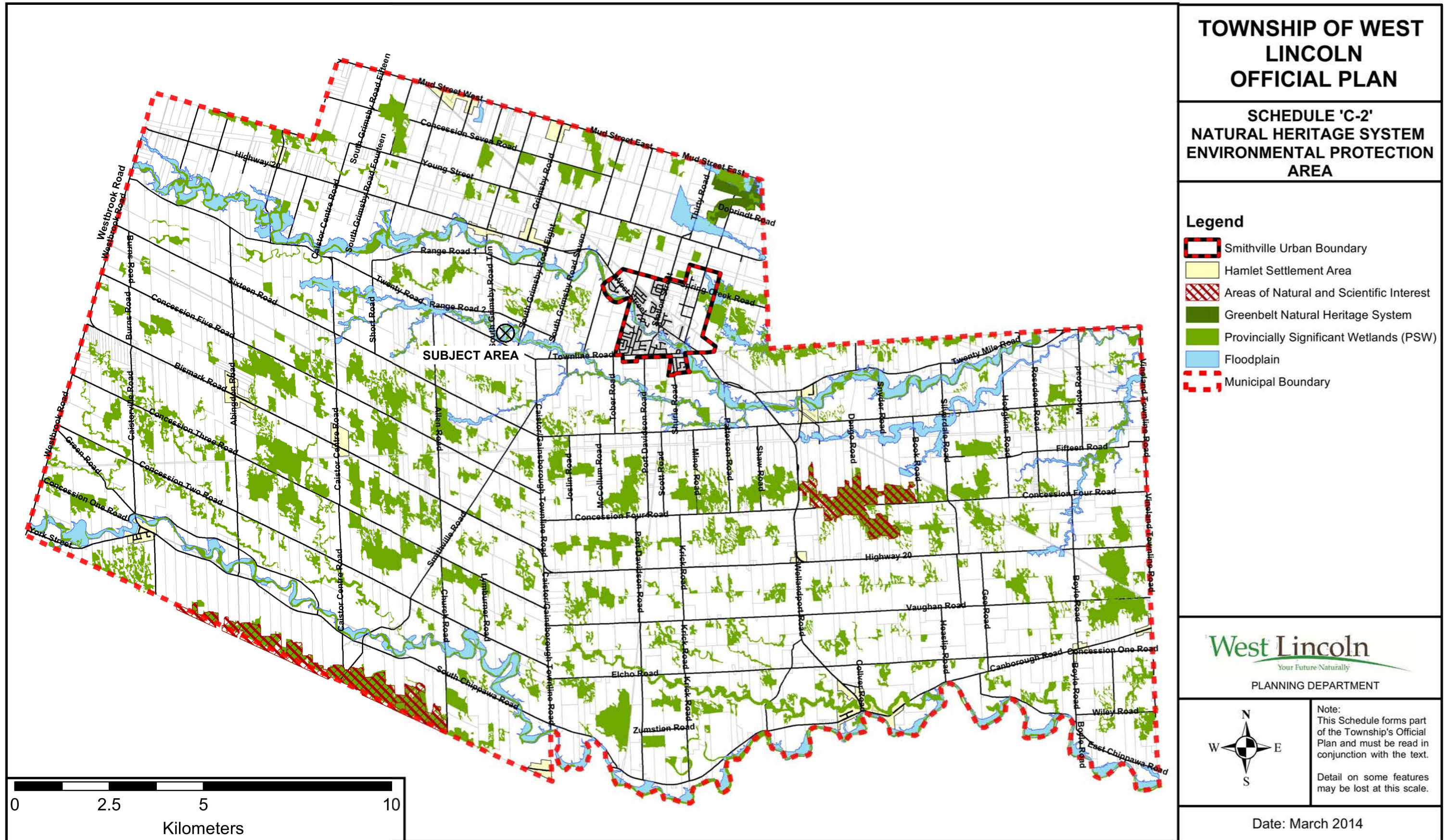


Figure 13 – WLOP Schedule C-3

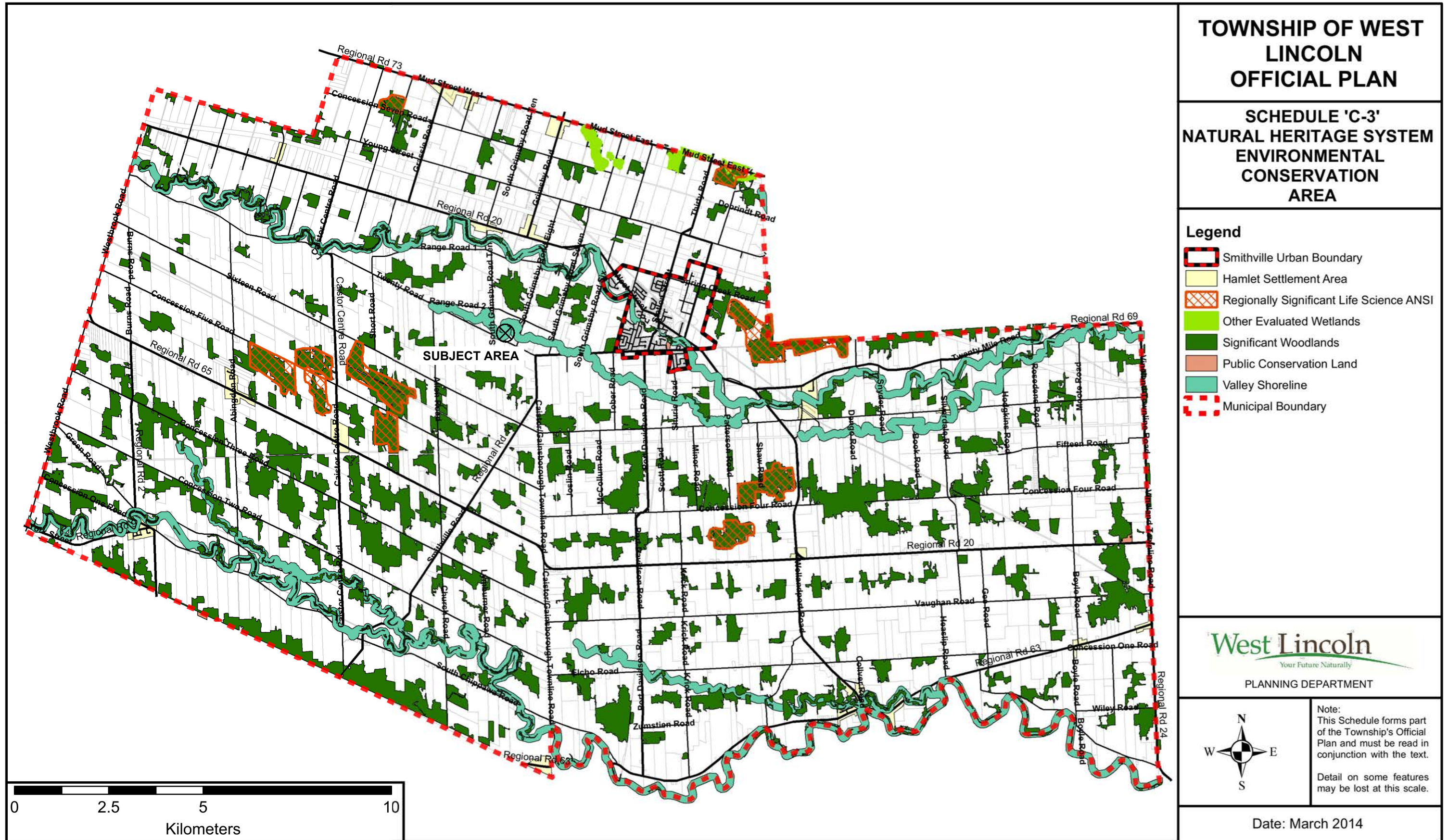


Figure 14 – WLOP Schedule C-4

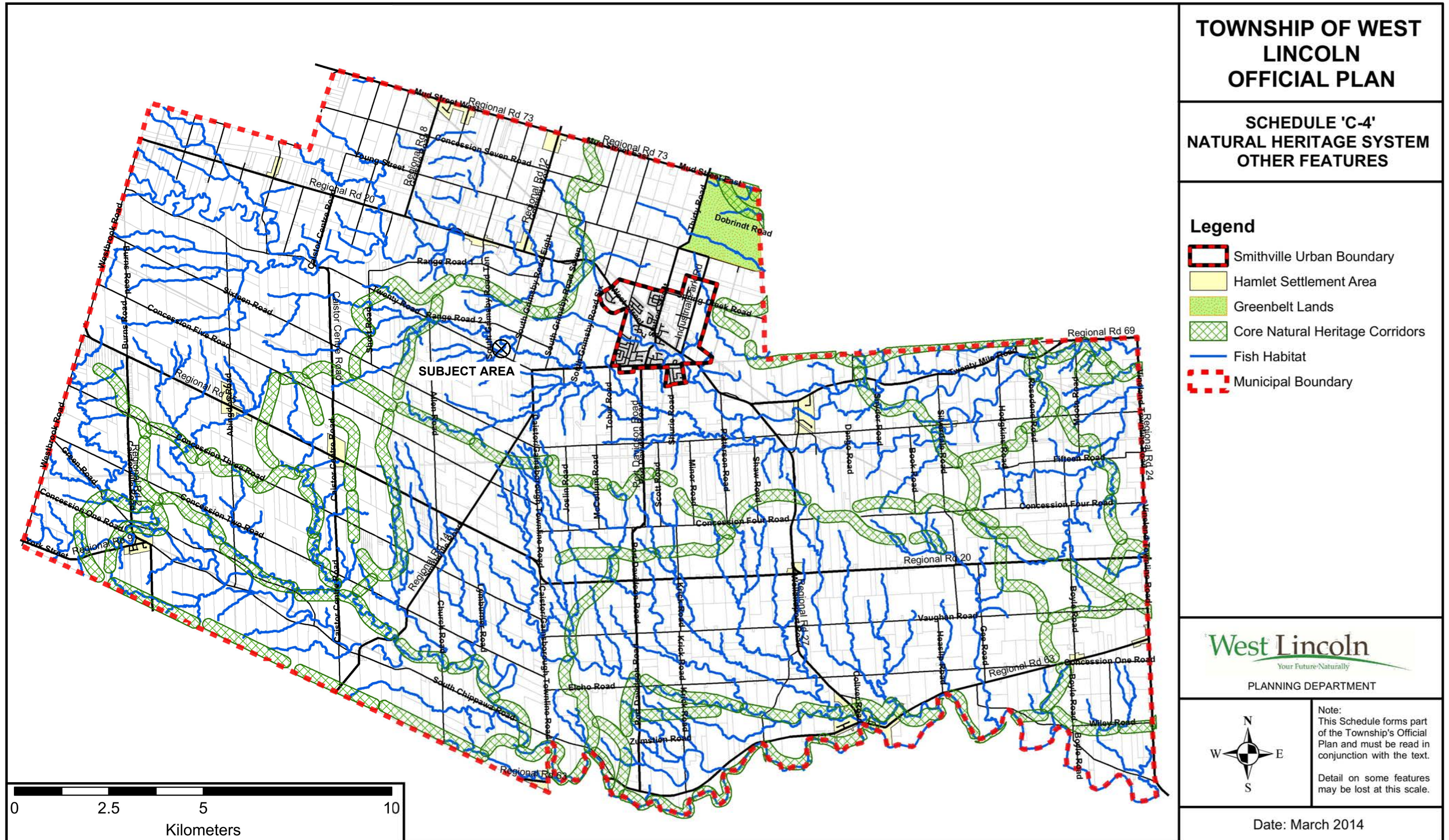
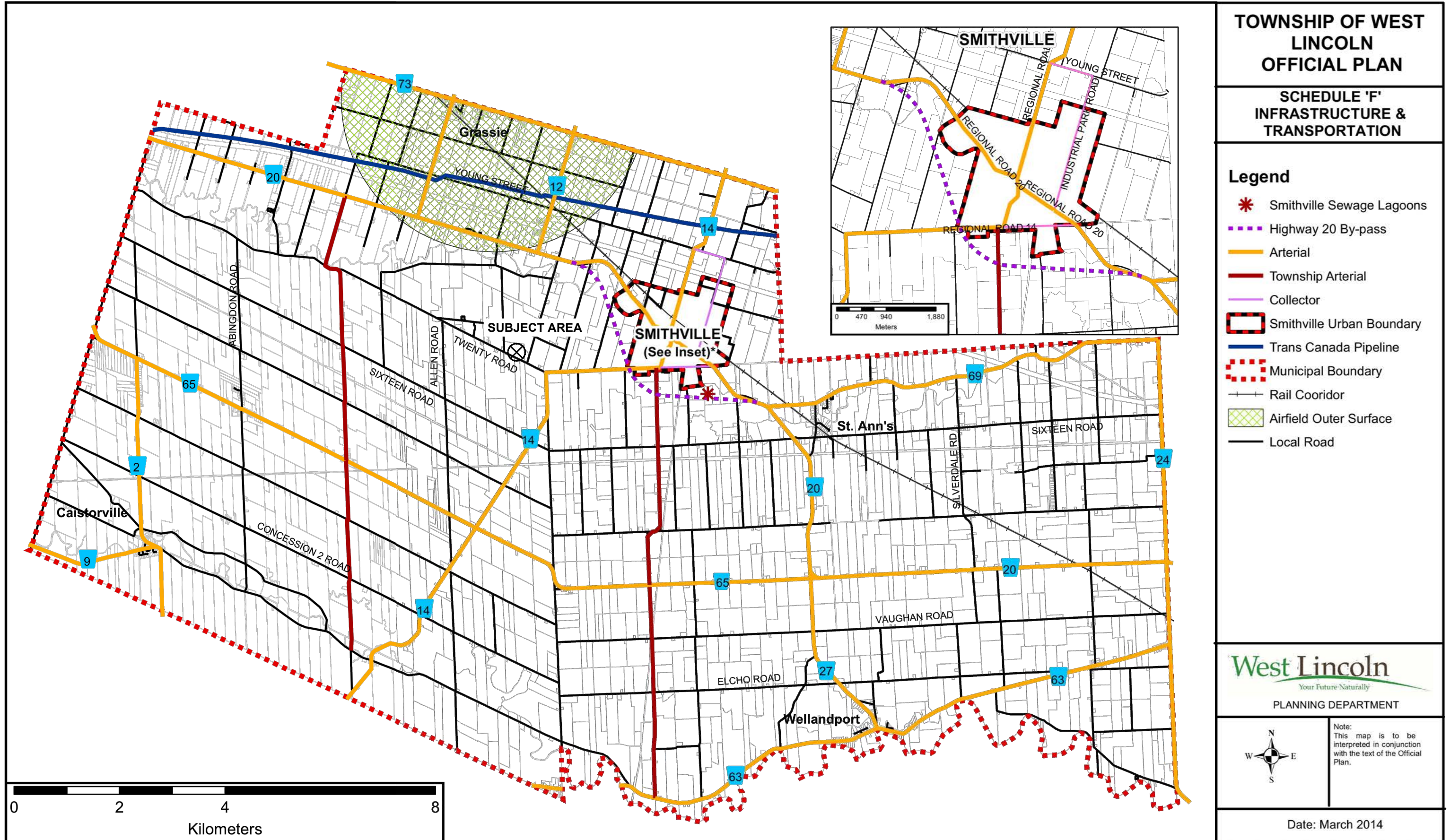


Figure 15 – WLOP Schedule F



The following policies from the Section 4 of the WLOP were reviewed and considered relevant:

“4.2 Objectives for all Agricultural Areas

All Agricultural Areas shall be subject to the following Objectives and should be read in conjunction with the Objectives for each specific agricultural designation.

- a) To promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.

4.2.1 General Agricultural Policies

- a) Uses permitted within all Agricultural Areas:
 - i. All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.
 - iv. Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property.
- d) All development within all Agricultural Areas shall be supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of the Environment and/or the Ministry of Municipal Affairs and Housing:
 - i. Approvals for servicing that are less than 10,000 L/day will be issued by the Township as per the requirements in the Ontario Building Code;
 - ii. Approvals for servicing that are greater than 10,000 L/day will be issued by the Ministry of the Environment as per the requirements of the Ontario Water Resources Act.
- f) Applications for consent within the Agricultural Areas shall be subject to the policies of Section 17.13: (Land Severance) of this plan.

4.4 Good General Agriculture Areas

The Good General Agricultural Areas comprise those lands designated by the Township Official Plan and are accorded the second

highest level of protection and preservation. Good General Agricultural lands include Classes 1 through 7, but are predominantly Classes 1 through Class 3 soils according to the Canada Land Inventory, and are well suited for a wide range of field crops and agricultural uses. Lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

4.4.1 Objectives for Good General Agricultural Areas

- a) To encourage the preservation of Good General Agricultural Lands for agricultural purposes and to direct non-farm uses to Urban and Hamlet Areas.
- b) To provide the second highest level of protection to Good General Agricultural Lands next to the Unique Agricultural Lands, and are suitable for all types of field crops, livestock operations, and other agricultural uses.

4.4.2 Policies

- a) Good General Agricultural Lands shall be given the second highest priority for preservation and protection as shown on Schedule 'B-1' – 'B-3' Land Use Maps.
- b) Agricultural parcels shall be maintained at a sufficient size that is large enough to ensure the flexibility of that operation to adapt to economic conditions in agriculture in the future. Smaller agricultural parcels may be supported through the consent process, subject to the policies of Section 17.13: (Land Severances) provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:
 - i. Is appropriate for the agricultural activities proposed,
 - ii. Is suited to the particular location and common in the area, and
 - iii. Provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to a condition that any new dwellings on the property are allowed only after the greenhouse or other farm buildings have been constructed or are substantially completed.

- e) New or expanding agricultural, small scale commercial or industrial, or agricultural value-added ancillary uses located within the Area of Possible Influence as defined in Section 16 shall be subject the policies of Section 16: (Waste Management) policies of this plan.”

A new agricultural operation is being proposed and the parcel can accommodate private servicing. Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 4.2.

With regard to the proposed business, the following policies are applicable:

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

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

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

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- a) An adequate and potable water supply is available.
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- d) Adequate drainage and outlets are available for stormwater runoff. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.
- h) Outside storage may be limited.
- i) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use
- j) do not conflict with adjacent land uses.
- k) The lands will be appropriately zoned and, where necessary, a development agreement will be required.
- l) *Development* on treed areas, steep slopes, ravines, watercourses

and any other natural or cultural heritage resource will be avoided.
m) *Development* may be subject to site plan control.

4.6.2. On-farm Diversified Uses

On-farm diversified uses which include agri-tourism uses, home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation.”

The business is considered to be a home industry which is clearly secondary to the principal agricultural use on the property and is limited in area since vehicles associated with the business will be stored in a portion (14%) of the proposed storage building. As a result, the proposed business conforms with these policies.

The following policies from Section 8 are relevant:

“8.3.5 Archaeological Conservation

- a) Council recognizes that there may be archaeological remnants of pre-contact and early historic habitation within the Township and will consider the interests of Aboriginal communities in conserving archaeological resources. Council will therefore require an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources that are found and which might be affected in any future development, in co-operation with the Ministry of Citizenship, Culture and Recreation.

- d) Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ. Where significant archaeological resources must be preserved in situ (long-term in-ground protection of the archaeological resource); only development and site alteration which maintain the heritage integrity of the site may be permitted.”

The Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services indicated that “no archaeological resources were documented during the Test pitting survey.

The following Natural Environment policies from Section 10 are considered relevant:

“10.2.1 Objectives for a Healthy Landscape

- a) To maintain a healthy natural environment for present and future generations.
- b) To conserve the Township’s distinctive natural character.
- f) To support and encourage environmental stewardship and restoration.

10.2.2 Policies for a Healthy Landscape

- a) In making decisions concerning planning, development and conservation the Township shall employ an ecosystem approach addressing:
 - i. The interrelationships among air, land, water, plant and animal life, and human activities;
 - ii. The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and
 - iii. The long term and cumulative impacts on the ecosystem.
- b) Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.
- c) New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.
- d) Where more than one Policy in Section 10 applies to a planning application all of the applicable Policies are to be addressed, with the more restrictive Policy applying where there are conflicts.

10.3 Natural Vegetation and Wildlife

The Core Natural Heritage System identified in Section 10.7 of this Plan contains the most significant natural areas in the Township and the linkages among them. Natural vegetation and wildlife outside this System also contribute to ecosystem health and integrity, and to the quality of life in the Township. Township Council supports and encourages conservation and restoration of natural vegetation and wildlife throughout the rural and agricultural areas of the Township of West Lincoln.

10.3.1 Objectives

- a) To conserve the natural beauty and distinctive character of the

- Township's landscape.
- b) To maintain, enhance and restore natural vegetation and wildlife.
 - c) To make green space and exposure to nature part of the day-to-day living environment.

10.3.2 Policies

- a) The Township shall encourage efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:
 - i. 30% of the land area in the Township in forest cover or wetland, with at least 10% of each subwatershed in wetland; and
 - ii. A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in the Township. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.
 - iii. The long term and cumulative impacts on the ecosystem.

Development plans shall integrate natural features and natural vegetation, including the planting of native species.

10.4 Water Resources

10.4.1 Objectives

- a) To protect, improve or restore the quantity and quality of ground and surface water resources.
- b) To maintain or restore natural stream form and flow characteristics in the Township's watercourses.

10.4.2 Policies

- a) Development and site alteration shall only be permitted where there will be minimal negative impacts, including cross-jurisdictional and cross-watershed impacts, on:
 - i. The quality and quantity of surface and ground water;
 - iii. The natural hydrologic characteristics of watercourses such as base flow;
 - iv. Natural features or ecological functions of the Core Natural Heritage System or its components as a result of impacts on the surface or groundwater resources;
 - v. Flooding or erosion.

10.6 Natural Hazards

Natural hazards pose risks to life and property. Development and site alteration shall be directed away from hazardous lands and hazardous sites where there is an unacceptable risk to public health, safety or property. Hazardous lands are lands that could be unsafe due to naturally occurring processes such as flooding, erosion, and slope failure. Hazardous sites are those that could be unsafe due to naturally occurring physical conditions such as unstable soil or bedrock.

10.6.1 Objectives

- a) To minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards.
- b) To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts.

10.6.2 Policies for Natural Hazards

- a) Development and site alteration may be permitted within floodplains that are regulated by the Conservation Authority, if it has been demonstrated to the satisfaction of that Authority that it is in accordance with Regulation 155/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, as amended, or its successor, and subject to the Conservation Authority's approval.

10.7 The Core Natural Heritage System

The Core Natural Heritage System contains environmental features and functions of special importance to the character of the Township and to its ecological health and integrity. The Core Natural Areas within the System are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species.

The Provincial Greenbelt Plan includes provisions to protect, maintain and enhance the Natural Heritage and Water Resource Systems within the Greenbelt Area as shown on Schedules 'C-1' to 'C-4'.

In this Section of the Policy Plan the Greenbelt Natural Heritage and Water Resources Systems are treated as components of the broader Core Natural Heritage System in the Township. The Provincial Greenbelt Natural Heritage System is shown on Schedules. The key natural heritage features within the Greenbelt Natural Heritage System are identified as Environmental Protection Areas or Fish Habitat on the Map. Key hydrologic features include those features identified as Fish Habitat.

10.7.1 Objectives

- a) To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System.
- b) To recognize the linkages among natural heritage features and ground and surface water resources.

10.7.2 Policies

- a) The Core Natural Heritage System consists of:
 - i. Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
 - ii. Potential Natural Heritage Corridors connecting the Core Natural Areas;
 - iv. Fish Habitat.

The System is shown on Schedule 'C-1', which provides the framework for natural heritage planning and development review in the Township. The Greenbelt Water Resources System is not shown. The Fish Habitat shown on the Schedule 'C-4' is part of the Water Resources System but other key hydrological features have not been identified and mapped. These features will be identified through updated NPCA mapping and can be included in this plan by future amendment.

Environmental Protection Areas (EPAs), Environmental Conservation Areas (ECAs) and the Greenbelt Natural Heritage System also are designated on Schedules 'C-1' to 'C-4'.

- b) Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies of Section 10.2 as well as the Core Natural Heritage System Policies.
- c) Environmental Protection Areas include provincially and regionally significant wetlands; provincially and regionally

- significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.
- f) Key hydrologic features include permanent and intermittent streams, lakes and their littoral zones, seepage areas, springs and wetlands. When key hydrologic features are identified through watershed or other studies the Township will consider an amendment to this Plan to show those features on a Schedule to the Plan. In the interim, within the Greenbelt Area, where key hydrologic features have not been identified, the applicant may be required to identify the hydrologic features on the site of the proposed development as well as within 120 metres of the site boundary.
 - g) The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedules 'C-1' to 'C-4'. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Township and may be mapped in more detail in secondary plans and zoning by-laws. A significant modification, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.
 - h) In considering both refinements and significant modifications to the mapping or classification of features shown on Schedules 'C-1' to 'C-4' the Township shall consult with the Region and with:
 - i. The Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
 - ii. The Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat; or
 - iii. The Niagara Peninsula Conservation Authority.
 - k) Within Environmental Protection Areas, with Fish Habitat in the Greenbelt Natural Heritage System and within any associated

vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:

- i. forest, fish and wildlife management;
- ii. conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and

Where such uses are proposed, the proponent may be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Township and, where appropriate, the Niagara Peninsula Conservation Authority, in accordance with Section 10.8 of the Plan.

- i) Development and site alteration may be permitted without an amendment to this Plan:
 - ii. On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 10-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.

If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Section 10.8 of the Plan.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or on adjacent lands then the restrictions on development and site alteration set out in this Policy do not apply.

Table 10-1: Core Natural Heritage System Components: Adjacent Lands	
Core Natural Heritage System Component	Adjacent Lands Where an EIS Shall Be Required for Development Applications
Environmental Protection Area <ul style="list-style-type: none"> • Provincially Significant Life Science Area of Natural and Scientific Interest • Provincially Significant Wetland • Habitat of Threatened and Endangered Species 	All lands within 50 metres. All lands within 120 metres. All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.
Where a component of the Core Natural Heritage System lies within the Provincial Greenbelt Plan, Natural Heritage System adjacent lands mean all lands within 120 metres of the natural heritage feature or key hydrologic feature anywhere within the Protected Countryside.	

- o) Within Fish Habitat as identified on Schedule 'C-1' and 'C-4', or adjacent lands as specified in Table 10-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its' designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara.
- p) First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish

- habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.
- q) Agricultural cultivation does not require planning approval and is not subject to these requirements.
 - s) Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Section 10.8. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.
 - dd) A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part within an Environmental Conservation Area, Fish Habitat or adjacent lands thereto as set out in Table 10-1 if they are located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Natural Heritage System Component and adjacent lands.

10.8 Environmental Impact Studies

- a) An Environmental Impact Study (EIS) required under this Plan shall be submitted with a planning application where required as part of pre-consultation and shall be prepared and signed by a qualified professional. Environmental Impact Studies respecting development in or adjacent to Environmental Conservation Areas within the Urban Area Boundaries shall be prepared to the satisfaction of the Township in consultation with the Region and the Niagara Peninsula Conservation Authority. Environmental Impact Studies respecting development.
 - i. in or adjacent to the remaining components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region, in consultation with the Township and, where appropriate, the Conservation Authority.
- b) The required scope and/or content of an EIS shall be established through the Pre-consultation process based on consultation with the Township, Niagara Region and the Niagara Peninsula Conservation Authority. The EIS may be scoped where:
 - i. The environmental impacts of a development application are thought to be limited; or
 - ii. Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the

- Township, the Region and the Niagara Peninsula Conservation Authority.
- c) The Township may require an independent peer review of an EIS with costs to be borne by the applicant.
 - d) An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.”

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

Based on the technical studies submitted, and the detailed review and analysis of the above-noted policies, the application conforms with the West Lincoln Official Plan.

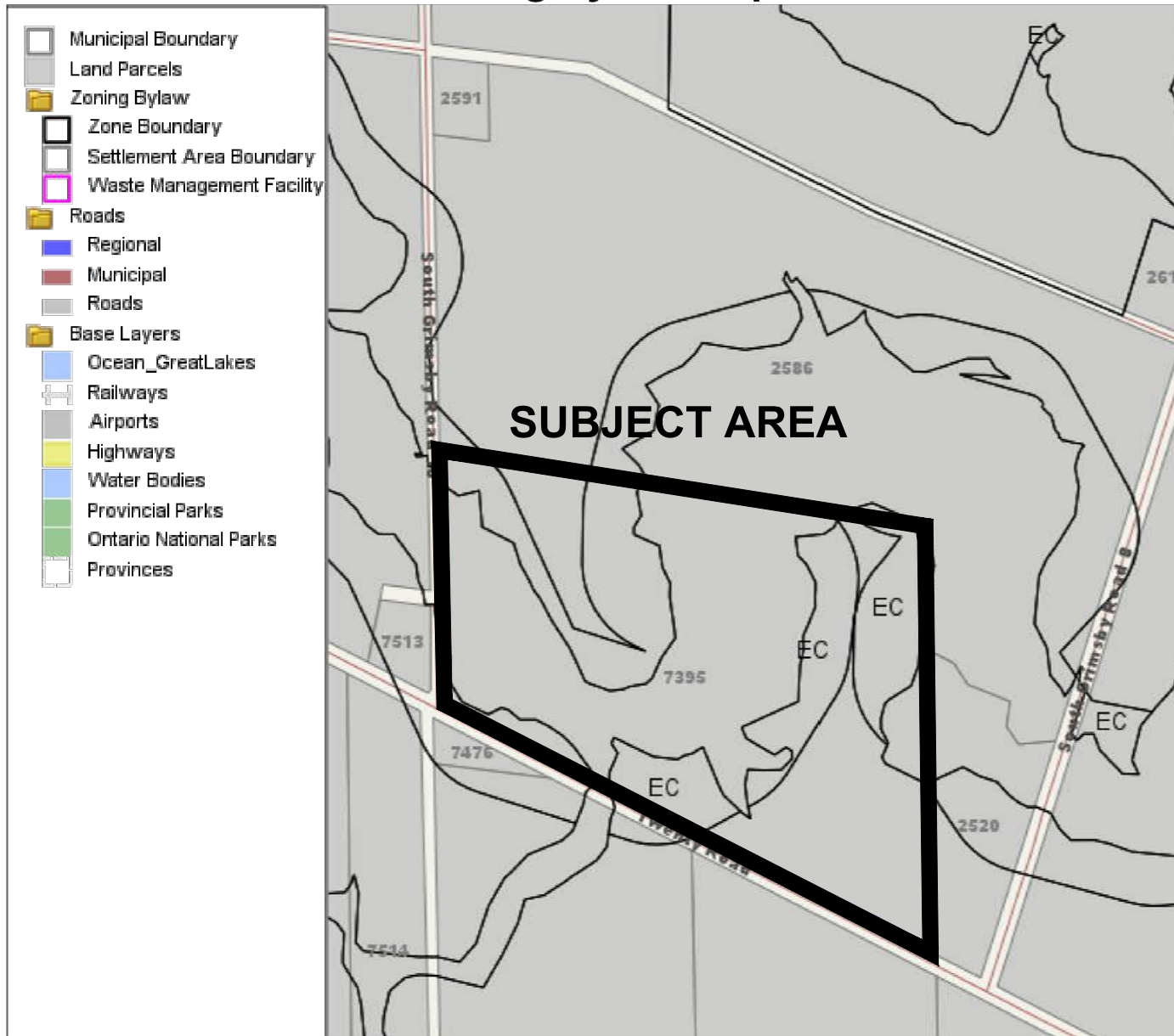
2.6 TOWNSHIP OF WEST LINCOLN ZONING BY-LAW NO. 2017-70

The subject lands are currently zoned Agricultural “A” Zone, Environmental Protection “EP” Zone and Environmental Conservation “EC” Zone in West Lincoln Zoning By-law No. 2017-70 (see Figure 16). The Agricultural “A” Zone permits the proposed uses, but the property does not meet the definition of a “lot” and does not meet the minimum lot frontage and lot area requirements. As a result, site-specific exemptions are required. In addition, since the lot area is less than the minimum requirement, the proposed business conflicts with the “home industry” regulations and needs to be addressed. Finally, the proposed storage building is proposed to be set back 9.14 metres from the side lot line to maximize the amount of farmland to be used, whereas, 15 metres is required. This reduction is also being requested.

Based on the analysis in Section 3.1 and the technical studies submitted, the proposed modifications requested are considered appropriate and meet the general intent and purpose of the West Lincoln Official Plan and Zoning By-law.

Figure 16 – Current Zoning

Zoning By-law Map



2.7 NIAGARA PENINSULA CONSERVATION AUTHORITY REGULATIONS

As noted on Figure 17, portions of the subject lands are regulated by the Niagara Peninsula Conservation Authority (NPCA) under Ontario Regulation 155/06 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. As a result, Permits from NPCA will be required. NPCA adopted their “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” on September 25, 2018, and this document was last updated on May 21, 2020. The Regulation states:

“Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,
 - (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority’s boundary to the furthest landward extent of the aggregate of the following distances:
 - (i) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority,
 - (ii) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the Authority, the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority, and
 - (iii) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the

Authority,

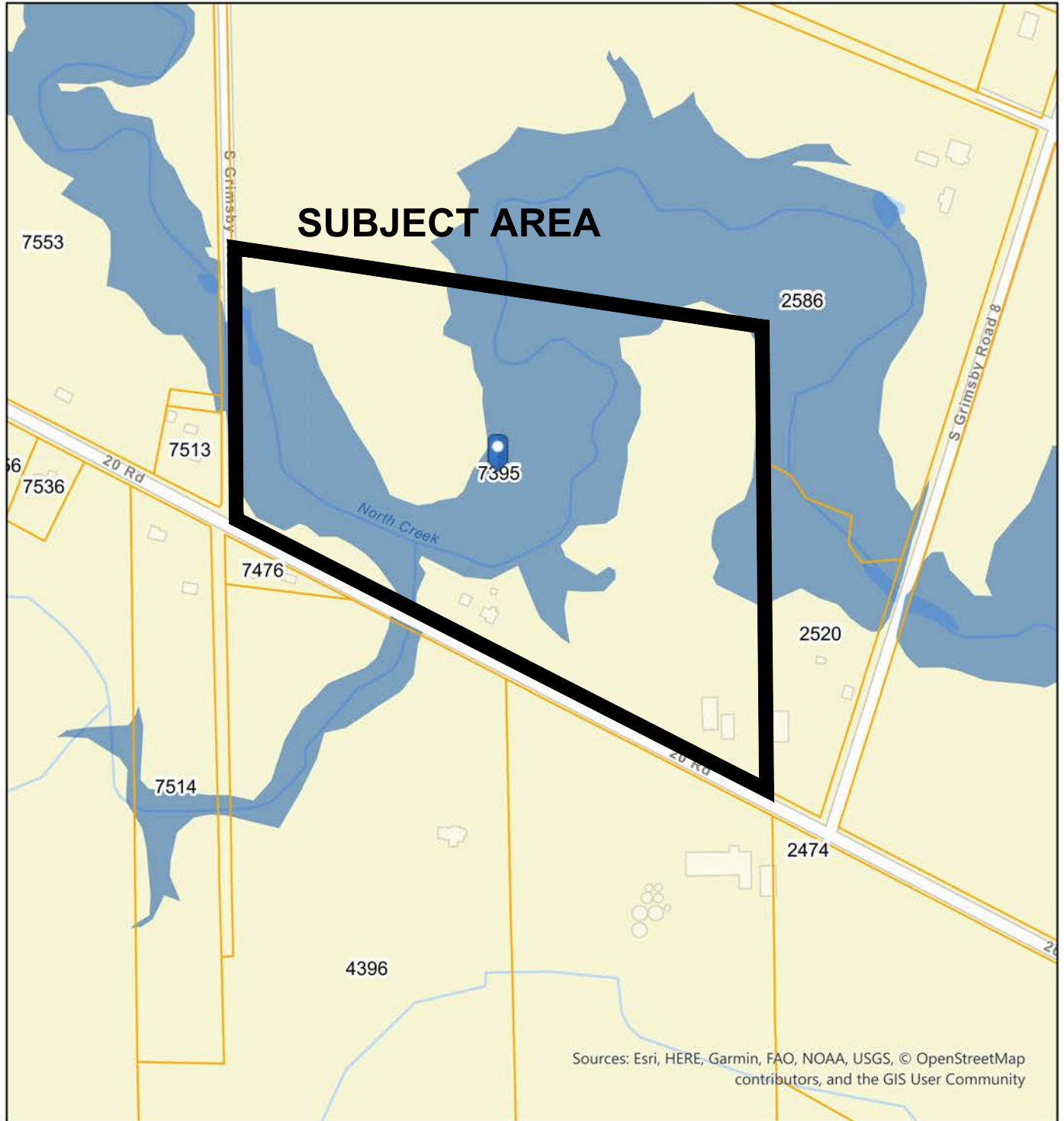
- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and
 - (B) the distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side.
 - (c) hazardous lands,
 - (d) wetlands; or
 - (e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 155/06, s. 2 (1); O. Reg. 71/13, s. 1 (1-3).
- (2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the “Regulation Limit” shown on a series of maps filed at the head office of the Authority under the map title “Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. O. Reg. 71/13, s. 1 (4).
 - (3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 71/13, s. 1 (4).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 155/06, s. 3 (1).
- (2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 155/06, s. 3 (2).
- (3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 71/13, s. 2.
- (4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 71/13, s. 2.

The proposed development recognizes the limits of the regulated area (floodplain hazard) and the proposed access driveway is above the current flood elevation of 188.81 metres. As noted in the Scoped EIS, a Permit may be required for any work within the regulated area.

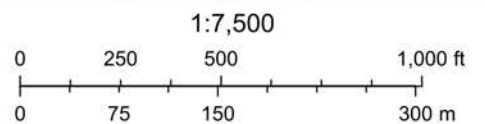
Figure 17 – NPCA Floodplain Map



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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- Assessment Parcels
- Regulated



This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY

3.0 APPLICATION

An application to amend West Lincoln Zoning By-law No. 2017-70 is required.

3.1 Zoning By-law Amendment

Appendix A of this report contains the proposed Zoning By-law Amendment. As noted earlier, the subject lands are currently zoned Agricultural “A” Zone, Environmental Protection “EP” Zone and Environmental Conservation “EC” Zone. No changes to the boundaries of these Zones are proposed. Rather, site-specific modifications to the definition of “lot,” minimum lot frontage and lot area in the Agricultural “A” Zone are required.

The following is the definition of lot:

“LOT

means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office which is:

- a whole *lot* as shown on a Registered Plan of Subdivision except those which have been deemed not to be a Registered Plan of Subdivision under a by-law enacted pursuant to the Planning Act; or
- a separate parcel of land shown on a Registered Plan of Condominium that is individually owned and conveyed as a single unit with associated private outdoor areas excluding common elements and other shared facilities that have common ownership;
- a separate parcel of land without any adjoining lands being owned by the same owner as of March 5, 1979 (Bylaw 2018-89); or
- a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or
- a separate parcel of land being the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act;

and which:

- fronts on a *public street*; or
- fronts on, and is legally tied to, a *private street* within a Registered Plan of Condominium which provides direct access to a *public street* or which connects to another *private street(s)* in Registered Plan(s) of Condominium having access to a *public street*; or
- for an *existing lot*, the *existing lot* has access to an *existing private street*

which provides direct access to a *public street* or which connects to another *existing private street(s)* having access to a *public street*.

For the purposes of this By-law, no parcel or tract of land ceases to be a *lot* by reason only of the fact that a part or parts of it had or have been conveyed to or acquired by any public agency.

For greater certainty, a lot created through testamentary devise or by a navigable waterway is not a lot for the purposes of this by-law unless it meets the requirements of this definition and By-law 2017-70. (BY-LAW NO. 2022-67) (bold and highlighting added)

The Agricultural “A” Zone requires a minimum lot area of 40 hectares and a minimum lot frontage of 100 metres.

The Township amended the definition of “lot” in July 2022 due to an increase in inquiries regarding natural severances through the Navigable Waters Act. The staff report indicated that “new lots being created, especially in the agricultural area, need to go through planning review to ensure that the Township’s interests and Official Plan Policies are being maintained and that these new lots do not negatively impact the agricultural system.” In this regard, both the new (vacant) and existing parcels will be used for agricultural purposes and, as a result, there is no impact on the agricultural system.

The new parcel has a lot frontage of 58.24 metres which is 41.76 metres or 41.76% less than the minimum requirement of 100 metres. However, the majority of the parcel is approximately 275 metres wide and the reduced frontage is adequate for access purposes.

The two parcels are 7.72 hectares (new) and 10.881 hectares (existing), respectively. The original parcel did not meet the minimum 40 hectare requirement. The parcel sizes are considered to be appropriate for the proposed and existing uses.

The following regulations apply to the proposed business:

“3.11 ON-FARM DIVERSIFIED USES

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

- a) An *on-farm diversified use* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* and associated *single detached dwelling*, where the specific type of *on-farm diversified use* is permitted by the applicable *zone*.
- b) A maximum of three (3) *on-farm diversified uses* shall be permitted on a *lot*.
- c) *On-farm diversified uses* shall not exceed the following size limits:
 - i. The area of the *lot* permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed the lesser of 1% of the *lot area* or 0.5 hectare, including the area of *existing* and new *buildings* and *structures*, required parking and loading areas, *outside display and sales areas*, *outside storage areas*, and any other areas of the *lot* used for the *on-farm diversified use*, excluding *existing driveways* shared with a permitted *principal use* on the *lot* and areas that produce a harvestable crop; and,
 - ii. The total *gross floor area* that is permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed 500 square metres including the *gross floor areas* used within all *main buildings* or *structures* and *accessory buildings* or *structures* on the *lot*; and,
 - iii. For the purposes of determining the maximum *gross floor area* permitted in accordance with Subclause (v), the *gross floor area* that is used for *on-farm diversified uses* within *existing main buildings* on the *lot* shall be discounted by 50%; and,
 - iv. *Accessory buildings* or *structures* that are used for *on-farm diversified uses* shall comply with the requirements of Section 3.1; and,
 - v. *Main buildings* or *structures* that are used for *on-farm diversified uses* shall comply with the regulations of the applicable *zone*; and,
 - vi. The total *lot coverage* of all *main buildings* or *structures* and *accessory buildings* or *structures* shall not exceed the maximum *lot coverage* of the applicable *zone*.

- d) *On-farm diversified uses* shall be accessory and directly related to the *existing* permitted *agriculture use(s)* on the *lot* and shall primarily serve the *existing* permitted *agricultural use(s)* on the *lot* and the *existing* permitted *agricultural uses* on surrounding *lots* in the area.
- e) *On-farm diversified uses* that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal *agricultural use(s)* on the *lot* as the primary source of the majority of the product and may include product sourced from *agricultural uses* on surrounding *lots* in the area as a secondary source of product.
- f) Retail sales that form part of *on-farm diversified uses* shall be subject to the following regulations:
 - i. The *gross floor area* devoted to retail sales shall not exceed 50% of the *gross floor area* of all *buildings* and *structures* used in conjunction with the *on-farm diversified uses*, to a maximum of 200 square metres of *gross floor area* for retail use; and,
 - ii. The *gross floor area* devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the *lot*, shall not exceed 25% of the *gross floor area* of all *buildings* and *structures* used in conjunction with the *on-farm diversified uses*, and,
 - iii. A maximum of one (1) retail outlet shall be permitted on a *lot*; and,
 - iv. The maximum area of the *lot* permitted to be used for *outside display and sales areas* shall be 25 square metres and such outdoor area shall not be counted as part of the maximum *gross floor area* permitted for retail use; and,
 - v. *Outside display and sales areas* shall be setback a minimum of 3 metres to all *lot lines*; and,
 - vi. *Outside display and sales areas* and any related *structures* shall not exceed a maximum *height* of 3 metres.
- g) *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots* by *planting strips* in accordance with Subsection 3.9.2, and shall comply with the regulations of the applicable *zone*.
- h) *On-farm diversified uses* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* on the *lot*, and a maximum of two (2) *persons* other than the residents of the *dwelling* on the *lot* are permitted to be employed in the business

of the *on-farm diversified uses*.

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

3.7.1 Home Industries

The following regulations apply to *home industries*:

- a) A *home industry* shall be located within a *dwelling* and/or within an *accessory building or structure* to a *dwelling*, except where specifically provided otherwise in this By-law, and only where permitted by the applicable *zone*.
- b) The residential appearance and character of the *dwelling* shall be maintained.
- c) A maximum of one (1) *home industry* shall be permitted on a *lot*, except where specifically provided otherwise in this By-law.

- d) A *home industry* that is located in whole or in part within a *dwelling* shall only be permitted where the *ground floor area* of the *dwelling unit* is not less than 55 square metres and shall occupy a maximum of 25% of the *gross floor area* of the *dwelling*.
- e) A *home industry* shall only be located in whole or in part within an *accessory building or structure* or *private garage* where:
 - i. The *lot* has a minimum *lot frontage* of 24 metres; and,
 - ii. The *lot* has a minimum *lot area* of 4,000 square metres; and,
 - iii. The *accessory buildings or structures* comply with the requirements of Section 3.1; and,
 - iv. The total combined *gross floor area* used for the *home industry* in all *accessory buildings and structures* shall not exceed 100 square metres or the maximum *gross floor area* permitted for *accessory buildings and structures* by Section 3.1, whichever is less. (Bylaw 2018-61)
- f) A *home industry* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* on the *lot* upon which the *home industry* is located, and up to a maximum of two (2) *persons* other than the residents of the *dwelling* are permitted to be employed in the *home industry*.
- g) *Signs* shall be erected in accordance with the sign bylaw, 2020-54, as amended from time to time. (Bylaw 2020-97)
- h) There shall be no goods, wares or merchandise offered for sale or rent on the *lot* other than those produced on the *lot* as part of the *home industry*.
- i) *Outside storage* is not permitted as part of a *home industry*.
- j) In the conduct of a *home industry*, no machinery or processes which emit noise, vibration, glare, fumes, odour, dust, radio or television interference beyond the *lot* containing the *home industry* are permitted.
- k) Only the following *uses* are permitted as a *home industry*:
 - i. *Agricultural service and supply establishment*, subject to Section 3.11;
 - ii. *Agri-tourism/value-added uses*, subject to Section 3.11;
 - iii. *Pet care establishment*, subject to Subsection 3.8.2;
 - iv. *Private kennel*, subject to Subsection 3.8.1;
 - v. Retail sale of items produced on the *lot*, including agricultural products produced on the same *lot* containing a permitted

- agricultural use;*
- vi. **Service shop;**
 - vii. *Uses permitted as a home occupation by Subsection 3.7.2 (k);*
 - viii. *Veterinary clinic.*

ON-FARM DIVERSIFIED USES

means the *use of land, buildings or structures for accessory uses to the principal agricultural use of the lot, conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including agriculture-related uses, agricultural service and supply establishments, agri-tourism/value added uses, bed and breakfast establishments, **home industries**, home occupations, pet care establishments, private kennels, service shops and veterinary clinics.*

HOME INDUSTRY

means the *accessory use of a dwelling, or of an accessory building or structure to a permitted dwelling, for an occupation or business which results in a product or service.*

SERVICE SHOP

means a *premises for the servicing or repair of household articles, or from which the services of a **construction trade or contractor** are offered, but does not include a motor vehicle repair establishment.” **(emphasis added)***

The subject property is only 7.672 hectares. Based on the Robins Creek Farm Business Plan, the size of the property is suitable for the proposed agricultural use to be viable. Only one business (electrical contractor) is proposed. The proposed business will only include the parking of two vehicles (a bucket truck and digger) which will occupy approximately 14% or 111.48 square metres of the building which represents approximately 14% of the 1% of the lot area permitted and 22% of the total gross floor area maximum of 500 square metres permitted.

Since the proposed storage building is considered a main building or structure for the principal farm operation, the use of the building for the proposed business must meet the requirements of the Agricultural “A” Zone. In this regard, while the current Site Plan indicates that the building is proposed to be set back 9.14 metres from the side lot line,

15 metres is required. This is proposed to maximize the amount of farmland to be used. This reduction is considered appropriate and will not have an impact on the farm parcel to the north. The lot coverage of all the proposed buildings on the property is approximately 3.66% which is below the 10% maximum permitted. No retail sales or outside storage is proposed. While there are thirteen employees for the electrical contracting, all employees travel directly to job sites from their homes.

Based on the foregoing, the requested revisions are considered to be appropriate for the development of the property, conform with the Township Official Plan and meet the general intent and purpose of the Township Zoning By-law.

4.0 SUPPORTING REPORTS/STUDIES

In addition to this Planning Justification Report (PJR), the following reports/studies are being submitted concurrently and the findings of each are summarized below.

4.1 Stage 1 & 2 Archaeological Assessment

Seguin Archaeological Services prepared a Stage 1-2 Archaeological Assessment of the property dated October 20, 2023. Their findings are outlined in the Executive Summary:

“This assessment was undertaken in advance of a proposed construction of a new horse barn, house, and tractor storage shed, at 7395 Twenty Rd., West Lincoln, ON. The study area measures 1.75 hectares (4.32 acres). At the time of the assessment, the Study Area was comprised of active pasture lands, used to feed the proponents animals. The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” To meet the condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM’s 2011 Standards and Guidelines for Consultant Archaeologists (‘Standards and Guidelines’; Government of Ontario 2011).

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment.

The subsequent Stage 2 archaeological assessment was conducted by SAS on May 11th and 12th, and September 29th 2023, in accordance with the *Ontario Heritage Act*, and the *Standards and Guidelines for Consultant Archaeologists*. This investigation consisted of a typical test pitting survey of the field verges, at 5-meter intervals, and a pedestrian

survey of agricultural field. The pedestrian survey produced one pre-contact Aboriginal findspot; Location 1. No archaeological resources were documented during the Test pitting survey.”

4.2 Scoped Environmental Impact Statement

The Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., dated November 29, 2023, concluded and recommended the following:

“Based on the findings presented in this report, the following natural features with ecological and/or policy significance have been identified:

- **Lower Twenty Mile Creek Provincially Significant Wetland.**
- **Candidate Significant Wildlife habitat** including amphibian breeding habitat (wetlands), and potential habitat for Grass Pickerel, Monarch, Pronghorn Clubtail, Unicorn Clubtail, Yellow-banded Bumblebee, Eastern Ribbonsnake and Snapping Turtle.
- **Confirmed Significant Wildlife Habitat** for Terrestrial Crayfish.
- **Direct Fish Habitat** in North Creek, which represents a **Permanent Watercourse** based on information provided by the MNRF.

Based on the presence of the above-mentioned significant natural heritage features, a comprehensive set of recommendations and mitigation measures are offered in **Section 5.3** to achieve “no negative impact” and address applicable municipal, provincial, and federal policies outlined in **Section 6**. A permit from NPCA pursuant to O. Reg. 155/06 may be required to support development within a regulated area.

It has been determined that no negative impacts to the above-noted features will occur and that the application appropriately addresses the applicable natural heritage policies provided that all technical mitigation measures recommended herein (summarized in **Appendix 6**) are implemented in full. This includes timing restrictions on tree/vegetation removal, and implementation of Erosion and Sediment Control measures, establishing natural cover for lands within 30 m of the PSW (which are not under active agriculture).

Minor changes to the concept plan (e.g., building size, location, etc.) are acceptable provided that they reflect all natural feature constraints shown in **Figure 3**. It is advised that such technical recommendations be incorporated into any necessary development approvals that permit the application.”

4.3 Private Servicing Plans

Attema Consulting Services prepared Design Flow Calculations and Raised Filter Bed Installation Specifications to accommodate the proposed dwelling.

4.4 Robins Creek Farm Business Plan

The Robins Creek Farm Business Plan outlines the owners' vision, mission and values; business goals for 5 years; strategic objectives; financial objectives; major initiatives; ownership, management and human resources; products, services and target market; and, SWOT analysis.

5.0 CONCLUSIONS

Through the completion and submission of the various technical reports/studies, it has been demonstrated that the application satisfactorily addresses the applicable policies at the provincial (Planning Act, Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe) and local (Niagara Region and Township of West Lincoln Official Plans) levels of government, as well as other regulatory agencies (Niagara Peninsula Conservation Authority).

For the provincial level, the application “has regard for” the Planning Act, is “consistent with” the 2020 Provincial Policy Statement issued in accordance with Section 3 of the Planning Act, and conforms with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe for the following reasons:

- *the protection of ecological systems, including natural areas, features and functions;*
- the protection of the agricultural resources of the Province;
- *the protection of public health and safety; and,*
- it has been demonstrated that development and site alteration will not have a negative impact on the natural heritage features or ecological functions of the area.

At the municipal level, the application conforms with the intent of the Niagara Region and Township of West Lincoln Official Plans. The proposed application meets the general intent and purpose of the Plans for the following reasons:

- the proposed and existing agricultural uses are appropriate and viable;
- the new parcel can accommodate private servicing; and,
- the environmental features are preserved and appropriate buffers are proposed; and,
- the proposed home industry can be accommodated on site without impacting the viability of the agricultural operation.



Finally, the application addresses Ontario Regulation 155/06 administered by the Niagara Peninsula Conservation Authority.

The Zoning By-law Amendment application is consistent with the PPS 2020 and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe. The application also conforms to the applicable policies of the Niagara Region and Township of West Lincoln Official Plan. The supporting information, plans and studies which have been requested as part of the Pre-Consultation process also support the application.

A handwritten signature in blue ink, appearing to read "Peter De Iulio", is positioned above a horizontal blue line.

Peter De Iulio, MCIP, RPP



6.0 APPENDIX



APPENDIX A

DRAFT AMENDMENT TO BY-LAW NO. 2017-70

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 24__-

**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 C5 to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 2, Range 2, being Parts 1 and 2 Plan 30R-16154, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A,' attached hereto and forming part of this By-law.
2. THAT Part 2 - Definitions, Part 3 – General Provisions (3.11) and Part 5 – Agricultural Zones of Zoning By-law No. 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

A-XXX Permitted Uses:

As per the parent Zone.

Regulations:

All regulations of the A Zone except:

- a) Minimum lot area of 7.5 hectares
- b) Minimum lot frontage of 55 metres

Definitions:

Notwithstanding the definition of "lot," the parcel created through the *Beds of Navigable Waters Act* is recognized as a "lot."

3. 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
DAY OF _____, 20__

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

DRAFT

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

Location:

This By-law involves a parcel of land legally known as Part of Lot 2, Range 2, being Parts 1 and 2, Plan 30R-16154, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara.

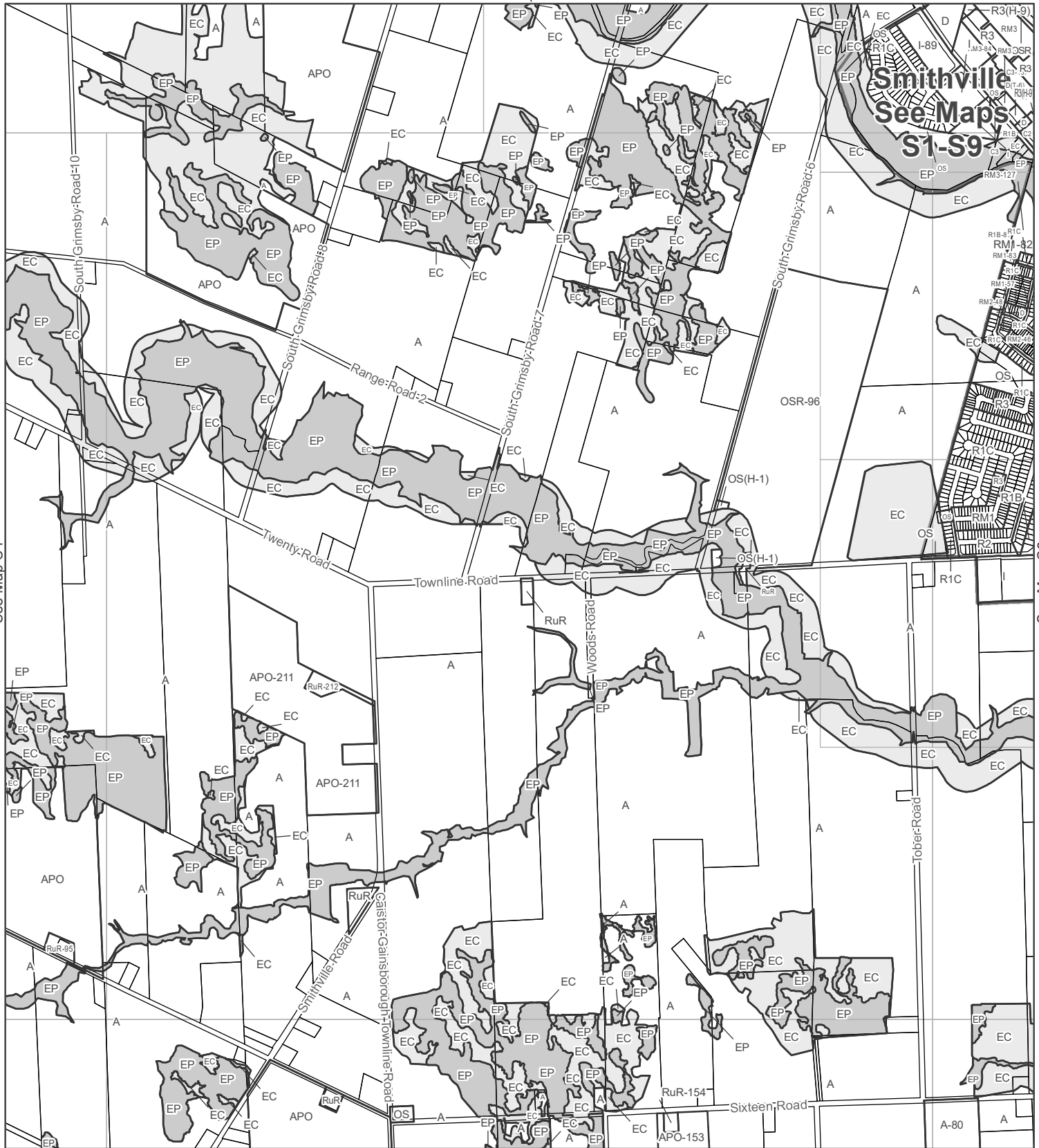
Purpose & Effect:

The purpose of the Zoning By-law Amendment is to change the zoning from the Agricultural 'A' Zone to a site-specific Agricultural 'A-XXX' Zone to permit a reduced lot area of 7.5 hectares and a reduced lot frontage of 55 metres and to amend the definition of "lot."

The effect of the Zoning By-law Amendment is to recognize the parcel as a "lot" created through the *Bed and Navigable Waters Act*.

Public Consultation:

The Public Meeting was held on XXXXXXXXXXXX, 2024. The Township received written and oral comments from members of the public in regard to this application. All written and oral comments were considered in the making of the decision by Council.



See Map C4

See Map C6

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

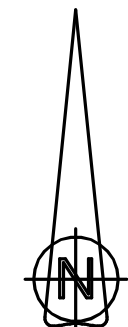
- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln
 Schedule A
 Zoning By-law No.2017-70
 Map
C5

1:20,000
 0 500 m

Last Updated: July 2019

Schedule C- Site Plan



PROPOSED GRADES
FFE: 191.75
T/FDN: 191.40
GRADE @ APRON: 191.20
F.G.F: 191.20
T/FTG: 188.86
U.S./FTG: 188.81

- LEGEND & NOTES**
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - C-L DENOTES CENTRELINE
 - NPCA DENOTES NIAGARA PENINSULA CONSERVATION AUTHORITY
 - D DENOTES DIAMETER
 - (INV) DENOTES INVERT OF CULVERT
 - +100.00(C/L) DENOTES ELEVATION OF CENTRELINE OF CONCRETE CULVERT
 - +100.00(TOP) DENOTES ELEVATION OF TOP OF CONCRETE CULVERT
 - +100.00(U/S) DENOTES ELEVATION OF UNDERSIDE OF CULVERT
 - +100.00 DENOTES EXISTING GROUND ELEVATION
 - 100.00 DENOTES PROPOSED FINISHED GRADE
 - DENOTES PROPOSED SURFACE RUN-OFF
 - DENOTES NPCA FLOOD ELEVATION CONTOUR (ELEV. 188.81)
 - DENOTES NPCA REGULATION LIMIT (PER NPCA MAPPING)
 - DENOTES 30m WETLAND BUFFER AS DETERMINED BY TERRASTORY ENVIRONMENTAL CONSULTING INC.
 - DENOTES MARSHY/WET AREA (AT TIME OF SURVEY)
- CONTOUR INTERVAL: 1.00m
N-NORTH; S-SOUTH; W-WEST; E-EAST
— ORIGINAL PLOT IN COLOUR

LEGAL DESCRIPTION
PART OF LOT 2, RANGE 2
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PART OF PIN 46056-0355(LT)

BOUNDARY NOTE
BOUNDARY INFORMATION HAS BEEN DERIVED FROM DRAFT REFERENCE PLAN PREPARED FOR APPLICATION FOR NAVIGABLE CREEK (DATED AUGUST 21, 2022)

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

ELEVATION NOTE
ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO MINISTRY OF TRANSPORTATION, ONTARIO BENCHMARK 00819708344 HAVING AN ELEVATION OF 182.568m (CGD-1928-1918)
LOCATION : TWO STOREY RED BRICK HOUSE (OWNED BY MR. R. ELLIOTT) ON SOUTH SIDE OF HWY 20, 2.7 KM EAST OF UNITED CHURCH IN THE HAMLET OF SWINVILLE, 33.5 M WEST OF PATTERSON ROAD AND 43.0 M SOUTH OF THE CENTRELINE OF HWY 20. TABLE IS SET HORIZONTALLY IN EAST FACE OF CONCRETE AND STONE FOUNDATION, 1.19 M SOUTH OF N.E. CORNER, 24 CM BELOW BROWLINE.
ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

AS CONSTRUCTED GRADING	PROPOSED GRADING
DATE LEVELS TAKEN	DATE LEVELS TAKEN
NAME	NAME
SIGNATURE	SIGNATURE
DATE	DATE
ACCEPTED BY CITY	ACCEPTED BY CITY
DATE	DATE

FIELD WORK COMPLETED ON THE 17th DAY OF MAY, 2023.

DATE: JULY 23, 2024

HAROLD D. HYDE
HAROLD D. HYDE O.L.S.
ONTARIO LAND SURVEYOR

© COPYRIGHT, Rasch & Hyde Ltd., O.L.S.'s, 2023

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
SARNIA, ONT. N1A 2Y1
519-774-7188
(FAX: 519-774-4000)

P.O. Box 550, 74 Jarvis Street
FORT ERIE, ONT. L2A 0T1
905-871-9737
(FAX: 905-871-9748)

HAROLD D. HYDE O.L.S.
SURVEY : 21-060 TOPO | DRAWN BY : J.H.

Schedule D - Site Servicing Plan

DESIGN FLOW CALCULATION

Owner Contact	Property Location	
Ross Robbins	7395 Twenty Road	
	ARN: 260203001248900 ARN 260203001248900 Street 7395 Number Street Name 20 Full Street 20 ROAD	Township Lots and Concessions: Grimsby Township Grimsby Lot Lot 2 Concession Range 2 Full Text Grimsby Township Lot 2 Range 2

Total Daily Design Sanitary Sewage (TDDSS) Flow

Item Contributing to the TDDSS Flow	Quantity	Sewage Flow (L/day)
Base Flow for Dwelling		
Bedroom Units (Q _B)	4	2000.0
Additional Flow Modifiers		
Bedrooms (>5)	0	1000
Fixture units (Q _F)	32.5	625.0
Floor Area m ² (Q _A)	260	600.0
Unit Flow Calculation		
TDDSS Flow (Q_B+Q_B) =		3500.0 L/day
TDDSS Flow (Q_B+Q_F) =		2625.0 L/day
TDDSS Flow (Q_B+Q_A) =		2600.0 L/day

Based on the Criteria of Section 8.2.1.3 of the OBC, the higher flow is chosen for design:

Total Design Daily Sanitary Sewage Flow: 2625.0 L/day

Fixture Units Calculation*			
	Number	Fixture Units	Total
Bathroom Group (with flush tank)	3	6.0	18.0
Additional Toilets	1	4.0	4.0
Additional bathroom shower	1	1.5	1.5
Additional bathroom sink	3	1.5	4.5
Kitchen Sinks	1	1.5	1.5
Dishwasher*	1	0.0	0.0
Clothes washer	1	1.5	1.5
Laundry Tub	1	1.5	1.5
*No additional fixture unit load for dishwasher if connected to kitchen sink			32.5

2767.7 ft ²		10.76426265 ft ² /m ²	
		257.11933 m ²	

Finished Floor Area Flow Modifier Calculation	
Home (m ²)	Flow Adjustment
200	0.0
60	600.0
0	0.0
0	0.0
260	600.0

Main Floor 2767.7 ft ² 4-bedroom 2-bathroom groups 2-extra bathroom sinks 1-extra bathroom shower 1-powder room
--

Basement 0-bedrooms 1-bathroom group
--

RAISED FILTER BED INSTALLATION SPECIFICATIONS

Fully Raised Filter Bed

T underlying soil => 50

Owner Contact	Property Location		
Ross Robbins	7395 Twenty Road		
	ARN: 260203001248900	Township Lots and Concessions: Grimsby	
	ARN 260203001248900	Township	Grimsby
	Street Number 7395	Lot	Lot 2
	Street Name 20	Concession	Range 2
	Full Street 20 ROAD	Full Text	Grimsby Township Lot 2 Range 2

Application Rate (L/m2)	Q (L/day)	Required Filter bed area (m ²)
75	2625.0	35.0

Area Bed Installation Summary:

	Stone Loading Area	35.0 m ²	
Number of runs:		6	
Length of run (m):		6.1	20.0 ft
Total length of pipes (m):		36.6	120.1 ft
Length of header/footer (m)		3.6	11.8 ft
Stone Load Area length (m):		6.3	20.7 ft
Stone Load Area Width (m):		5.6	18.4 ft
Each Stone Loading Area (2 stone load areas 5 m apart provided)		35.28 m²	379.6 ft²

Filter Bed Summary:

A	Underlying filter media contact area (QT/850) =	154.41 m ²	1661.5 ft ²
	Filter Media Length (m) =	15.50 m	50.9 ft
	Filter Media Width (m) =	10.00 m	32.8 ft
	Each Filter Media Contact Area =	155.00 m²	1667.8 ft²
B	Mantle Contact Area (Q/4) =	656.25 m ²	
	Square Mantle in direction of flow		
	Mantle Length (m) =	31.25 m	102.5 ft
	Trapezoid Mantle Start Width =	21.00 m	68.9 ft
	Trapezoid Mantle Finish Width =	21.00 m	68.9 ft
	Expanded Mantle Average Width (m) =	21.00 m	68.9 ft
	Mantle Contact Area Provided	656.25 m²	7061.3 ft²

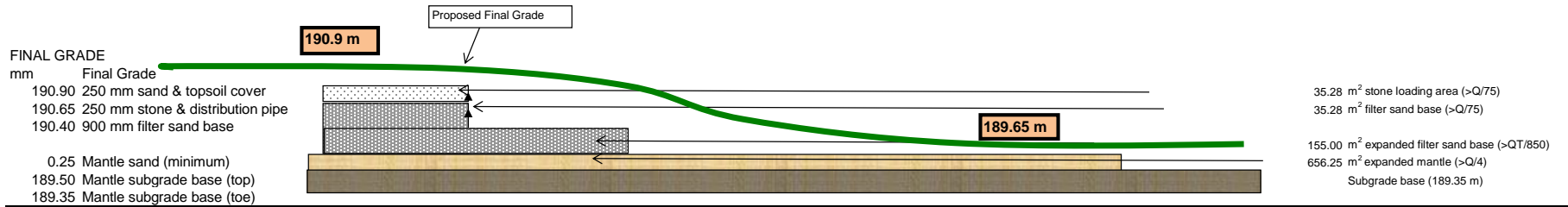


Septic Tank Summary:

<u>Standard Septic Tank Size (2 x Q)</u>	5250 litres
Septic tank provided	5400 litres

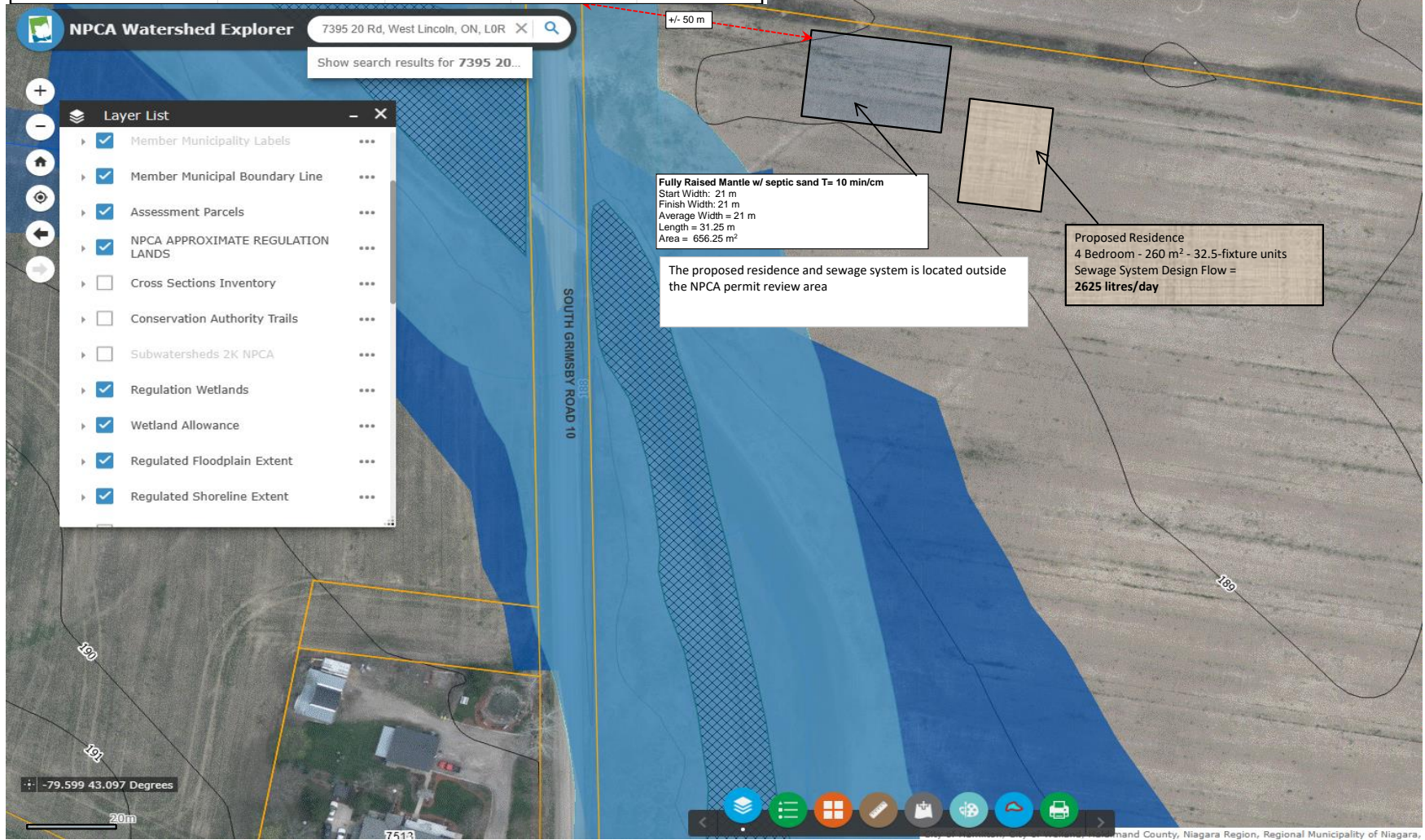
PROFILE SKETCH

Owner Contact	Property Location																				
Ross Robbins	7395 Twenty Road																				
<table border="1"> <thead> <tr> <th colspan="2">ARN: 260203001248900</th> <th colspan="2">Township Lots and Concessions: Grimsby</th> </tr> </thead> <tbody> <tr> <td>ARN</td> <td>260203001248900</td> <td>Township</td> <td>Grimsby</td> </tr> <tr> <td>Street Number</td> <td>7395</td> <td>Lot</td> <td>Lot 2</td> </tr> <tr> <td>Street Name</td> <td>20</td> <td>Concession</td> <td>Range 2</td> </tr> <tr> <td>Full Street</td> <td>20 ROAD</td> <td>Full Text</td> <td>Grimsby Township Lot 2 Range 2</td> </tr> </tbody> </table>		ARN: 260203001248900		Township Lots and Concessions: Grimsby		ARN	260203001248900	Township	Grimsby	Street Number	7395	Lot	Lot 2	Street Name	20	Concession	Range 2	Full Street	20 ROAD	Full Text	Grimsby Township Lot 2 Range 2
ARN: 260203001248900		Township Lots and Concessions: Grimsby																			
ARN	260203001248900	Township	Grimsby																		
Street Number	7395	Lot	Lot 2																		
Street Name	20	Concession	Range 2																		
Full Street	20 ROAD	Full Text	Grimsby Township Lot 2 Range 2																		



Installation Notes:
 Total 900 mm sand base under the stone loading area. Subgrade at the toe of the mantle to be at existing grade at +/- 189.35 m. Proposed final grade at top of septic bed 190.9 m

Owner Contact	Property Location
Ross Robbins	7395 Twenty Road
	ARN: 260203001248900
	Township Lots and Concessions: Grimsby
ARN	260203001248900
Street Number	7395
Street Name	20
Full Street	20 ROAD
Township	Grimsby
Lot	Lot 2
Concession	Range 2
Full Text	Grimsby Township Lot 2 Range 2



ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.
JUSTICE A.J. GOODMAN

)
)
)

THURSDAY, THE 17TH DAY OF
AUGUST, 2023

BETWEEN:

EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO,
as represented by the Ministry of Natural Resources and Forestry
and ROYAL BANK OF CANADA

Respondents



IN THE MATTER OF the *Beds of Navigable Waters Act*, R.S.O. 1990 c.B-4;

And in the matter of the lands legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT)

ORDER

THIS APPLICATION made by the Applicants for an Order declaring that the North Creek as it passes through the property of the Applicants legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant; was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario.

ON READING the Application Record of the Applicants, and the Consent filed,

1. **THIS COURT ORDERS AND DECLARES** that the North Creek as it passes through the property of the Applicants, Evelyn Susan Duck and Jeffrey Lawrence Duck, legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4.

2. **THIS COURT ORDERS AND DECLARES** that His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry, has title of those lands which lie below the water's edge at the location of the said North Creek as it passes through the said lands of the Applicants, being as shown in a draft reference plan of Rasch & Hyde Ltd. dated August 31, 2022 and attached to this Order.

3. **THIS COURT ORDERS** that the draft reference plan of Rasch & Hyde Ltd. dated August 31, 2022, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30).

4. **THIS COURT ORDERS** that there shall be no costs of this Application.

A handwritten signature in black ink, consisting of a stylized monogram followed by a horizontal line extending to the right.

NO.	DATE OF SURVEY	BY
1	1992	ALLEN J. WATSON

**PART OF SURVEY OF
PART OF LOT 2
RANGE 2
EODRAPHIC TOWNSHIP OF SOUTH GRIMSBY
TOWNSHIP OF WEST LINCOLN
COUNTY OF MINNESOTA**

SCALE 1:1000
NAD 83 UTM 14T UTM ZONE 18N
NAD 83 UTM 14T UTM ZONE 18N
NAD 83 UTM 14T UTM ZONE 18N

- LEGEND**
- 1. BOUNDARY OF SURVEYED PROPERTY
 - 2. BOUNDARY OF ADJACENT PROPERTY
 - 3. BOUNDARY OF TOWNSHIP
 - 4. BOUNDARY OF COUNTY
 - 5. BOUNDARY OF STATE
 - 6. BOUNDARY OF FEDERAL LAND
 - 7. BOUNDARY OF UNDEVELOPED LAND
 - 8. BOUNDARY OF DEVELOPED LAND
 - 9. BOUNDARY OF WATER
 - 10. BOUNDARY OF ROAD
 - 11. BOUNDARY OF RAILROAD
 - 12. BOUNDARY OF POWER LINE
 - 13. BOUNDARY OF TELEPHONE LINE
 - 14. BOUNDARY OF FENCE
 - 15. BOUNDARY OF DRAINAGE
 - 16. BOUNDARY OF EROSION
 - 17. BOUNDARY OF DEPRESSION
 - 18. BOUNDARY OF HILL
 - 19. BOUNDARY OF MOUND
 - 20. BOUNDARY OF PIT
 - 21. BOUNDARY OF QUARRY
 - 22. BOUNDARY OF SAND PIT
 - 23. BOUNDARY OF CLAY PIT
 - 24. BOUNDARY OF GRAVEL PIT
 - 25. BOUNDARY OF CRUSHED STONE PIT
 - 26. BOUNDARY OF BRUSH PILE
 - 27. BOUNDARY OF LOG PILE
 - 28. BOUNDARY OF LIMESTONE PILE
 - 29. BOUNDARY OF IRON PILE
 - 30. BOUNDARY OF COPPER PILE
 - 31. BOUNDARY OF ZINC PILE
 - 32. BOUNDARY OF LEAD PILE
 - 33. BOUNDARY OF SILVER PILE
 - 34. BOUNDARY OF GOLD PILE
 - 35. BOUNDARY OF PLATINUM PILE
 - 36. BOUNDARY OF DIAMOND PILE
 - 37. BOUNDARY OF RUBY PILE
 - 38. BOUNDARY OF EMERALD PILE
 - 39. BOUNDARY OF SAPPHIRE PILE
 - 40. BOUNDARY OF GEMSTONE PILE
 - 41. BOUNDARY OF METAL PILE
 - 42. BOUNDARY OF NON-METAL PILE
 - 43. BOUNDARY OF ORGANIC PILE
 - 44. BOUNDARY OF INORGANIC PILE
 - 45. BOUNDARY OF MINERAL PILE
 - 46. BOUNDARY OF Fossil Pile
 - 47. BOUNDARY OF Plant Pile
 - 48. BOUNDARY OF Animal Pile
 - 49. BOUNDARY OF Human Pile
 - 50. BOUNDARY OF Other Pile

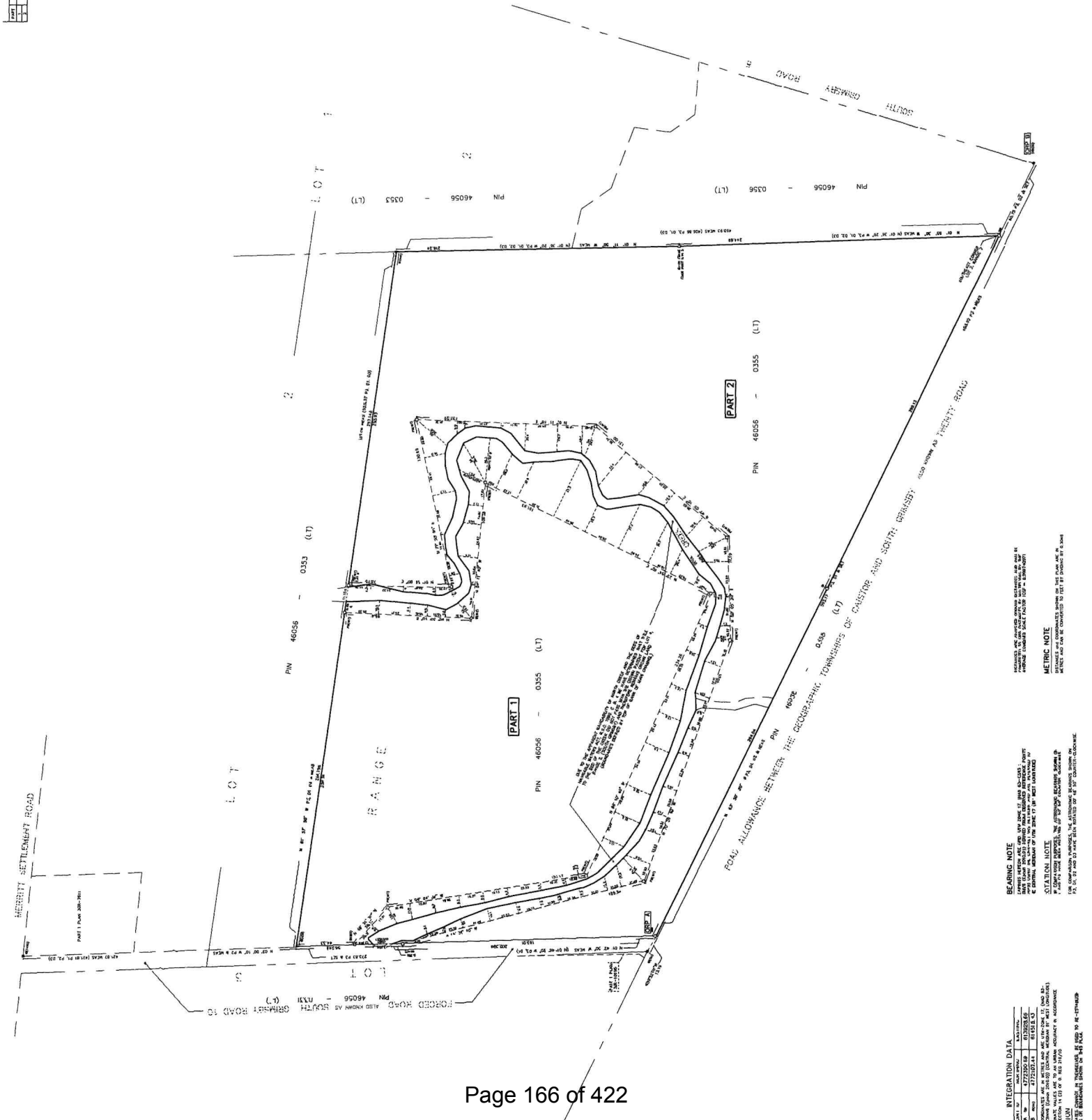
SURVEYOR'S CERTIFICATE

ALLEN J. WATSON
1992

KASCH + HYDE LTD.
Professional Land Surveyors
1000 West Lincoln
St. Paul, MN 55108
(612) 291-1100

INTEGRATION DATA

FILE NO.	DATE	DESCRIPTION
1	1992	Original Survey
2	1992	Final Survey
3	1992	Integration
4	1992	Integration
5	1992	Integration
6	1992	Integration
7	1992	Integration
8	1992	Integration
9	1992	Integration
10	1992	Integration
11	1992	Integration
12	1992	Integration
13	1992	Integration
14	1992	Integration
15	1992	Integration
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41	1992	Integration
42	1992	Integration
43	1992	Integration
44	1992	Integration
45	1992	Integration
46	1992	Integration
47	1992	Integration
48	1992	Integration
49	1992	Integration
50	1992	Integration



BEARING NOTE
BEARINGS AND DISTANCES ARE GIVEN TO THE CENTER OF GRAVITY UNLESS OTHERWISE INDICATED.
DISTANCES ARE IN METERS UNLESS OTHERWISE INDICATED.

NOTATIONAL NOTE
ALL DISTANCES ARE IN METERS UNLESS OTHERWISE INDICATED.
ALL BEARINGS ARE IN DEGREES UNLESS OTHERWISE INDICATED.
ALL ANGLES ARE IN DEGREES UNLESS OTHERWISE INDICATED.
ALL CURVES ARE IN METERS UNLESS OTHERWISE INDICATED.
ALL RADIUS ARE IN METERS UNLESS OTHERWISE INDICATED.
ALL CHORDS ARE IN METERS UNLESS OTHERWISE INDICATED.
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ALL PERCENTS ARE IN PERCENTS UNLESS OTHERWISE INDICATED.
ALL SQUARE FEET ARE IN SQUARE FEET UNLESS OTHERWISE INDICATED.
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METRIC NOTE
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ALL PERCENTS ARE IN PERCENTS UNLESS OTHERWISE INDICATED.
ALL SQUARE FEET ARE IN SQUARE FEET UNLESS OTHERWISE INDICATED.
ALL ACRES ARE IN ACRES UNLESS OTHERWISE INDICATED.

EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK
Applicants

-and- HIS MAJESTY THE KING IN RIGHT OF ONTARIO et. al
Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT: St. Catharines

ORDER

Hedley, McLachlin & Atema
Barristers and Solicitors
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Dunnville, Ontario
N1A 1G4

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Solicitors for the Applicants

SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF LOT 2	RANGE 2	ALL OF 46056-0355 (LT)
2			7,672 Hst 10,881 Hst

PLAN 30R-16154

Received and deposited

August 31st, 2023

Michael Dietrich

Representative for the
Land Registrar for the
Land Titles Division of
Niagara North (No.30)



PLAN OF SURVEY OF
PART OF LOT 2
RANGE 2
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:1000
THE INTENDED PLOT SIZE OF THIS PLAN IS 1120mm IN WIDTH BY 860mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1000 (E SIZE)
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

- LEGEND**
- DENOTES SURVEY MONUMENT PLANTED
 - DENOTES SURVEY MONUMENT FOUND
 - SIB DENOTES STANDARD IRON BAR (25mmx25mmx120cm)
 - SIB DENOTES SHORT STANDARD IRON BAR (20mmx20mmx60cm)
 - IB DENOTES IRON BAR (15mmx15mmx60cm)
 - IB DENOTES ROUND IRON BAR (20mm DIA X 60cm)
 - CC DENOTES CUT CROSS
 - CM DENOTES CONCRETE MONUMENT
 - PB DENOTES PLASTIC BAR
 - WT DENOTES WITNESS
 - OU DENOTES ORIGIN UNKNOWN
 - PN DENOTES PROPERTY IDENTIFIER NUMBER
 - ORP DENOTES OBSERVED REFERENCE POINT
 - (1827) DENOTES RASCH & HYDE O.L.S.
 - (1495) DENOTES P. D. REITMAN O.L.S.
 - (608) DENOTES L. N. MEYERS O.L.S.
 - (539) DENOTES D. G. WIRE O.L.S.
 - P1 DENOTES PLAN 30R-10195
 - P2 DENOTES PLAN 30R-7631
 - P3 DENOTES PLAN BY L. N. MEYERS O.L.S. DATED DEC 24, 1956
 - D1 DENOTES INST R066997; PIN 46056-0355 (LT)
 - D2 DENOTES INST R067229; PIN 46056-0356 (LT)
 - D3 DENOTES INST R0672096; PIN 46056-0353 (LT)
 - SA DENOTES SPLIT ANGLE
 - N=NORTH, S=SOUTH, E=EAST, W=WEST
- ** WATER TIES ARE ± AND ARE PERPENDICULAR TO TRAVERSE TRAVERSE LINE UNLESS NOTED OTHERWISE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 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.
- THIS SURVEY WAS COMPLETED ON THE 6th DAY OF APRIL 2021.

AUGUST 31, 2023
DATE
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #2210002

RASCH + HYDE LTD.
Ontario Land Surveyors

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(416) 977-9757
(FAX) 905-971-9748

HAROLD D. HYDE O.L.S.
SCALE: 1:1000 SURVEY: 21-060 DRAWN BY: T. Matheson

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A	4772390.69	613928.66
ORP B	4772102.44	614515.43

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83-CRS), CSRS, GBNV6 (Epoch 2010.0)) (CENTRAL MERIDIAN 81° WEST LONGITUDE).
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG 216/10.

CAUTION
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARING NOTE
BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CRS : CBNV6 (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS (ORP) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

ROTATION NOTE
FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P1 AND P2 HAVE BEEN ROTATED 00° 50' 50" COUNTER-CLOCKWISE.

ROTATION NOTE
FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P3, D1, D2 AND D3 HAVE BEEN ROTATED 00° 48' 50" COUNTER-CLOCKWISE.

METRIC NOTE
DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99974097).

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



October 20, 2023



Stage 1-2 Archaeological Assessment: 7395 Twenty Rd., West Lincoln ON

Stage 1-2 Archaeological Assessment: 7395 Twenty Rd., West Lincoln, Part of Lot 2, West Gore 2nd Range, Formerly in the Township of Grimsby, Lincoln County, now the Township of West Lincoln, Regional Municipality of Niagara, Ontario.

Prepared for:

Ross Robbins - 2708620 Ontario Inc.

Prepared by:

Seguin Archaeological Services

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Licensee: Matthew J. Seguin

License Number: P1018

PIF Number: P1018-0051-2023

ORIGINAL REPORT



Executive Summary

Seguin Archaeological Services (SAS) was contracted by Ross Robins of 2708620 Ontario Inc. (the Proponent), to conduct a Stage 1-2 archaeological assessment on property located at property at 7395 Twenty Rd., West Lincoln, Part of Lot 2, West Gore 2nd Range, formerly in the Township of Grimsby, Lincoln County, now the Township of West Lincoln, Regional Municipality of Niagara, Ontario (Figure 1), now the ‘Study Area’.

This assessment was undertaken in advance of a proposed construction of a new horse barn, house, and tractor storage shed, at 7395 Twenty Rd., West Lincoln, ON. The study area measures 1.75 hectares (4.32 acres). At the time of the assessment, the Study Area was comprised of active pasture lands, used to feed the proponents animals. The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” To meet the condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM’s 2011 Standards and Guidelines for Consultant Archaeologists (‘Standards and Guidelines’; Government of Ontario 2011).

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment.

The subsequent Stage 2 archaeological assessment was conducted by SAS on May 11th and 12th, and September 29th 2023, in accordance with the *Ontario Heritage Act*, and the *Standards and Guidelines for Consultant Archaeologists*. This investigation consisted of a typical test pitting survey of the field verges, at 5-meter intervals, and a pedestrian survey of agricultural field. The pedestrian survey produced one pre-contact Aboriginal findspot; Location 1. No archaeological resources were documented during the Test pitting survey.



Location 1 was a single Onondaga chert biface fragment. Despite an intensified pedestrian survey around the findspot, as well as an intensified test pit survey in the verge near the findspot, no other archaeological materials were identified.

Given the isolated nature of the artifact, Location 1 does not fulfill any of the criteria for a Stage 3 archaeological investigation as per Section 2.2 of the Standards and Guidelines (Government of Ontario 2011). The CHVI of Location 1 is judged to be sufficiently documented.

Based upon the background research of past and present conditions, and the archaeological assessment, the following is recommended.

Compliance legislation must be adhered to in the event of the discovery of deeply buried cultural materials or features.

However, the Study Area is a limited portion of the legal boundary and the remainder of the property, outside of the Study Area, has not been subject to archaeological assessment and may still retain archaeological potential. Further assessment would be required if any future development applications are proposed for areas outside of the study area assessed in this report. The property boundaries, the area assessed (Study Area) and the area still requiring assessment can be seen in Figure 5.

The MCM is asked to review the results and recommendations presented in this report and provide a letter indicating their satisfaction that the fieldwork and reporting for this archaeological assessment are consistent with, and in compliance with, the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), as well as the terms and conditions for archaeological licenses, and to enter this report into the Ontario Public Register of Archaeological Reports.



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Project Personnel

Project Manager:	Matthew Seguin, P1018
Field Director:	Matthew Seguin, P1018
Field Technician:	Lucas Friedman
Report Preparation:	Matthew Seguin, P1018
Mapping and GIS:	Matthew Seguin, P1018
Licensee Review:	Matthew Seguin, P1018

Acknowledgments

Thank you to the generous contributions and support of the Ross Robins of 2708620 Ontario Inc., without whom this study and its report would not have been made possible



1.0 Project Context

1.1 Development Context

Seguin Archaeological Services (SAS) was contracted by Ross Robins (the Proponent), to conduct a Stage 1-2 archaeological assessment on the property located at 7395 Twenty Rd., West Lincoln, Part of Lot 2, West Gore 2nd Range, formerly in the Township of Grimsby, Lincoln County, now the Township of West Lincoln, Regional Municipality of Niagara, Ontario (Figure 1). This assessment was undertaken in advance of a proposed construction of a new residential house, and associated farm buildings, at 7395 Twenty Rd., West Lincoln Ontario. The study area measures 1.75 hectares (4.32 acres). The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment. At the time of the assessment, the Study Area was comprised of active pasture lands, used to feed the proponents animals.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” To meet this condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM’s 2011 Standards and Guidelines for Consultant Archaeologists (‘Standards and Guidelines’; Government of Ontario 2011).

The purpose of a Stage 1 Background Study is to compile all available information about known and potential cultural heritage resources within the Study Area and then to provide specific direction regarding the protection, management and/or recovery of any resources which may be present. The objectives of the Stage 1 Background Study, as outlined by the Ministry of Citizenship and Multiculturalism’s (MCM) Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), are as follows:

- To provide information about the Study Area’s geography, history, previous archaeological fieldwork and current land condition;
- to evaluate in detail, the Study Area’s archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- to recommend appropriate strategies for Stage 2 survey.

SAS archaeologists employed the following research strategies to meet these objectives:

- A detailed documentary review of relevant archaeological, historic and environmental literature pertaining to the Study Area;
- a review of the land-use history, including pertinent historic maps; and



- an examination of the Ontario Archaeological Sites Database ('ASDB') to determine the presence of known archaeological sites in and around the Study Area.

The purpose of a Stage 2 Property Assessment is to provide an overview of any archaeological resources within the Study Area, and to determine whether, or not, any of those resources might be archaeological sites that retain cultural heritage value or interest (CHVI), and then to provide specific direction regarding the protection, management and/or recovery of said resources. The objectives of Stage 2 archaeological assessment, as outlined by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), are as follows:

- To document all archaeological resources within the Study Area;
- to determine whether the Study Area contains archaeological resources requiring further assessment; and
- to recommend appropriate Stage 3 assessment strategies for any archaeological sites determined to require additional assessment.

The licensee received permission from the Proponent to enter the land and conduct all required archaeological fieldwork activities, including the recovery of artifacts.

1.2 Historical Context

1.2.1 Post-Contact Aboriginal Resources

Early Euro-Canadian records suggest that the people living in the area were the Attawandarons, or Neutrals. The French called them Neutrals because they remained neutral during the conflicts between the Iroquois and the Huron. In 1626, when Father La Roche Daillon, a French Jesuit missionary, travelled through Neutral territory to 28 different villages, he spent three months in the region attempting to conclude a trading alliance with the Neutral Confederacy. These negotiations ultimately failed due to opposition from Huron allies (White 1978:409). By 1638, the Neutral had expanded east to the Niagara River in response to a void left by the Wenro migrating to Huronia and the Erie migrating southwest. By the early 1640s, the Neutrals were engaged in large-scale warfare with the Assistaeronons to the west while maintaining a neutral stance between the Huron and the League of Five Nations Iroquois. European influence in the region was generally restricted to the beaver pelt trade, and Aboriginal groups practiced a way of life that did not differ significantly from the pre-Contact period. By the late 1640s, the increasing scarcity of beaver pelts prompted the invasion of the Neutral by the League of Five Nations Iroquois. By the early 1650s the Neutral Confederacy was destroyed and its surviving members either moved west out of Ontario or were absorbed into the League of Five Nations living to the west and south of their former homelands (Trigger 1994:57).

While the region appears to have been at least relatively unpopulated by permanent settlements in the latter half of the seventeenth century, much of southern Ontario used as a hunting territory by the Iroquois. However, Ojibway groups previously thought to have settled



along the northern shores of Georgian Bay and Lake Superior gradually migrated into southern Ontario, and by 1707 had settled in the Niagara region (Rogers 1978:761).

By 1784, the British government signed Treaty No. 3 and had purchased over a million hectares of land between Lake Ontario and Lake Erie from the Mississauga, this became known as the Between the Lakes Purchase (Surtees 1994:102). The Study Area enters the Euro-Canadian historic records beginning with Treaty No. 3, which was...

... made with the Mississa[ug]a Indians 7th December, 1792, though purchased as early as 1784. This purchase in 1784 was to procure for that part of the Six Nation Indians coming into Canada a permanent abode. The area included in this Treaty is, Lincoln County excepting Niagara Township; Saltfleet, Binbrook, Barton, Glanford and Ancaster Townships, in Wentworth County; Brantford, Onondaga, Tusc[a]r[o]ra, Oakland and Burford Townships in Brant County; East and West Oxford, North and South Norwich, and Dereham Townships in Oxford County; North Dorchester Township in Middlesex County; South Dorchester, Malahide and Bayham Township in Elgin County; all Norfolk and Haldimand Counties; Pelham, Wainfleet, Thorold, Cumberland and Humberstone Townships in Welland County.

Morris 1943:17-18

The British government, by 1784, had already purchased over a million hectares of land between Lake Ontario and Lake Erie from the Mississauga, this area became known as the Between the Lakes Purchase (Surtees 1994:102). The Mississauga eventually relocated to the Grand River at New Credit in 1847.

The size and nature of the pre-contact settlements and the subsequent spread and distribution of Aboriginal material culture in Southern Ontario began to shift with the establishment of European settlers. Lands in the Lower Grand River area were surrendered by the Six Nations to the British Government in 1832, at which point most Six Nations people moved into Tuscarora Township in Brant County and a narrow portion of Oneida Township (Page & Co. 1879; Tanner 1987; Weaver 1978). Despite the inevitable encroachment of European settlers on previously established Aboriginal territories, “written accounts of material life and livelihood, the correlation of historically recorded villages to their archaeological manifestations, and the similarities of those sites to more ancient sites have revealed an antiquity to documented cultural expressions that confirms a deep historical continuity to Iroquoian systems of ideology and thought” (Ferris 2009:114). As Ferris observes, despite the arrival of a competing culture, First Nations communities throughout Southern Ontario have left behind archaeologically significant resources that demonstrate continuity with their pre-contact predecessors, even if they have not been recorded extensively in historical Euro-Canadian documentation.



1.2.2 Euro-Canadian Resources

The current Study Area is located in the Geographical Township of Grimsby, Former County of Lincoln, Regional Municipality of Niagara, Ontario.

In July 1788, the government of the Province of Québec began creating new districts, hoping to better serve and administer at the local level. The first new divisions were the administrative districts of Hesse, Nassau, Mecklenburg and Lunenburg (Archives of Ontario 2009). Further change came in December 1791 when the province was rearranged into Upper Canada and Lower Canada under the Constitutional Act. Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada; he initiated several initiatives to populate the province including the establishment of shoreline communities with effective transportation links between them (Coyne 1895).

In July 1792, Simcoe divided Upper Canada into 19 counties, including Lincoln County, stretching from Essex in the west to Glengarry in the east. Later that year, the four districts originally established in 1788 were renamed the Western, Home, Midland and Eastern Districts. As population levels in Upper Canada increased, smaller and more manageable administrative bodies were needed resulting in the establishment of many new counties and townships. As part of this realignment, the boundaries of the Home and Western Districts were shifted and the London and Niagara Districts were established. Under this new territorial arrangement, the Study Area became part of Lincoln County in the Niagara District (Archives of Ontario 2009). In 1845, after years of increasing settlement that began after the War of 1812, the southern portion of Lincoln County was severed to form Welland County (the two counties would be amalgamated once again in 1970 to form the Regional Municipality of Niagara).

Settlement began in the region 1784, the first settlers in the area were United Empire Loyalists who had been forced to leave the United States. The Town of Grimsby was originally known as The Forty because of its location at the mouth of Forty Creek, it was renamed to Grimsby in 1816 after a city by the same name in Lincolnshire England. The Great Western Railway constructed line through Grimsby, connecting Windsor to Niagara, in 1854. By 1876 Grimsby incorporated into a village, had a population of 600, with five churches, three doctors, a high school, a public school and numerous businesses (Mika and Mika 1981).

Smithville was first settled by Richard Griffin and his family in 1787. The area where they first settled, on the Twenty Mile Creek in Grimsby Township, became the settlement first known as Griffintown, but later renamed after Mrs. Griffin, whose maiden name was Mary Smith. By 1849, Smithville had reached a population of about 150, and had been granted a post office with twice-weekly delivery. The settlement had a grist mill, a saw mill, a carding machine and cloth factory, four stores, one machine shop, one tannery, two blacksmiths, two tailors and two shoemakers (Raue 2018).



The Illustrated Historical Atlas of the Counties of Lincoln and Welland (Historical Atlas), demonstrates the extent to which Grimsby Township had been settled by 1876 (Page & Co 1876; Figure 2). Landowners are listed for virtually every lot within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an ever-increasing population throughout the late 19th century. Structures and orchards are prevalent throughout the township, almost all of which front onto early roads. According to the Historical Atlas map of Grimsby Township, Lot 2, West Gore 2nd Range, was subdivided into many parcels. The southern half of the lot, where the Study Area is located, appears to be attributed to J.W. Lounsbury. There is an orchard and an unknown structure visible on the historic mapping for this parcel, but outside of the Study Area.

Although there is significant and detailed information available about the landowners on the current Historical Atlas map of Grimsby Township, it should be recognized that not all features of interest were mapped systematically in the Ontario series of historical atlases, given that they were financed by subscription, and subscribers were given preference about the level of detail provided on the maps, while nonsubscribers were not always listed on the maps (Caston 1997:100). Moreover, not every feature of interest would have been within the scope of the atlases, and structures or features of interest that were within scope, may not have been depicted or placed accurately (Gentilcore and Head 1984).



1.3 Archaeological Context

1.3.1 Property Description and Physical Setting

The Study Area occupies the residential lot at 7395 Twenty Rd., West Lincoln, Ontario. The Study Area measures 1.75 hectares (4.32 acres). At the time of the assessment, the Study Area was comprised of active pasture lands, used to feed the proponents animals.

Most of the region surrounding the Study Area has been subject to European-style agricultural practices for over 100 years, having been settled by Euro-Canadian farmers by the mid-19th century. Much of the region today continues to be used for agricultural purposes.

The Study Area is situated within the Haldimand Clay Plain, a 3,500 square kilometre area of parallel clay belts deposited during the time of glacial Lake Warren. According to Chapman and Putnam

...although it was all submerged in Lake Warren, the till is not all buried by stratified clay; it comes to the surface generally in low morainic ridges in the north. In fact, there is in that area a confused intermixture of stratified clay and till. The northern part has more relief than the southern part where the typically level lake plains occur.

Chapman and Putnam 1984:156

The study area consists of Haldimand clay loam, a mainly lacustrine heavy clay. It is considered an imperfectly draining and slowly permeable soil, and has a medium to high water-holding capacity and is good for general farming, dairying with pasture, hay, wheat, oats barley corn being the main crops They have been rated Class 3D for common field crops, and are capable when appropriate precautions are taken (Kingston and Present 1989).

The closest source of potable water is North Creek, which runs immediately West and East of the Study Area.



1.3.2 Pre-Contact Aboriginal Land Use

This portion of southwestern Ontario has been demonstrated to have been occupied by people as far back as 11,000 years ago as the glaciers retreated. For the majority of this time, people were practicing hunter-gatherer lifestyles with a gradual move towards more extensive farming practices. Table 1 provides a general outline of the cultural chronology of Grimsby Township, based on Ellis and Ferris (1990).

Table 1: Cultural Chronology for Grimsby Township

Time Period	Cultural Period	Comments
9500 – 7000 BC	Paleo Indian	first human occupation hunters of caribou and other extinct Pleistocene game nomadic, small band society
7500 - 1000 BC	Archaic	ceremonial burials increasing trade network hunter gatherers
1000 - 400 BC	Early Woodland	large and small camps spring congregation/fall dispersal introduction of pottery
400 BC – AD 800	Middle Woodland	kinship based political system incipient horticulture long distance trade network
AD 800 - 1300	Early Iroquoian (Late Woodland)	limited agriculture developing hamlets and villages
AD 1300 - 1400	Middle Iroquoian (Late Woodland)	shift to agriculture complete increasing political complexity large palisaded villages
AD 1400 - 1650	Late Iroquoian	regional warfare and political/tribal alliances destruction of Huron and Neutral

1.3.3 Previously Identified Archaeological Work

To compile an inventory of previously identified archaeological resources, the registered archaeological site records kept by the MCM were consulted. In Ontario, information concerning archaeological sites is stored in the Archaeological Sites Database (ASDB) (Government of Ontario n.d.) which is maintained by the MCM. This database contains archaeological sites registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13km east to west and approximately 18.5km north to south, and each Borden



Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found. The Study Area under review is within Borden Block AgGv.

According to the ASDB, there are no registered sites within 1km of the Study Area. To the best of SAS's knowledge, no other assessments have been conducted or within 50m of the Study Area.

1.3.4 Archaeological Potential

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. SAS applied archaeological potential criteria commonly used by the MCM (Government of Ontario 2011) to determine areas of archaeological potential within the Study Area. These variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography, and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and considered alone, may result in a determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect site locations and types to varying degrees. The MCM (Government of Ontario 2011) categorizes water sources in the following manner:

- Primary water sources: lakes, rivers, streams, creeks;
- secondary water sources: intermittent streams and creeks, springs, marshes and swamps;
- past water sources: glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and
- accessible or inaccessible shorelines: high bluffs, swamp or marshy lake edges, sandbars stretching into a marsh.

The closest source of potable water is North Creek, which runs immediately West and East of the Study Area.

Soil texture is also an important determinant of past settlement, usually in combination with other factors such as topography. The Study Area is situated within the Haldimand Clay Plain physiographic region. As was discussed earlier, the primary soils within the Study Area, meanwhile, have been documented as being suitable for pre-contact Aboriginal practices. The Aboriginal archaeological potential is judged to be moderate to high. For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including



places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the Ontario Heritage Act (Government of Ontario 1990b) or property that local histories or informants have identified with possible historical events.

As was discussed above, the Historical Atlas maps (Page & Co. 1876; Figure 2) demonstrate the extent to which Grimsby Township had been settled by 1876. Landowners are listed for most of the lots within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an increasing population throughout the late 19th century. The Study Area occupied part of Part of Lot 2, West Gore 2nd Range, is near historical roads, and Town of Smithville, the potential for post-contact Euro-Canadian archaeological resources is judged to be moderate to high.

Finally, despite the factors mentioned above, extensive land disturbance can eradicate archaeological potential within a Study Area (Wilson and Horne 1995). None of the current Study Area, approximately 4.32 acres of active pasture lands actively used to feed farm animals, display visible disturbance. Given all of the above SAS has determined that the Study Area has demonstrated the potential for the recovery of pre-contact Aboriginal, post-contact Aboriginal, and Euro-Canadian archaeological resources, and as a result a Stage 2 test pit survey was determined to be required.



2.0 Field Methods

The Stage 2 archaeological assessment was conducted on May 11 and 12, and September 29th 2023, under PIF#: P1018-0051-2023, issued to Matthew Seguin (P1018) by the MCM. Weather conditions were hot and sunny with periods of partial cloud during the assessment. Soil conditions and visibility were ideal for conducting the assessment and recovering archaeological material.

The test pitting survey was conducted on May 11th and 12th, the weather conditions at the time of assessment were sunny and hot. The soil was friable and screened easily. Assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material. Approximately 5%, or 0.2 acres of the Study Area comprised the verges around the field, which were inaccessible for ploughing. These areas were subject to a typical test pit survey at 5m intervals in accordance with Section 2.1.2 of the Standards and Guidelines (Government of Ontario 2011; Photos 1 to 4). All test pits were approximately 30 centimetres (cm) in diameter and were excavated 5cm into sterile subsoil. A single soil layer (topsoil) was observed. All soil from the test pits was screened through six-millimetre (mm) hardware cloth to facilitate the recovery of small artifacts and then used to backfill the pit. No further archaeological methods were employed since no artifacts were identified during the test pit survey.

The pedestrian survey was conducted on September 29th 2023, the weather conditions at the time of assessment were hot and sunny and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material. Approximately 95% of the Study Area comprised active agricultural land that was accessible for ploughing. As per Section 2.1.1, Standards 2 and 3 of the Standards and Guidelines (Government of Ontario 2011; Photos 5 to 8), the field had been ploughed and allowed to weather prior to assessment. The ploughing was deep enough to provide total topsoil exposure, and provided a minimum of 80% surface visibility, as per Section 2.1.1, Standards 4 and 5 of the Standards and Guidelines (Government of Ontario 2011). The ploughed area was subject to a typical pedestrian survey at 5m intervals, conducted in accordance with Section 2.1.1, Standard 6 of the Standards and Guidelines (Government of Ontario 2011). During the pedestrian survey, when archaeological resources were encountered, survey intervals were intensified to 1m within a 20m radius of the find as per Section 2.1.1, Standard 7 of the Standards and Guidelines (Government of Ontario 2011). Additional test pits were also added to the field verge, although neither resulted in the recovery of additional artifacts. This approach was taken to establish whether or not the artifact was an isolated find or part of a larger artifact scatter.

This investigation resulted in the documentation of one isolated findspot: Location 1 in the northern portion of the study area. The artifact from Location 1 was given a single Universal Transverse Mercator ('UTM') coordinate, digitally mapped, and collected for laboratory analysis. Additionally, two fixed reference landmark UTM coordinates were taken as per



Section 2.1, Standard 4 of the Standards and Guidelines (Government of Ontario 2011). All coordinates were taken using a Bad Elf GNSS Surveyor GPS unit with a minimum accuracy 2m (North American Datum 1983 ('NAD83') and UTM Zone 17T). Laurene (AgGt-319) was registered with the MHSTCI as per Section 7.12 of the Standards and Guidelines (Government of Ontario 2011). The results of Stage 2 archaeological survey are presented in Figure 3.



3.0 Record of Finds

The Stage 2 archaeological assessment was conducted employing the methods described in Section 2.0 of the Study Area located at 7395 Twenty Rd., West Lincoln, ON. This investigation resulted in the documentation of one pre-contact Aboriginal findspot; Location1. Maps indicating the exact location of the findspot, as well as all UTM coordinates recorded during the Stage 2 assessment, are included in the Supplementary Documentation to this report. A description of the recovered artifact is provided in Section 3.1; a photo of the artifact is illustrated in Section 9.2. Table 3 illustrates an inventory of the documentary record which was generated by the Stage 2 fieldwork and is provided below.

Table 3: Inventory of Documentary and Material Record

Document Type	Amount	Location	Comments
Page of Field Notes	1 Page	SAS office	Stored digitally in project file
Proponent Mapping	1 Map	SAS office	Stored digitally in project file
Field Map	1 Map	SAS office	Stored digitally in project file
Digital Photographs	171 photos	SAS office	Stored digitally in project file

All of the material culture collected during the Stage 2 assessment is contained in one box and will be temporarily housed in the offices of Seguin Archaeological Services.

3.1 Cultural Material

The findspot recovered during the Stage 2 assessment produced an artifact manufactured from Onondaga chert. Chert type identification was accomplished visually using reference materials located online or in personal collections. No subsurface features or fire cracked rock were observed during the Stage 2 assessment.

Onondaga chert is a dense, non-porous rock with a dull to vitreous or waxy lustre. Its colour can be light to dark grey, bluish grey, brown, or black; it can also appear mottled (Ellis and Ferris 1990). The Onondaga formation chert is derived from outcrops occurring along the north shore of Lake Erie between Long Point and the Niagara River. With primary outcrops also having been reported along the banks of the Grand River. It typically occurs in nodules or irregular thin beds. Onondaga chert is considered to be a high-quality raw material that was frequently utilized by pre-contact people. As a result, it is often found at archaeological sites throughout southern Ontario (Eley and von Bitter 1989).

Outcrops of Onondaga chert are found South and East of the Study Area along the North shore of Lake Erie between Long Point and the Niagara River. The Onondaga chert utilized at the findspot discovered within the Study Area was likely obtained through direct procurement from primary sources through travel-to-source methods.



3.1.1 Location 1

Location 1 was discovered in the northern portion of the agricultural field during the pedestrian survey. The Stage 2 assessment of Location 1 resulted in the documentation of a single biface fragment, manufactured from Onondaga chert. The specimen measures 15.7mm long by 15.4mm wide by 5.5mm thick (Plate 1 and 2).

Table 4: Location 1 Artifact Catalogue

Cat. #	Artifact	Freq.	Chert Type	Notes
1	Biface Fragment	1	Onondaga	L= 15.7mm, W=15.4mm, Th=5.5mm



4.0 Analysis and Conclusions

SAS was contracted by the Proponent to conduct a Stage 1-2 archaeological assessment in advance of a proposed construction of a new residential house, and associated farm buildings, 7395 Twenty Rd., West Lincoln, Part of Lot 2, West Gore 2nd Range, formerly in the Township of Grimsby, Lincoln County, now the Township of West Lincoln, Regional Municipality of Niagara, Ontario. The study area measures 1.75 hectares (4.32 acres).

The Stage 1 background research indicated that the entire Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment.

The subsequent Stage 2 assessment was conducted on May 11th, May 12th, and September 29th, 2023. This investigation consisted of a typical pedestrian survey of the agricultural land and a typical test pit survey of the grassy and treed verges of the field areas. The pedestrian survey produced one pre-contact Aboriginal findspot: Location 1.

The Stage 2 archaeological assessment was conducted using a test pit survey at five-metre intervals across all portions of the Study Area considered to have archaeological potential and which were not ploughable. Approximately 5%, or 0.2 acres, of the Study Area, was determined to have retained archaeological potential in this way. This portion of the Study Area includes the verges at the field edge. All soils were screened through a six-millimetre mesh screen. Test pits were a minimum of 30cm in diameter and were excavated a minimum of 5cm into sterile subsoil.

The Stage 2 archaeological assessment was conducted using a pedestrian survey at five-metre intervals across all agricultural portions of the Study Area. Approximately 95% of the property is agricultural field. The pedestrian survey produced one pre-contact Aboriginal findspot: Location 1. Location 1 was comprised of a single biface fragment made of Onondaga chert. Despite an intensified pedestrian survey of all agricultural lands within 20m of the findspot, and additional test pits in the field verge, no other archaeological materials were identified. Figure 3 illustrates the methodologies used to assess the Study Area.

Given the isolated nature of the artifact, Location 1 does not fulfill any of the criteria for a Stage 3 archaeological investigation as per Section 2.2 of the Standards and Guidelines (Government of Ontario 2011). The CHVI of Location 1 is judged to be sufficiently documented.

However, the Study Area is a limited portion of the legal boundary and the remainder of the property, outside of the Study Area, has not been subject to archaeological assessment and may still retain archaeological potential. Further assessment would be required if any future development applications are proposed for areas outside of the study area assessed in



this report. The property boundaries, the area assessed (Study Area) and the area still requiring assessment can be seen in Figure 5.



5.0 Recommendations

Given the isolated nature of the artifact, Location 1 does not fulfill any of the criteria for a Stage 3 archaeological investigation as per Section 2.2 of the Standards and Guidelines (Government of Ontario 2011). The CHVI of Location 1 is judged to be sufficiently documented.

Based on the results of the Stage 1 background investigation and the subsequent Stage 2 archaeological assessment, the following is recommended:

Compliance legislation must be adhered to in the event of the discovery of deeply buried cultural materials or features.

However, the Study Area is a limited portion of the legal boundary and the remainder of the property, outside of the Study Area, has not been subject to archaeological assessment and may still retain archaeological potential. Further assessment would be required if any future development applications are proposed for areas outside of the study area assessed in this report. The property boundaries, the area assessed (Study Area) and the area still requiring assessment can be seen in Figure 5.

The MCM is asked to review the results and recommendations presented in this report and provide a letter indicating their satisfaction that the fieldwork and reporting for this archaeological assessment are consistent with, and in compliance with, the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), as well as the terms and conditions for archaeological licenses, and to enter this report into the Ontario Public Register of Archaeological Reports.



6.0 Advice on Compliance with Legislation

SAS advises compliance with the following legislation:

This report is submitted to the Minister of Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act, R.S.O. 1990, c 0.18*. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns about alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

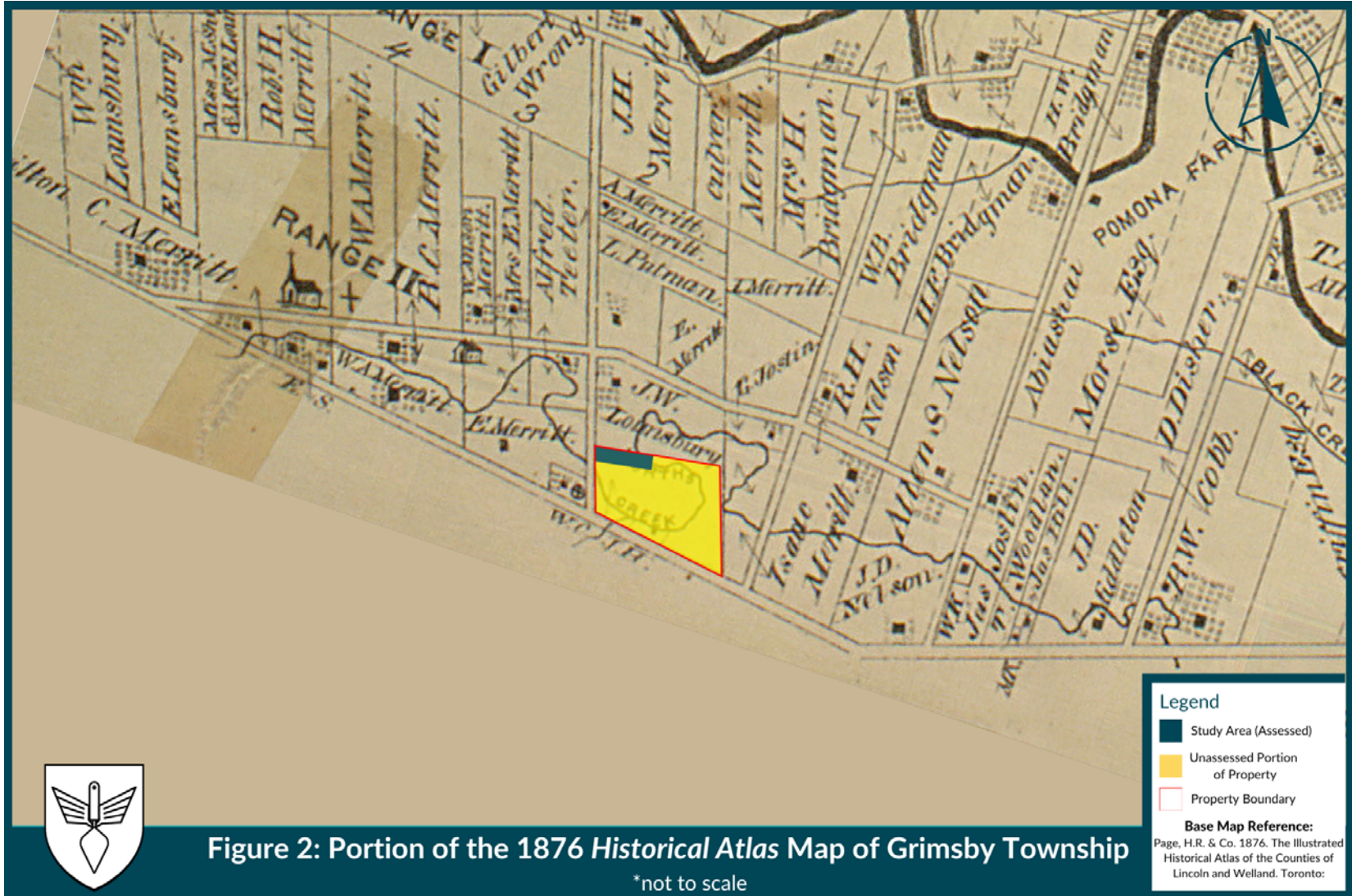


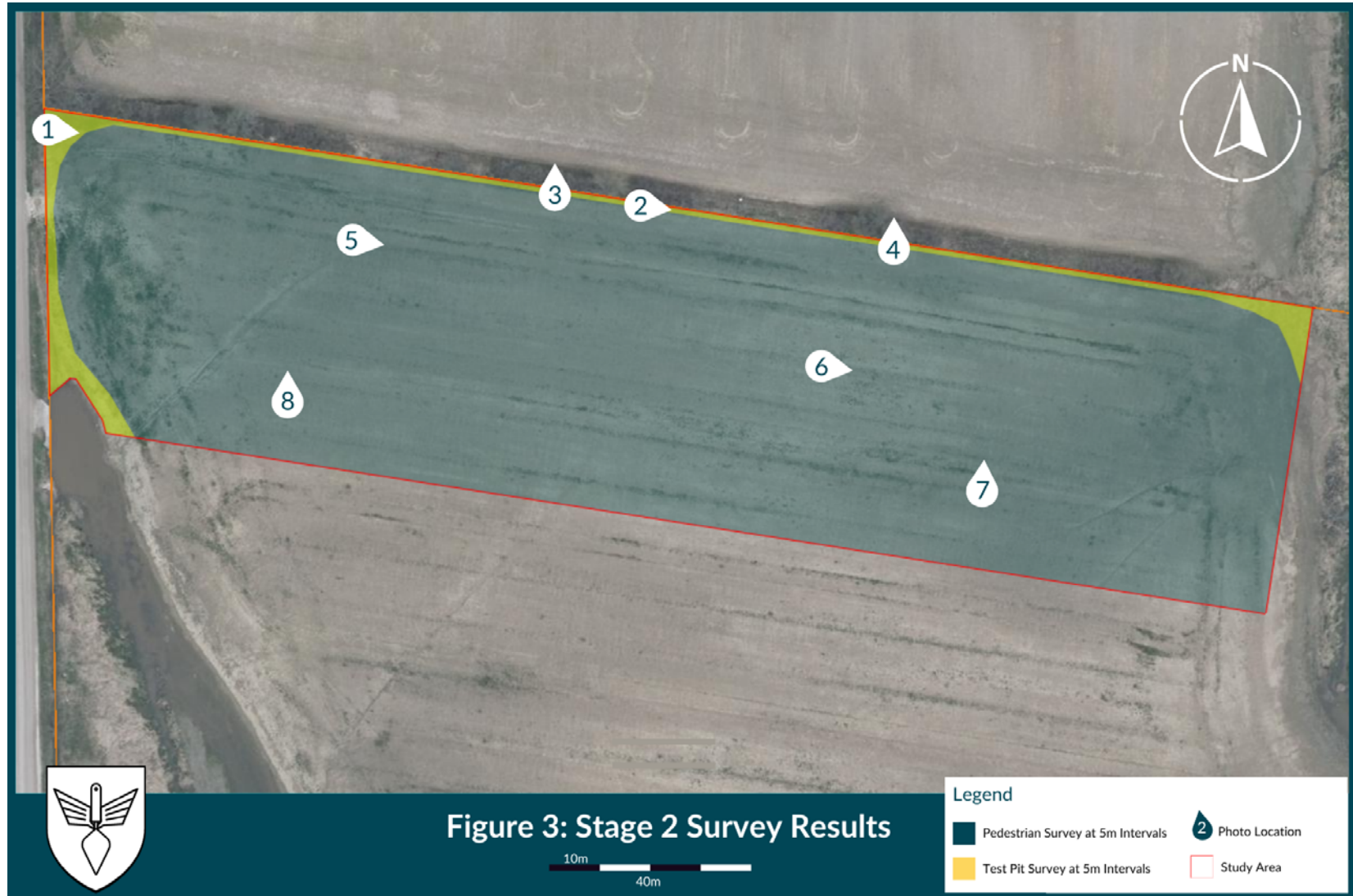
7.0 Bibliography and Sources

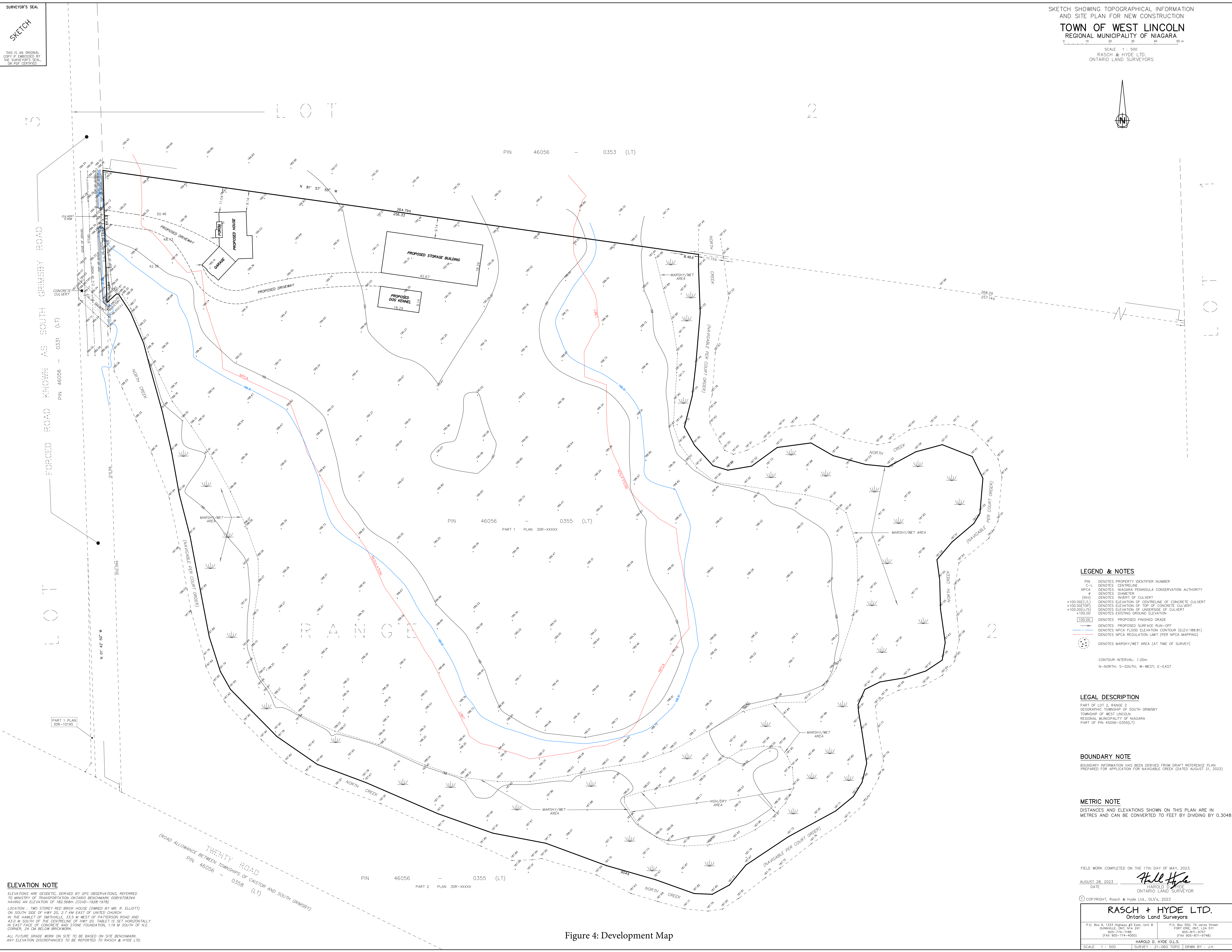
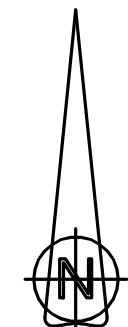
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LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- C-L DENOTES CENTRELINE
- NPCA DENOTES NIAGARA PENINSULA CONSERVATION AUTHORITY
- Ø DENOTES DIAMETER
- (IN) DENOTES INVERT OF CULVERT
- (N) DENOTES ELEVATION OF CENTRELINE OF CONCRETE CULVERT
- +100.00(C/L) DENOTES ELEVATION OF TOP OF CONCRETE CULVERT
- +100.00(TO) DENOTES ELEVATION OF UNDERSIDE OF CULVERT
- +100.00(U/S) DENOTES EXISTING GROUND ELEVATION
- 100.00 DENOTES PROPOSED FINISHED GRADE
- DENOTES PROPOSED SURFACE RUN-OFF
- DENOTES NPCA FLOOD ELEVATION CONTOUR (ELEV: 188.81)
- DENOTES NPCA REGULATION LIMIT (PER NPCA MAPPING)
- DENOTES MARSHY/WET AREA (AT TIME OF SURVEY)

CONTOUR INTERVAL: 1.00m
N-NORTH; S-SOUTH; W-WEST; E-EAST

LEGAL DESCRIPTION

PART OF LOT 2, RANGE 2
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PART OF PIN 45056-0355(LT)

BOUNDARY NOTE

BOUNDARY INFORMATION HAS BEEN DERIVED FROM DRAFT REFERENCE PLAN PREPARED FOR APPLICATION FOR NAVIGABLE CREEK (DATED AUGUST 21, 2022)

METRIC NOTE

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

ELEVATION NOTE

ELEVATIONS ARE GEODESIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO MINISTRY OF TRANSPORTATION, ONTARIO BENCHMARK 00819708344 HAVING AN ELEVATION OF 182.569m (CGD-1928-1978)
LOCATION: TWO STOREY RED BRICK HOUSE (OWNED BY MR. R. ELLIOTT) ON SOUTH SIDE OF HWY 20, 2.7 KM EAST OF UNITED CHURCH IN THE HAMLET OF SWINVILLE, 33.5 M WEST OF PATTERSON ROAD AND 43.0 M SOUTH OF THE CENTRELINE OF HWY 20. TABLE IS SET HORIZONTALLY IN EAST FACE OF CONCRETE AND STONE FOUNDATION, 1.19 M SOUTH OF N.E. CORNER, 24 CM BELOW BROWLINE.
ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

FIELD WORK COMPLETED ON THE 17th DAY OF MAY, 2023.

AUGUST 28, 2023
DATE
HAROLD HYDE
ONTARIO LAND SURVEYOR

© COPYRIGHT, Rasch & Hyde Ltd., O.L.S.'s, 2023

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit 6
BRNDALE, ONT. N0A 2H1
905-774-7188
(FAX: 905-774-4000)

P.O. Box 550, 74 Jarvis Street
FORT ERIE, ONT. L2A 9T1
905-871-9737
(FAX: 905-871-9748)

HAROLD D. HYDE O.L.S.
SCALE 1 : 500 SURVEY: 21-060 TOPO DRAWN BY: J.H.

Figure 4: Development Map

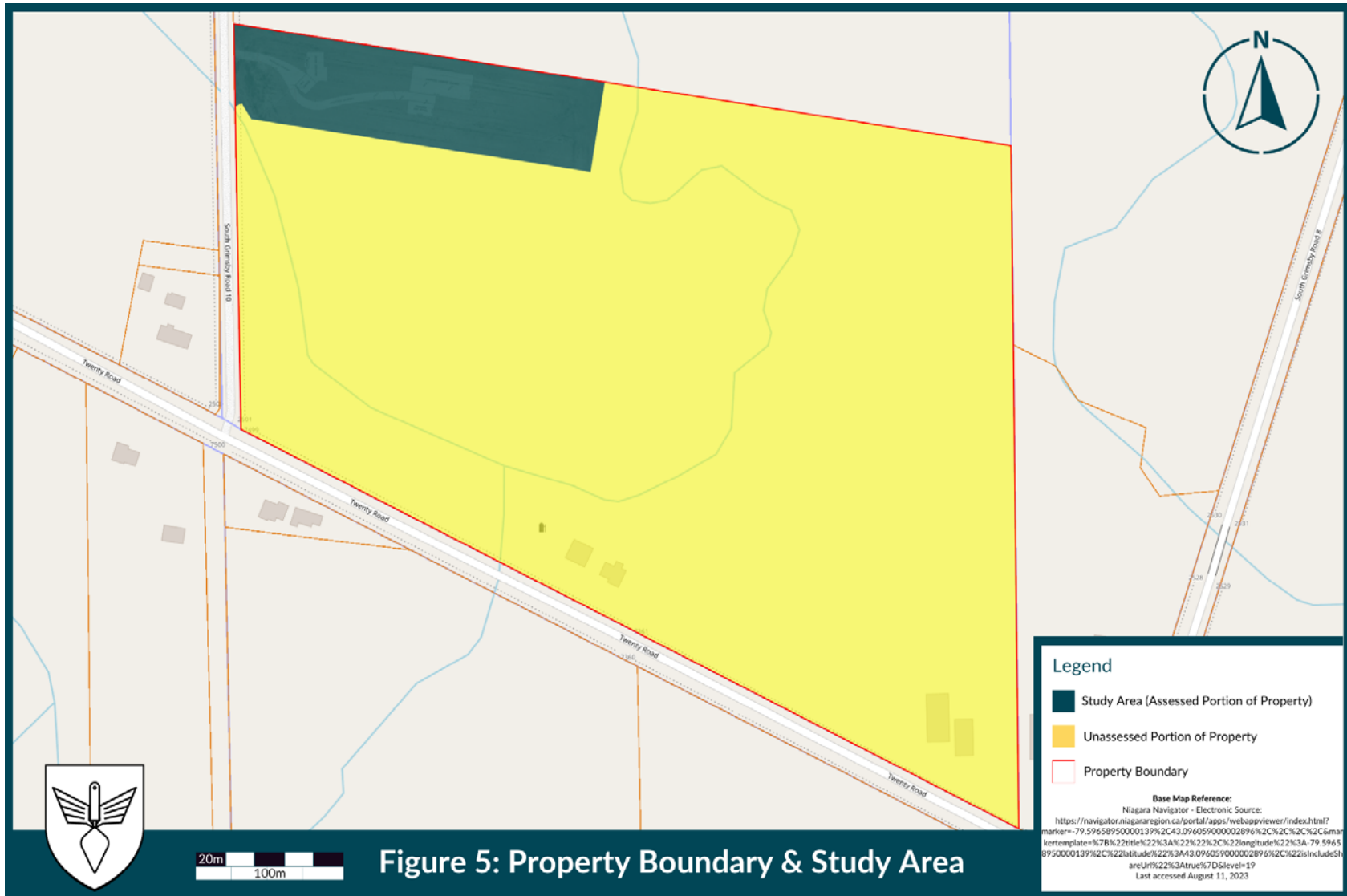


Figure 5: Property Boundary & Study Area



9.0 Images

9.1 Field Photos



Photo 1: Test Pit Survey at 5m Intervals,
facing East



Photo 2: Test Pit Survey at 5m Intervals,
facing East



Photo 3: Typical Test Pit



Photo 4: Typical Test Pit



Photo 5: Pedestrian Survey at 5m Intervals, weather conditions, facing west



Photo 6: Pedestrian Survey at 5m Intervals, weather conditions, facing west



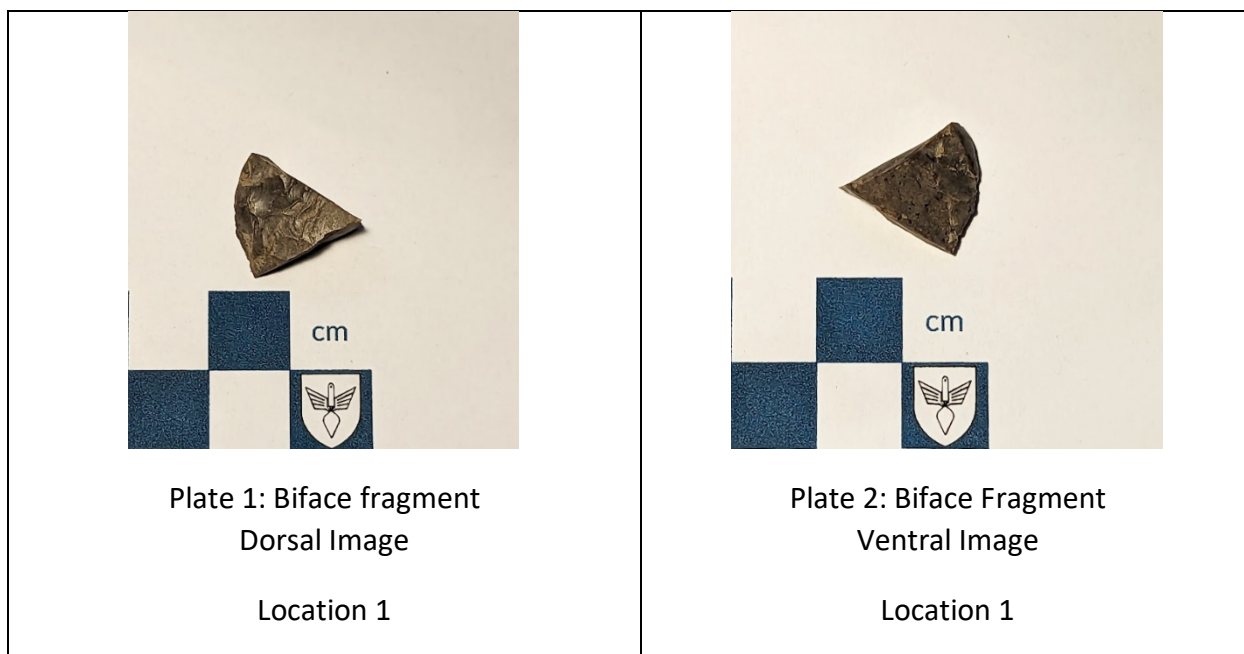
Photo 7: Typical Soil Conditions in the Agricultural Field



Photo 8: Typical Soil Conditions in the Agricultural Field



9.2 Artifact Plates



Ministry of Citizenship and Multiculturalism (MCM)

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Heritage Branch
Citizenship, Inclusion and Heritage Division
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Nov 2, 2023

Matthew Seguin (P1018)
Seguin Archaeological Services
1047 Main Hamilton ON L8M 1N5

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1-2 Archaeological Assessment: 7395 Twenty Rd., West Lincoln, Part of Lot 2, West Gore 2nd Range, Formerly in the Township of Grimsby, Lincoln County, now the Township of West Lincoln, Regional Municipality of Niagara, Ontario", Dated Oct 20, 2023, Filed with MCM Toronto Office on N/A, MCM Project Information Form Number P1018-0051-2023, MCM File Number 0020508

Dear Mr. Seguin:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Ross Robins, Property Owner
Katie Young, Niagara Region

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



Robins Creek Farm

Business Plan

05-29-2024

Contact

Ross Robins

(289-969-9425)

rossrobins@live.com

Address

Mailing address: 5756 Sixteen Rd

Ontario, Canada

LOR 1Y0

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1. Executive Summary

Project/business description

Who we are

- A fourth generation family of farmers with key players having 12 years plus in various financially successful entrepreneurial endeavours and hands on experience in animal husbandry and crop growing. We are already a member of OFA and qualify for the farm tax exemption.
- The farm property at 7395 Twenty Rd has been in Evelyn Ducks family since early 1900's and has since passed from grandparents to parents to Mrs. Evelyn Duck and will be passed down to Melissa Duck and Ross Robins. To keep the existing farm in the family name there is a long-term lease that has been arranged on the 18 acres with a rent to own opportunity currently being negotiated between Jeff and Evelyn Duck (parents) and Ross Robins and Melissa Duck (children) with the additional approx. 30 acres to be left to Ross Robins and Melissa Duck upon the parents retirement. This is important to keep the entire parcel of land together, running a sustainable farming operation, under the family name to avoid land being left open to future development.
- The farming activities will include 10 acres of hay crops and 3 acre garlic crops, small scale egg production and to begin a 6 stall horse barn for horse boarding.

Business Description

- **Horse Boarding** – The horse boarding facility will be targeted at track horses that need a rehabilitation facility in the off season. We are already working with this industry and know we can fill our barns with horses due to contacts we have acquired. The projected revenues generated by the horse boarding facility are estimated at \$33,000.
- **Hay Crops** – Through family contacts we have a list of farmers that are waiting for us to supply quality hay for their farms. Some of the hay will be kept for the horse boarding facility but most will be sold to third parties. The projected revenue from this endeavour is \$8800 per annum
- **Garlic Crops** – The farm will allocate 3 acres of the property for garlic crops to be built up over time which should yield approx. \$60,000 by year 3

2.Goals and objectives

Our fourth generation proposed family-owned farm is located in Southern Ontario and is naturally severed through the Navigable Waterways Act. The severed lot includes 18 acres of Good General Agriculture lands with some Natural Heritage overlay. The severed land is currently being used for hay production but it is our goal to add value to this agricultural land by running a sustainable, environmentally sound micro farm by planting crops of garlic, raising poultry and using the existing hay fields to compliment these activities. It is also our plan to add a horse boarding facility. As farm land becomes diminished by urban spread we want to be a glowing example of how a successful micro farm can efficiently run on a smaller acreage showcasing the diversity and adaptability of modern agriculture and animal care.

Vision, Mission and Values

OUR VISION - Our micro farm is to become a community leader and an example of how next generation farmers can redefine what it is to be a farmer, to develop interest for growth in the area of micro farming within the community and for next generation of farmers by running a successful, sustainable smaller scale farm.

OUR MISSION - is to provide high quality naturally grown garlic, garlic products and eggs to niche markets within the Niagara region by promoting locally grown and farm to plate food products as well as fostering community education on the health benefits of consuming natural garlic. We will also provide our community with top notch animal care and promote a supportive working relationship with our equine partners.

OUR VALUES - Service to others has always been a primary goal for us personally and will continue to be in this fourth generation farm. Presently servicing the publics needs and providing excellent service to our communities in the field of electrical contracting and horse training, we will continue to provide a high level of excellence on our farm. We plan to be stewards of this land and its resources and take a conservation approach to our farm. We want a return to basics of family, community, hard work and faith by employing ethical decision making throughout the entire farming process.

Business goals for the next 3 years

The critical activities and goals for the next 3 years are as follows:

- Year 1 – Main goal for year 1 is to replenish existing hay field, for which all equipment is owned and or made available for our use, by adjusting soil ph and fertility, possibly reintroducing appropriate forage species and managing the weeds early in the year so as to increase the quality and quantity of hay to sell to the community.
- We are in the process of applying for zoning changes and building permits on the land so that we may begin the planning process of building the Amish portable horse stables and corral. Upon obtaining required permits and zoning the house build and shed build will begin in order to take care of the livestock. The shed build will be required to accommodate storage of hay, machinery and supplies.
- Other minor goals include:
- Self education on sustainable and organic garlic growing and networking with other garlic growers through joining the Garlic Growers Association of Ontario, thereby compiling a wealth of information on the current industry.
- Sign up for workshops with the OMAFRA (Ontario Ministry of Food, Agriculture and Rural Affairs) specifically as they relate to Integrated Pest Management for crops.
- Enrolment in Good Agricultural Practices Course and Ontario Safe Food Handlers Course
- Assessing the various options for financing future farm business activities.
- Analyze various “packages” of horse boarding that would be provided to the public, which provide the highest level of care of the animals in line with profit expectations.

- Year 2 – Access to planting and harvesting equipment has already been secured, so the main goals for the subsequent year include having the pre fabricated horse stalls/barn installed on the 18 acres that is most appropriate given the environmentally sensitive protected land sections of this lot in order to uphold our environmental stewardship and public trust responsibilities. Provide for a waste management system for the horses being boarded and a way to safely store and spread the manure for use on newly bedded garlic crop. The principal home and the other building required for storage of hay and equipment would be completed in Year 2 as some of the hay would now be kept for boarded horses. The other secondary goal of Year 2 and just as equally prioritized would be the land preparation for the garlic crop along with seeding the first crop using

only clean seed that is free of any disease or virus ensuring future success in Years 3 and 4 and beyond.

- Year 3 – Main goal for Year 3 is to build the garlic harvesting building to hang and process garlic. A small secondary portable greenhouse will be installed to establish an early start to the growth of garlic for planting. The farm will continue supplying hay and providing horse boarding services. By Year 3, depending on the garlic seed used we will see our first year of profits from our crops. Our overall goal is that the resources of the farm and lands and all the services and products provided will collectively provide sustainable profits that coincide with our expectation of excellent service.
- Year 4 – Maintain and grow the already established horse boarding and garlic crops by renting our in laws 20-30 acres from them until the farm is transferred to us upon their upcoming retirement. Potential to build further horse stalls to accommodate growing boarding business.
- Year 5 – Continue to maintain the farm and ensure steady and sustainable growth by creating a budget and reviewing results of farming activities on a regular and continuous basis with our accountant.

Strategic objectives

Personal goals provide the foundation for business goals in any proper plan. Our personal goal of showcasing our successful micro farm to the community in which we both have lived our entire lives drives at the heart of what we want to accomplish. We want to prove to ourselves as well as our community that land value is not what the financial market dictates but how the land can sustain life for both human and animal alike.

With this in mind our business goal of running a profitable and sustainable micro farm that adheres to biodiversity and promoting sustainable use of the ecosystems will be accomplished with our following individual strengths:

- The Chief operator (Melissa Duck) has 18 years of equine experience in care, training and welfare of a variety of breeds of horses and has obtained a high level of respect in the industry. Ms. Duck has also worked at a local horse facility in training and rehabilitation. Robins Creek Farm will be an extension facility for thoroughbred and race

horses needing rest and rehabilitation. Ms. Duck's high level organizational skills will lead her well in the day to day operations of the horse boarding businesses. Melissa has lived with the day to day farm operations growing up along side her grandparents dairy farm and has a thorough understanding of the commitment it takes to run an animal care operation.

- The youthfulness of management is a benefit as both have a rich knowledge of social media skills which is inline with the direct marketing strategy of the business.
- The Chief executive (Ross Robins) has 12 years experience as an electrical contractor working closely with other local businesses and has obtained a strong reputation for high level, customer centered service with long term customers and repeat work. Mr. Robins has built his company from the ground up with no initial capital investment with revenues now exceeding 3 million. This life experience has provided him with a wealth of contacts and ability to network with customers from his community that could greatly aid in the planned business activities of the Robins Duck Farm. Mr. Robins' entrepreneurship skills set such as leadership, time management, problem solving skills, creative thinking and business management have proven vital for promoting innovation, business growth and competitiveness in his current businesses and will carry through to any future endeavour.

The life skills and contacts that have been compiled with Ross and Melissa's careers can be used strategically in the businesses and are a definite advantage over other competitors.

Financial objectives

We want our financial objectives to be concrete and specific so that we can measure our success throughout the planning, implementation and operational processes. Specific objectives aid in long term planning in the businesses, act as benchmarks throughout the process and help the management team make informed decisions to meet its targets.

The main financial objective is to diversify the business activity receiving revenue streams from multiple sources. The farm business will then be protected by way of diversification and reduce risks associated with one revenue stream.

The farm business has specific financial goals, the most critical being:

- Repayment of all initial invested capital by recycling profits from all business activities of the farm each year making repayment of start up loans first priority. This will be accomplished by the following:
 1. The Chief Operations Officer (Melissa Duck) will not be taking a salary until the initial investments are paid in full. This is reasonable and feasible because the personal expenditures will be covered by the Chief Executive Officer (Ross Robins) salary he pulls from his current corporations.
 2. The farm business will make use of the credit facility already developed and in place with Ross Robins companies, so that the farm business can realize a lower cost of borrowing. This will lend in the repayment of the principal loans in a more timely fashion by paying off more of the principal portions of the loans.
 3. Up to date record keeping will be performed so that the management can make well informed business decisions and grow the micro farm in steps. This will provide the time necessary for management to run each division more effectively and seek outside contractors on an as needed basis.
- The main plan is to set up the facilities in a manner to save time in the daily chores of running the animal care services to keep labour costs down. This will also allow the staff to capitalize and make the most of their time supplying their customers with superb animal care services and allow time for the value added services they plan to offer (grooming care, training and extra attention for special needs animals).

The second most important financial objective, like any farm, is to capitalize on all the natural resources provide by the land, as well as offering services that synchronize together thereby reducing costs and maximizing profits.

Critical activities of this objective are:

- Using waste created by horse barn as fertilizer for the garlic crops.
- Developing the quality and cutting the hay from existing fields to feed the horses and provide insulation to the garlic crops.
- Robins Electric inc. is a related corporation to the Robins Creek Farm Inc and will provide the farm an opportunity to cultivate its own wood products. Robins Electric Inc. owns property of which is included a northern property that is considered by the government to be part of the Managed Forest Program (Plan #17164). On this parcel of land there is a 107 acre wood lot. As part of the Managed Forest Program this wood lot must be maintained and selected trees/wood cleared from the wood lot over time. This wood

can then be chipped and used by the horse stables as bedding for the horses. This will greatly reduce the up keep costs of the horses being boarded and reduce daily operations costs.

- The natural beauty of the lands on the severed lot provide the perfect idyllic back drop for trail rides for the horse boarders, this will provide a major incentive for horse owners to board on this property at a potentially higher rent.
- Robins Water Haulage Inc a related corporation has committed to supply the farm all its water needs at cost thereby reducing the costs of water required to run the businesses..
- Robins Electric Inc. will further supply all electrical services installations for the initial cost of the buildings and home free of cost thereby reducing the cost of borrowing

3. Farm background and History

Location and History

The start up farm will be located at 7395 Twenty Road West Lincoln Township, on lands north of the navigable water way. It includes 18 acres of what is deemed by Township “Good General Agriculture with Natural Heritage Overlay. Its sits adjacent to Ms. Ducks parents farm.

The Duck family has been in farming for over 80 years in the West Lincoln area. Ms. Duck was raised on her grandparents dairy farm in which she was an integral part of daily operations growing up. Ms Ducks parents purchased the property from Evelyn Ducks grandparents who now own the adjoining 50 acres on 7895 Twenty Road and have both, along with their daughters, participated in haying the fields and planting and caring for soy beans and corn that supplied their parents’ farm. Farming and working with the land and animals has been apart of Melissa’s Ducks life from early childhood to adulthood. Farm kids realize the value of life, from watching in amazement while new calves are born to participating in the excitement of feeding a new calf. Farm kids learn the basics of animal husbandry from watching their family care for the cows. This upbringing has inspired Melissa and Ross to provide this same life for their young family.

Major initiatives

The three major business activities of the proposed start up farm are as follows:

- Natural Garlic Crops – The farm will offer garlic in its natural form as well as in future provide other alternative garlic products.

Cultivated for over 5000 years garlic has been revered as an essential culinary ingredient. Intense and uniquely flavoured, garlic is found in virtually all cuisines of world. As Ontario becomes more multicultural, garlic becomes a very sustainable market offering as everyone uses it. Our farm business will fiercely promote and educate the public on the benefits of garlic locally grown (versus Asian Garlic) both culinary and for the health and well being of humans as garlic contains many health benefits. This is important as more and more people seek out natural remedies over prescription drugs for the ailments.

The Niagara region's natural beauty from the fruit farms and orchards of The Bench extending to the south that holds vast fields that offer an array of agricultural uses and breathtaking views of natural features such as wetlands, forests and streams provides the perfect back drop for the culinary market. This is the reason for the social movement which promotes serving local foods at restaurants and local schools and also one will notice the trend that local grocers now try to promote the "grown local" foods in their stores. These foods are healthier and the cultivation of these foods produce less harmful effects to the environment in transportation.

- Horse Boarding Business – Per the Socio Economic Impact Assessment report created by Wilton Consulting Group of Canada it has been proven that the following is fact:

Equines are good for people – There has been an emergence of horse therapy programs as more people realize the mental health benefits associated with being in these animals presence and working with these magnificent creatures. There is a market in this industry as people seek alternative ways to reduce stress.

Equines are good for the economy – Canada spends more then 8.3 billion dollars on keeping horses and large equine venues serve as economic drivers in rural communities across Canada

Equine industries provide a buffer between agriculture and urban lands. These farms can help to increase awareness in urban areas of normal farming activities

On a more local basis Ms. Duck's insights into this industry over her extensive years of experience working at many different facilities and working with a variety of breeds of horses has uncovered a need for over flow care from the existing horse stables within and around the Township of West Lincoln. Therefore, this area of care for horses is under supplied in the area and with Ms. Ducks vast and extensive contacts in this industry, she has realized further boarding facilities are much needed.

4. Ownership, management and human resources (HR)

The Robins Creek Farm and its associated businesses will be set up as a Canadian Controlled Private Corporation. The land will be held by Robins Electric Inc, the principal residence will be held personally and be financed personally by Ross Robins and Melissa Duck. The storage shed will be owned by Robins Electric Inc with a small portion of it rented to the Robins Duck Farm Inc. for storage of hay, garlic and farm equipment storage. The horse barn buildings and business will be held by the Farm Incorporation with Ross Robins as sole shareholder.

The Organizational Structure of the Farm Incorporation will be as follows:

Chief Operations Officer –

Mellisa Duck, mother/wife with 18 years of combined equine experience including caring day to day for many breeds of horses including racing horses, lessons horses, rehab horses, mares, foals, broad mares and stallions. Experience assisting with veterinary care labouring mares and has learned about the over all health and welfare of horses at varying stables around West Lincoln.

Experience breeding and caring for exotic poultry breeds. Ms. Duck had a small scale business selling rare chicken eggs to the public in 2021/2022.

20 years experience during family farm hay seasons, hauling wagons with a tractor, raking hay and setting it for storage.

Chief Executive Officer –

Ross Robins, father/husband with 27 years experience as an Electrician from apprentice to Master Electrician status. 12 years into owning an electrical contracting business and starting from no capital and working up to 3 plus million dollars in revenues annually. Entrepreneurially minded and highly respected in the construction industry for providing top tier electrical services, servicing a variety of industries including local home builders within the Niagara Area.

Ross has expanded his repertoire of business skills in a newly water haulage company that services the West Lincoln and Haldimand area. Using his skills and experience as small to

medium sized business owner the business went from operational losses to now earning a respectable profit within a 3 year span. The company has expanded the customer base from the initial 340 customers that existed when the company was purchased to the current level of 785 customers.

Operations Support Staff –

Aiden Robins – part time – summers - 16 years old son of Ross Robins. Has grown up as a member of 4H in West Lincoln and has had hands on experience helping at his grandparents' dairy farm in Wellandport, caring for the cows and operating farm equipment with his grandfather. Post secondary plans include running his own farm in West Lincoln.

Operations Support Staff – continued

Jaiden Duck – part time – summers – 14 years old, daughter of Melissa Duck. Jaiden has spent summers helping her mother with the horses she works with in her employment and has also taken riding lessons and training on personal care of horses.

Amanda Duck – full time staff – sister of Melissa Duck. Amanda has agreed to work full time on the Robins Duck Farm alongside her sister and she brings a strong work ethic, family loyalty and has general knowledge of farm life Amanda has developed a good knowledge of social media skills and will be an integral part in providing this type of advertising and public relations work to the Farm Business.

Jeffery and Evelyn Duck – parents of Melissa Duck. Advisors to Melissa and Ross regarding hay field and crop care. Father Jeffery Duck has many years experience as a farm hand in a variety of agricultural settings. Mother Evelyn Duck has experience in the daily business administration as they have had a variety of their own small business ventures.

Key Advisors:

- Andrea Bland, CPA – Ross Robins corporate and personal accountant since 2017, participating in the start up of the Water Haulage company as well as the Utilities division of Robins Electric Inc. Andrea has 20 years experience as a freelance accountant in a variety of industries mainly lawyers offices, custom home builders, construction

contractors and accounting firms. Andrea's services extend to include HR services (Members Plan Administrator for employee benefits plan) and general consulting on business matters/ acquisitions, capital assets investments, cash flow projections and business planning.

- Rick Betts RBC – Commercial Account Manager and banking advisor at Royal Bank of Canada for the last 4 years. Over the past 4 years Robins Electric admin staff have developed a good rapport with Rick and his associates meeting annually to review financials. Mr Betts has been very supportive over the last 4 years with Ross Robins banking needs.
- Terry Romaniuk – lawyer Halinda Romaniuk Professional Law Corporation, St Catharines – 10 plus years
Specializing in business and corporate law, Terry has provided legal advice to Ross Robins on various matters associated with running his corporations and has provided high standard service and care on all aspects.

5.Products, services and Target Market

Natural Grown Garlic Crops

Primary farm product or service

- Naturally grown garlic will be supplied to the community for household use as well as marketed and sold to higher end restaurants.
- Once established BBQ Rubs, Marinades and Sauces will be introduced using our naturally locally grown garlic as the main ingredient in the food product
- Preserved garlic (oil preserved) will be offered to market following all government food safety guidelines

Target market

- We will use social media as well as selling our garlic at local fruit and vegetable stands in its natural form, the main market being households.

- We will promote our garlic to local restaurants as an alternative to store bought garlic to promote the social movement farm to plate
- As the business progresses we will begin to enter the gourmet food stores found locally throughout the Niagara areas.

Competitive advantage

Using social media outlets and signage aimed at educating the public about the health benefits of using locally grown garlic (over Asian produced garlic) along with the superior taste, the garlic business will begin to sway the public opinions about cost over quality

Pricing strategy

The rise in consumers prioritizing quality of food ingredients and seeking locally grown food products will allow the Ontario garlic growers more freedom in asking higher prices for their products. As well, a bulb of garlic at for example \$3.00 a bulb goes along way when used in several dishes and consumers tend not to be sensitive to the price of food items that boost the overall taste of their culinary creations.

Horse Boarding Services – 6 Stall Horse Barn

Primary farm product or service

- Horse shelter provided in temperature regulated metal barn, each horse has its own stall and there will be a section for tacking the horse – 6 stall horse barn
- Staff provide owner supplied food and water to the horse daily and stalls will be cleaned out daily
- Staff will put horse out to pasture daily monitoring the safety and welfare of the animal under their care
- Staff will facilitate farrier and vet calls
- Extra fees will be charged for blanketing, supplements, treatments and grooming
- Horse owners who board may use lands for trail rides and to exercise their horses as a complimentary service

Target Market

- Private horse owners
- Overflow boarding services will be offered to local stables in the West Lincoln and surrounding area, transportation to be agreed upon between the party and may be offered at an additionally charged fee

Competitive Advantage

The Robins Creek Farm's competitive advantage over other locally run stables will be the custom services it offers with the flexibility for the horse owners to choose a la carte services for their horses care. The small population of horses that the barn will shelter helps ensure the horses stress levels are kept to a minimum such is the way with larger facilities. The smaller scale horse barn and services allows for a more customized personal care plan to be developed for each horse which any horse owner would appreciate.

Pricing Strategy

The pricing strategy for the horse boarding services business will be structured as a basic fee of \$500 a month with the flexibility for the horse owner to add additional services as needed a la carte style pricing for:

- Blanketing horse - \$40 month
- Providing medications, supplements and providing special care as directed by a veterinarian (when owner not able to attend) - \$20 per treatment
- Grooming and tacking horse (ie preparing horse for owners arrival) per scheduled time slot – groom \$40 per groom \$60 with bath and groom – tack up \$15
- General weekly grooming when owner not able to attend - \$160 per month
- Fans/ Fly system – required in summer months \$25/month
- Horse trailer and transportation costs - \$1.86 per km

Hay Products

Primary farm product or service

- Naturally enhanced food quality hay cut and raked by the Robins Duck Farm staff
- Hay will be bailed by third party (no charge to farm) and offered for sale as a bale

Target Market

- Local farmers – some of the hay to be used on the farm as feed and insulation on crops

Competitive Advantage

- The Operators of the Robins Duck Farm already have farm contacts that will take the hay bales offered
- The farm plans to fertilize and enhance the hay field so as to get a thicker more nutrient dense bale

Pricing Strategy

- Large square bales of hay to be sold at \$110 per bale and approx. 80 bales per year in 2 cuttings yields approx. \$8,800 in revenue per annum.

6. Sales and marketing

Marketing and Sales Plan - Natural Garlic Crops Business

The farm will develop a professional web site promoting the health benefits of local garlic. Social media platforms will be used to brand the product and educate the public and market to the target markets showing the advantages over Asian supplied garlic (Asian garlic bleached, grown in human feces, lower grade mutated seed, can contain higher levels of heavy metals and chemicals).

The farm will work collaboratively to offer their products at local fruit and vegetable stands using basic signage to promote the “Buy Local” movement.

Marketing and Sales Plan – Horse Boarding Business

Initially, there is limited capacity as the barn is 6 stalls and the fact that local stables have already voiced a need for overflow boarding needs not much is required in this business division. On a as needed basis ads will be placed digitally and in local newsletters and papers for stalls to rent. As well as public forums/Facebook Marketplace/ Kijji and blogs on the internet. The outcome will be full capacity for the stable 12 months of the year

Once a horse boarder contracts to board their horse the other additional a la carte services will be offered.

7.SWOT Analysis

Strengths	Weaknesses
What strengths will keep you competitive over time?	What areas could be improved? Avoided?
<ol style="list-style-type: none"> 1. Knowledge and experience in the animal care and farm industry 2. Cohesion of the various existing business owned by Ross Robins and the knowledge and expertise in start ups will set the Farm Business up for success 3. The Farm is located in perfect location where culinary and pet/horse owners exist and most household incomes are more than the provincial average 4. The youthfulness of the Farm Business owners lends well to the new social media trends and applications that allow for target marketing 	<ol style="list-style-type: none"> 1. Too many services being offered may put strain on labour needs 2. Misguided consumer awareness and difficulty branding services as there are many services offered 3. Entirely family staffed allows for no leverage, everything is weighed by the fact that you could cause interpersonal family relationship problems when having to discipline staff or follow up on duties.
Opportunities	Threats
What other trends present an opportunity for your farm to take advantage of?	What other obstacles exist and how will you overcome them?
<ol style="list-style-type: none"> 1. Entirely family staffed – may also be a benefit as they are young adults who are looking for learning experience and aren't expecting high pay for work as they tend to be compensated through the estate 2. Both Ross Robins and Melissa Duck have vast contacts list and have developed relationships in the community that will support their business endeavors 	<ol style="list-style-type: none"> 4. Strain on household budgets due to economic pressure – Strategies to overcome this obstacle – target higher income earning households who are not as sensitive to economic fluctuations 5. Incident causing any kind of loss in trust for the animal care business may have detrimental effects on business – Strategies to overcome this obstacle – identifying any customer dissatisfaction immediately and making whatever the situation is right

<p>3. There are many grants and financial options for farm start ups that the Farm Business may qualify for.</p>	<p>with on going communication with customer</p>
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8. Financial position and projections

To follow upon request.



3350 Merrittville Hwy. Unit 9
Thorold Ontario L2V 4Y6
905.788.3135 | info@npca.ca | npca.ca

September 26, 2024

NPCA File No.: PLZBLA202401207

VIA EMAIL ONLY

Planning Department
The Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, L0R 2A0

Attention: Justin Paylove, Deputy Clerk

Subject: Application for Zoning By-Law Amendment, 1601-004-24
Evelyn and Jeffrey Duck (C/o, Ross Robbins)
7395 Twenty Road, West Lincoln
ARN 260203001248900

To the Planning Department,

Further to your request for comments for the Zoning By-Law Amendment application for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

Provided Planning Application description: *The intent of this rezoning application is to permit a parcel of land described as Range 2, Part of Lot 2, as a buildable lot following a natural severance that was approved by the Ontario Superior Court on August 17th 2024. The resulting parcels do not meet the definition of a 'lot' as identified in the Township's Zoning By-Law 2017-70, as amended. This application also proposes a site specific exception to recognize the deficient area of Part 1 being 7.5 hectares (18.53 acres) whereas, 40 hectares (98.84 acres) is identified as the minimum lot area permitted within an Agricultural 'A' zone by Table 12 in the Township's Zoning By-Law 2017-70, as amended and to permit a deficient lot frontage of 44.3 metres whereas the zoning bylaw required 100 metres.*

The NPCA has reviewed the NPCA Mapping of **ARN 260203001248900** and notes that the property is impacted by NPCA regulated features.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains the following regulated features: In association with North Creek, there is a watercourse, watercourse 15 m buffer, and flood hazard on the subject property. Additionally, there is a Provincially Significant Wetland and 30 m regulated buffer area.

Provided in the Zoning By-Law Amendment Application, the applicant has provided a proposal for a 'Scoped Environmental Impact Statement' dated, November 29, 2023. Following a review, the NPCA has no objections to the proposed works and can offer the following comments:

1. It is noted in the Scoped Environmental Impact Statement that a boundary adjustment was made to the PSW/NPCA Regulated Wetland (page 17), NPCA Planning Ecology agrees with the proposed change based on the information outlined in the memo and from the review of historic aerial imagery and relevant mapping layers (contours and DTMS). Please submit the newly revised wetland boundary as a GIS compatible file (i.e. .shp), so that we can update our mapping.
2. NPCA is supportive of the ESC measures as described in the Scoped Environmental Impact Statement and in Figure 3, which shows the location of the proposed silt fencing.
3. NPCA Planning Ecology is supportive of the recommendation to allow areas within the 30 m buffer to become 'Natural Self-Sustaining Vegetation', as shown on Figure 3.
4. Please note that all areas of disturbed soil shall be stabilized immediately upon completion of work and restored to a pre-disturbed state or better. NPCA Planning Ecology recommends re-vegetation with a native seed mix (https://npca.ca/images/uploads/common/Native_Plant_Guide.pdf) where appropriate.

Provided in the Zoning By-Law Amendment Application, the applicant submitted a proposed Grading Plan dated, July 23, 2024 by Rasch and Hyde Ltd. The NPCA has reviewed and offers no objections to the proposed dwelling, storage, septic tank and dog kennel. The proposed driveway provides safe access for the proposed works, and flood hazards are not of a concern for the proposed placement. However, please be advised that the proposed driveway does encroach on the NPCA Regulated Limited as such, an NPCA Permit (with applicable fees) will be required prior to the start of proposed development.

Conclusion

At this time, the NPCA staff have no objections to the Zoning By-Law Application, **1601-004-24**.

Please be advised that the proposed driveway and any future proposed development within an NPCA Regulated area will require review, approval and NPCA Permits (with applicable fees) from this office prior to the commencement of any works on site.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Paige Pearson
Watershed Planner
(905) 788-3135, ext. 205
ppearson@npca.ca

Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email Only

October 4, 2024

File Number: PLZBA202401130

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Ettl,

Re: Regional and Provincial Comments
Application Type: Zoning By-Law Amendment
Township File Number: 1601-004-24
Applicant: Jeffrey Lawrence Duck, Evelyn Duck
Location: 7395 Twenty Road; Range 2, Part of Lot 4
Municipality Name: West Lincoln

Staff of the Regional Public Works Growth Management and Planning Division has reviewed the materials provided with the circulation of the above noted Zoning By-law Amendment (“ZBA”) application for the property municipally known as 7395 Twenty Road in the Township of West Lincoln.

The ZBA application proposes to permit a parcel of land (Range 2, Part of Lot 2) as a buildable lot following a natural severance that was approved by the Ontario Superior Court (August 17, 2024) as the resulting parcel does not meet the definition of a ‘lot’ as defined in the Township’s Zoning By-law 2017-70, as amended.

The application also proposes a site-specific exemption to recognize the deficient area of Part 1 being 7.5 ha whereas 40 ha is identified as the minimum lot area permitted within an Agricultural ‘A’ zone. The application also proposes to permit a reduced lot frontage of 44.3 metres whereas 100 metres is required.

A pre-consultation meeting was held on January 19, 2023, with the Applicant’s agent/representative, attended by Township, Niagara Peninsula Conservation Authority, and Regional staff, to consider the proposal.

The following comments are offered from a Provincial and Regional perspective to assist Council with its consideration of the application.

Provincial and Regional Policies

The subject lands are within the 'Prime Agricultural Area' under the Provincial Policy Statement, 2020 ("PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the lands are designated 'Prime Agricultural Area' by the Niagara Official Plan, 2022 ("NOP").

Across the region, an Agricultural System has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted.

Lot creation is discouraged in the Prime Agricultural Area and only permitted in limited circumstances as detailed within PPS Policy 2.3.4.1 and NOP Policies 4.1.4.2 and 4.1.6.1, including for agricultural uses where the minimum lot size for the severed and retained lot is 40 hectares, for an agriculture-related use, for a residence surplus to a farming operation, for a lot adjustment for legal or technical reason that does not result in the creation of a new lot, or for public infrastructure. Furthermore, PPS policy 2.3.4.3 states that within Prime Agricultural Areas, the creation of a new residential lot is not permitted.

Staff notes that if a severance was proposed through a Planning Act application to create a non-farm residential lot, staff would not be in a position to support a consent as PPS and NOP policies noted above would not be met. Staff acknowledge, however, that the Court Order issued by the Ontario Superior Court of Justice (Court File No. CV-23-000061500-0000) (dated August 17, 2023) confirms the natural severance has occurred. As such, staff offers no objection to recognizing the deficient lot area in this instance.

Staff notes that information submitted with the application (Planning Justification report, prepared by Metropolitan Consulting Inc., dated August 2024; and, Robins Creek Farm Business Plan, dated May 29, 2024) indicates that a large portion of the subject lands are to be actively in agricultural production for the growing of crops (hay (10 acres) and garlic (3 acres)), small scale egg production, and horse boarding. Additionally, the PJR referenced an On Farm Diversified Use (OFDU) consisting of an electrical contractor home industry.

The OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (the Guidelines) provide that agricultural and on-farm diversified uses are permitted. On-farm diversified uses are subject to the following criteria: the use must be located on a farm; secondary to the principal agricultural use of the property; limited in area; includes, but

is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and shall be compatible with, and shall not hinder, surrounding agricultural operations. The Guidelines also recommend that the standard acceptable area occupied by an on-farm diversified use is up to two percent of a farm parcel to a maximum of one hectare.

Regional staff note that the subject property currently contains no active agricultural use, where the requirement of an OFDU would be that it is secondary to the principal agricultural use of the property. The Township should, therefore, be satisfied that a suitable agricultural use will be established to ensure the proposed use is consistent with and conforms to Provincial, Township and Regional policies and plans. Staff understands that the Township is considering that a holding provision be placed onto the subject property until a primary agricultural use is established on the subject property.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The subject land is mapped as an area of archaeological potential on Schedule K of the NOP. Regional staff reviewed the Stage 1-2 Archaeological Assessments, conducted by Seguin Archaeological Services (dated October 20, 2023) and received the associated Ministry of Citizenship and Multiculturalism Acknowledgement Letter (dated November 2, 2023). The Stage 1 background research indicated the Study Area exhibited moderate to high potential for identification and recovery of archaeological resources in the scoped study area. The Stage 2 field assessment was scoped to a small portion of the property as shown on Figures 1-3 of the Study. The area subject to the Stage 2 assessment resulted in identification of one pre-contact Aboriginal findspot (Location 1); additionally, no identification or documentation of archaeological resources were documented during the test pitting survey. Accordingly, the licensed archeologist recommends no further archaeological assessments in the scoped study area.

Staff note that any future development proposed outside of the study area in the Stage 1-2 Archaeological Assessment (dated October 20, 2023) will be subject to a Stage 1-2 Archaeological Assessment (at minimum) and will require their associated Ministry of Citizenship and Multiculturalism Acknowledgement Letter.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, staff provide the following standard archaeological warning clauses should any resources be encountered through future construction works:

“If deeply buried or previously undiscovered archaeological remains/resources are

found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C." ([Archaeological Management Plan - Niagara Region, Ontario](#))

Natural Environment

The subject property is impacted by the Region's Natural Environment System (NES) of the NOP, consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW), other wetland, and a permanent or intermittent stream, which are all considered Key Hydrologic Features outside of Settlement Areas. Staff reviewed the proposal at the pre-consultation meeting (dated January 19, 2023) and were satisfied that the above-noted features appeared to be zoned appropriately.

That said, a Scoped Environmental Impact Study (EIS), prepared by Terrastory Environmental Consulting Inc. (dated November 29, 2023) was circulated with the application. Staff reviewed the EIS which characterizes the NES features and assesses potential impacts associated with the proposed development to demonstrate that there will be no significant negative impacts to the features and associated ecological and hydrological functions. The EIS recommends a 30 metre setback from all wetlands, which are the most restrictive environmental feature. To further mitigate impacts associated with the development, the EIS recommends numerous mitigation measures (e.g., vegetating clearing timing restrictions, installation of erosion and sediment control fencing, restoration of buffers, etc.). Regional Environmental Planning staff are satisfied that the EIS adequately addresses Provincial and Regional NES policies. As it relates to the proposed Zoning By-law Amendment (ZBA) application, Township staff should be satisfied that the features and the recommended setbacks identified in the EIS, are placed into an appropriately restrictive environmental zone.

Staff note that conditions of approval will be recommended to implement the EIS recommendations should a holding provision be applied or future Planning Act approval be required.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- No Limit green containers; and,
- 2 Garbage Containers per unit (Bi weekly)
- Curbside Collection Only

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

Staff of the Regional Public Works Growth Management and Planning Division offers no objection to the proposed amendment to recognize the subject parcel as a buildable lot subject to the satisfaction of the Township. In addition, staff recommends that a Holding Provision is placed on the subject parcel in order to implement the recommendations of the EIS. Further, the Township should be satisfied that a principal agricultural use is established prior to the approval of an On Farm Diversified Use as discussed above.

Please send a copy of the staff report and notice of the Township's decision on this application. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca

Kind regards,



Connor Wilson
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

DATE: October 15, 2024

REPORT NO: PD-43-2024

SUBJECT: **Recommendation Report – Cathy and William Vitucci – 5447 Regional Road 20 (File No. 1601-007-24)**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for rezoning was submitted by William and Cathy Vitucci for the property municipally known as 5447 Regional Road 20 (please see Survey Sketch found in Schedule A).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling Severance application B04/2024WL, which was conditionally approved by the Township’s Committee of Adjustment on July 24th, 2024.
- The Surplus Farm Dwelling Severance application severed 0.50 hectares (1.25 acres) of land with a dwelling from the remnant farmland, being 23.02 hectares (57.05 acres).
- As a condition of the consent, the severed residential parcel is required to be rezoned from an Agricultural ‘A’ zone to a Rural Residential ‘RuR-235’ with site specific provisions recognizing a deficient front yard setback and to rezone the retained lands from an Agricultural ‘A’ zone to an Agricultural Purposes Only ‘APO-234’, with a site specific provision to recognize the deficient lot area and to allow the existing agricultural accessory building to remain on the property.
- The Agricultural Purposes Only ‘APO’ zone will restrict future residential uses and is required by Provincial Policy.
- No public comment submissions have been made at the time of writing this report.

RECOMMENDATION:

1. That, Recommendation Report PD-43-2024, titled “Application for Zoning Bylaw Amendment for 5447 Regional Road 20 (File No. 1601-007-24)”, dated October 15th 2024, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by William and Cathy Vitucci owners of 5447 Regional Road 20, be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations; and,

3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Cathy and William Vitucci for the property municipally known as 5447 Regional Road 20, located just east of the hamlet of Bismark. (Please see survey sketch found in Schedule A).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B04/2024WL, that was conditionally granted approval by the Committee of Adjustment on July 24th 2024. This condition requires that the remnant farmland be rezoned to Agricultural Purposes Only to restrict future residential uses, and to rezone the severed parcel to Rural Residential. The Committee of Adjustment Report [COA-24-2024](#) provides a full planning policy review of the consent application.

CURRENT SITUATION:

Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe and Provincial Planning Statement (2024)

The Provincial Policy Statement (PPS) remains in effect until October 19th, 2024, following which the new Provincial Planning Statement, 2024 comes into effect. The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

Both the PPS 2020 and PPS 2024 permit limited lot creation in *prime agricultural areas* including the severance of a residence surplus to a farming operation, provided they meet a number of criteria outlined in the PPS. Both PPS documents require that the new lot be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and that the planning authority ensures that new dwellings and additional residential units are prohibited on the remnant parcel.

The severed lot in this application is limited in size to accommodate appropriate sewage and water services and the applicants have submitted this zoning application to rezone the remnant lands to Agricultural Purposes Only (APO) to ensure long-term agricultural operations continue on the lands and no new residential uses are established.

Therefore, this application is consistent with the intent and objectives of the Provincial Policy Statement (PPS) for protecting the prime agricultural area for continuous

agricultural use.

Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the subject lands are outside of the identified Greenbelt Plan, the PPS is the Provincial policy that applies for this application.

Niagara Official Plan (NOP) and Township Official Plan (OP)

Both the Niagara Official Plan (NOP) and Township Official Plan (OP) provides long-term strategic policy planning and framework for the enhancement of the Agricultural System and the protection of the Region and Township's agricultural land base.

Lands within The Agricultural System shall be protected for long-term agricultural use, however, a limited amount of development, including surplus farm dwelling severances, are permitted in alignment with provincial policy. Both the NOP and local OP, in alignment with provincial policy, require that as a result of a surplus farm dwelling severance, the remnant agricultural lands be rezoned to restrict any future residential uses. This application is consistent with both the NOP and local OP as it proposes to an Agricultural Purposes Only zone over the remnant farmland which will not permit any future residential development.

The consent application was fully reviewed against planning policies in the Committee of Adjustment Report [COA-24-2024](#). The conditionally approved surplus farm dwelling severance was in alignment with both the NOP and local OP.

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

The subject property is currently zoned Agricultural 'A'. As a condition of the related consent application (B04/2024WL), the applicants are to apply for and receive approval of a Zoning Bylaw Amendment application that rezones the remnant farmland to Agricultural Purposes only and recognizes any zoning deficiencies for both the severed and retained parcels.

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural 'A' zone to Rural Residential 'RuR-235' with site specific provisions recognizing a deficient front yard setback of 5 metres whereas 15 metres is required.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-234, with a site specific provision to recognize the deficient lot size, being approximately 23.02 hectares (57.5 acres) whereas Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. As well as recognizing a deficient lot frontage of 8.13 metres where 100 metres is required and to allow the existing agricultural accessory building to remain on the property. The subject property has over 400 meters of frontage along Regional Road 20 (west property line), however, the Township's zoning bylaw states that the frontage where a lot abuts more than one public road, shall be the shortest frontage, which in this case is Regional

Road 20 (south property line).

This application for a Zoning Bylaw Amendment is consistent with all other provisions of the Agricultural zone.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report,

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on September 11th 2024 and a notice of the hearing was also posted to the Township's website.

Township Building Department and Public Works Department had no objections or comments to provide on the application during the consent process. All comments received as part of the consent application can be found within the Committee of Adjustment Report [COA-24-2024](#).

The NPCA and Niagara Region provided comments which are included as Schedule D to this report. The NPCA provided no objections to the proposed application and the Niagara Region stated that the Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Administration has requested that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on September 11th 2024. In addition, a yellow sign was posted on the property on September 23rd, 2024. As of the preparation of this Report, Administration has not received any public comments regarding this application.

CONCLUSION:

An application for Zoning By-law Amendment application has been submitted for the property located at 5447 Regional Road 20 to rezone the retained agricultural lands to Agricultural Purposes Only, with site specific exceptions and to rezone the severed residential parcel to Rural Residential with site specific exceptions.

The application to amend the Zoning By-law has been reviewed in accordance with Section 2 and Section 34 of the Planning Act and against Provincial, Regional, and Township Policy, and meets the policies. As such, Administration recommends the approval of this Zoning By-law Amendment application and the By-law attached to this

report.

ATTACHMENTS:

1. Schedule A - Location Map
2. Schedule B - Survey Sketch
3. Schedule C - By-law
4. Schedule D - Agency Comments

Prepared & Submitted by:

**Madyson Ettl
Senior Planner**

**Brian Treble
Director of Planning and Building**

Approved by:

**Gerrit Boerema
Manager of Planning**

**Truper McBride
CAO**



Location Map
5447 Regional Road 20

West Lincoln

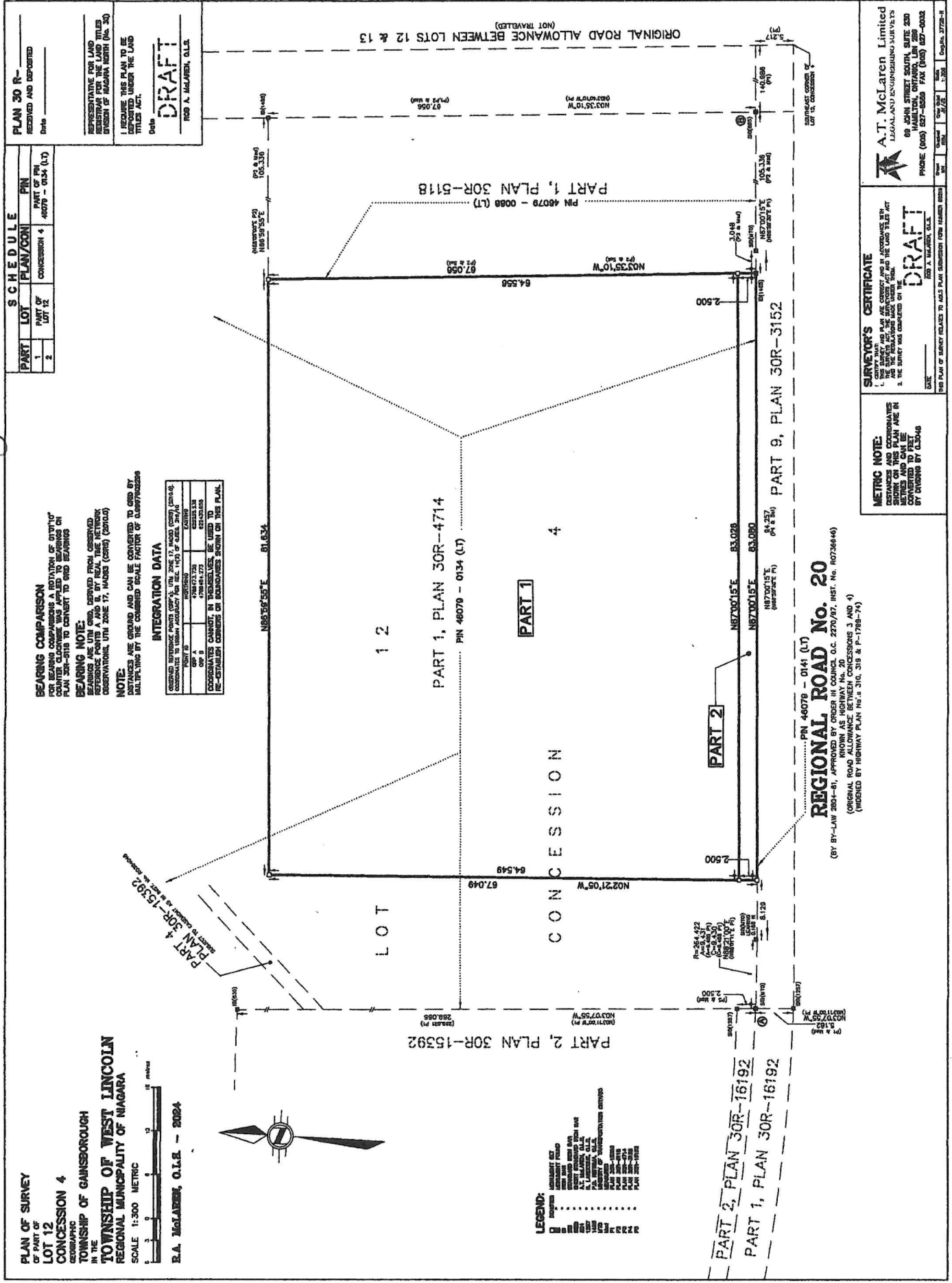
Your Future Naturally

Legend

- Zone Boundary
- Subject Property

0 40 80 160 Meters

Road Widening Draft Plan



PLAN 30 R-
RECEIVED AND DEPOSITED
Date _____

REPRESENTATIVE FOR LAND
REGISTERED FOR THE LAND TITLES
DIVISION OF ANGLIA NORTH (No. 30)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date _____
DRAFT
RUD A. McLAREN, O.L.S.

SCHEDULE

PART	LOT	PLAN/CON	PIN
1	PART OF LOT 12	CONCESSION 4	46078 - 0134 (LT)
2			

BEARING COMPARISON
ON BEARING COMPARED A DISTANCE OF 0.170"
BEARING COMPARED TO BEARINGS
PLAN 30R-3152 TO COMBAT TO END BEARINGS

BEARING NOTE:
BEARINGS ARE WITH GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CAD) (GSD04)

NOTE:
DISTANCES ARE GRID AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE CORRECTED SCALE FACTOR OF 0.99999958

INTEGRATION DATA

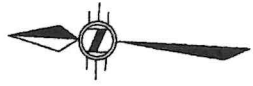
POINT ID	BEARING	DISTANCE
OP A	N87°01'51"E	65.080
OP B	N87°01'51"E	65.080

COORDINATES CANNOT BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

PLAN OF SURVEY
OF PART OF
LOT 12
CONCESSION 4
COMMUNIC
TOWNSHIP OF GAINSBOROUGH
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:300 METRIC

R.A. McLAREN, O.L.S. - 2024



- LEGEND:**
- EASEMENT
 - EASEMENT FIELD
 - EASEMENT WITH FIELD
 - EASEMENT WITH FIELD AND
 - EASEMENT WITH FIELD AND
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A.T. McLaren Limited
LEGAL AND ENGINEERING SERVICES
89 JOHN STREET SOUTH SUITE 200
TORONTO, ONTARIO M5V 2E9
PHONE (416) 597-8250 FAX (416) 597-0032
WWW.ATMCLAREN.COM

SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM A REGISTERED SURVEYOR AND THAT I HAVE
1. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION
2. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION
3. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION
4. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION
5. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION

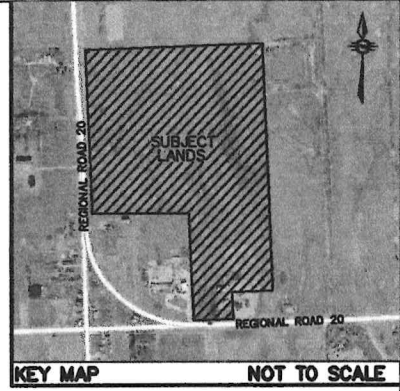
Date _____
RUD A. McLAREN, O.L.S.

REGIONAL ROAD No. 20
(BY BY-LAW 2801-81, APPROVED BY ORDER IN COUNCIL, O.C. 2270/87, INST. No. N0726644)
(ORIGINAL ROAD 2801-81, APPROVED BY ORDER IN COUNCIL, O.C. 2270/87, INST. No. N0726644)
(MODIFIED BY HIGHWAY PLAN No. 3, 310, 318 & P-1788-74)

SKETCH FOR SEVERANCE APPLICATION
 OF
5447 REGIONAL ROAD 20
 IN THE
TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:3000 METRIC

R.A. McLAREN, O.L.S. - 2024



METRIC NOTE:

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

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN 30R-15392 & PLAN 30R-4714.

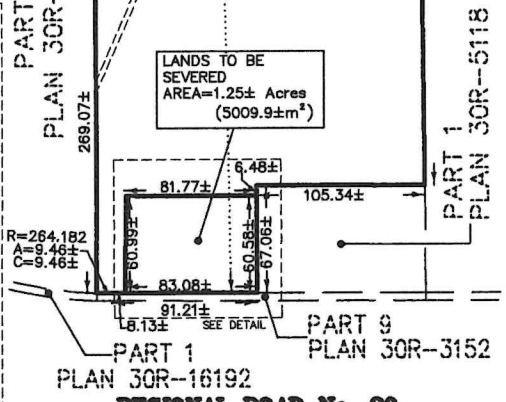
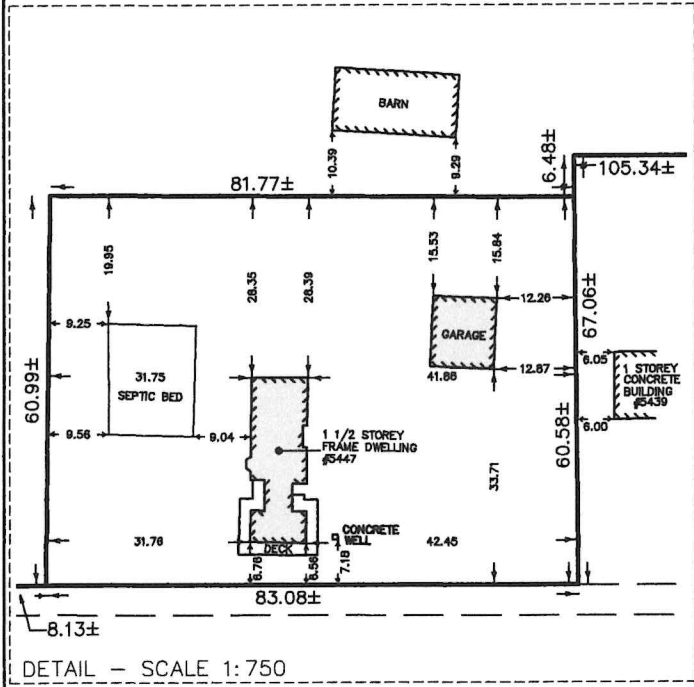
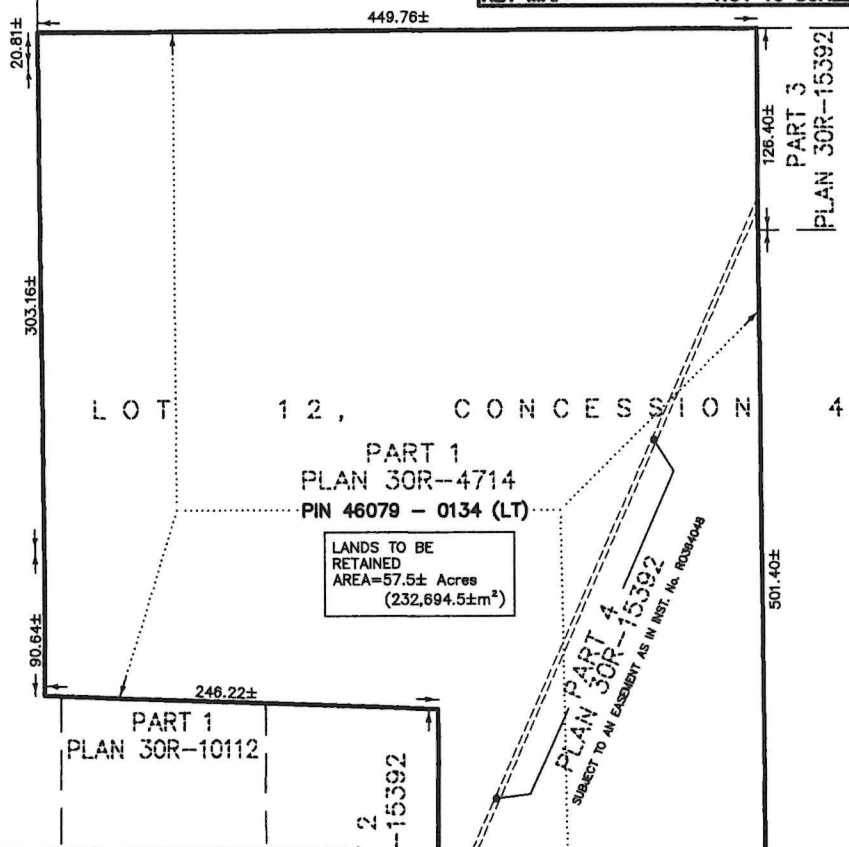
THIS PLAN IS COMPRISED OF PART OF LOT 12, CONCESSION 4, GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH IN THE TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.

CAUTION:

A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

HIGHWAY No. 20
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)



REGIONAL ROAD No. 20
 (BY BY-LAW 2804-81, APPROVED BY ORDER IN COUNCIL O.C. 2270/87, INST. No. R0738846)
 LOCALLY KNOWN AS HIGHWAY No. 20
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)
 (WIDENED BY HIGHWAY PLAN No.'s 310, 319 & P-1789-74)

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 88 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B8
 PHONE (905) 827-8558 FAX (905) 827-0032

Drawn MN	Checked RBM	Drawn Chief JK/JS	Scale 1:3000	Dwg.No. 37728-SK
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THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-##

**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, Map 'D7' to Schedule A to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 5447 Regional Road 20, legally described as Concession 4, Part Lot 12 RP30R4714; PT PART 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A'. attached hereto and forming part of this By-law.

2. That, Map 'D7' to Schedule 'A' to Zoning By-Law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to a Rural Residential 'RUR' zone with exception (RUR-235)

3. That, Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

RUR-235

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the RUR zone except:

- a) A minimum front yard setback of 5 meters for the existing dwelling.

4. That, Map 'D7' to Schedule 'A' to Zoning By-Law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to an Agricultural Purposes Only zone with Exception (APO-236)

5. That, Part 6 of Zoning By-law 17-70, as amended, is hereby amended by adding the following to Part 13.2:

APO-236

Permitted Uses:

As per the parent zone

Regulations

All regulations of the APO zone except

- a) A minimum lot area of 23.02 hectares (57.5 acres) whereas 39 hectares (96.37 acres) is required
- b) A minimum lot frontage of 8.13 meters

6. That, all other provisions of By-law 2017-70 continue to apply.

7. 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
28th DAY OF October, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, ACTING CLERK

DRAFT

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-##

Location:

This By-law involves a parcel of land legally known as 5447 Regional Rod 20, legally described as Concession 4, Part Lot 12 RP30R4714; PT PART 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A'. attached hereto and forming part of this By-law.

Purpose & Effect:

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural 'A' zone to Rural Residential 'RuR-235' with site specific provisions recognizing a deficient front yard setback of 5 metres whereas 15 metres is required. The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-234, with a site specific provision to recognize the deficient lot size, being approximately 23.02 hectares (57.5 acres) whereas Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. As well as recognizing a deficient lot frontage of 8.13 metres where 100 metres is required and to allow the existing agricultural accessory building to remain on the property.

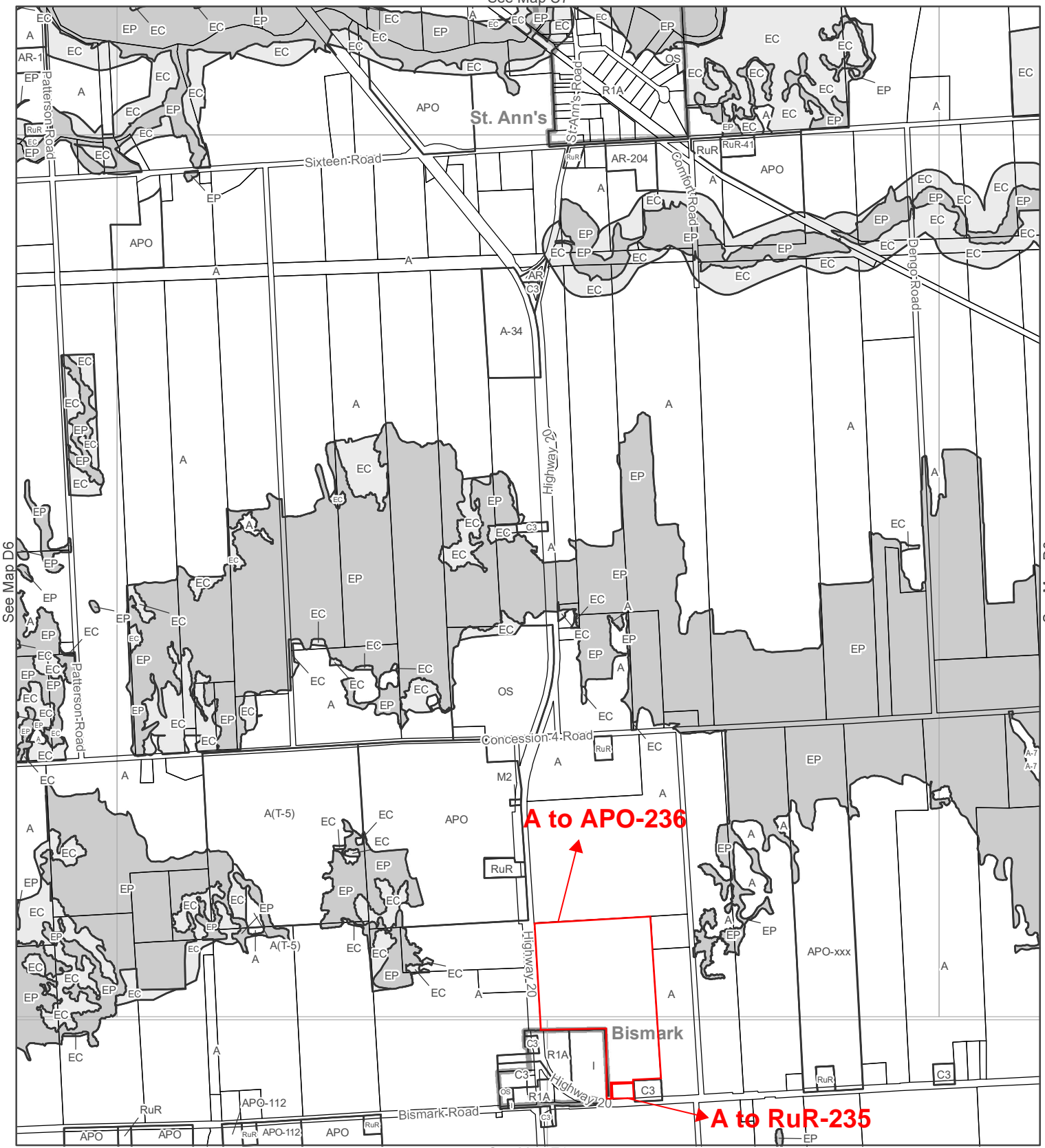
Public Consultation:

The Public Meeting was held on October 15th 2024. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the amending bylaw.

File: 1601-007-24
Applicant: William and Cathy Vitucci

DRAFT

See Map C7



See Map D6

See Map D8

See Map E6

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
D7

1:20,000
 0 500 m
 Last Updated: July 2019



3350 Merrittville Hwy. Unit 9
Thorold Ontario L2V 4Y6
905.788.3135 | info@npca.ca | npca.ca

September 27, 2024

NPCA File No.: PLZBLA202401260

VIA EMAIL ONLY

Planning Department
The Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, L0R 2A0

Attention: Justin Paylove, Deputy Clerk

Subject: Application for Zoning By-Law Amendment, 1601-007-24
William and Cathy Vitucci
5447 Regional Road 20, West Lincoln
ARN 260202001018500

To the Planning Department,

Further to your request for comments for the Zoning By-Law Amendment in conjunction with the Consent Application, B04/2024WL, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260202001018500** and notes that the subject property contains NPCA Regulated watercourse features but is not impacted by flood hazards. Therefore, the NPCA would have no objection to the Zoning By-Law Amendment application.

Please be advised that any future development within an NPCA Regulated Area will require review, approval, and issued NPCA Permits prior to the commencement of development.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", is written over a light blue horizontal line.

Paige Pearson
Watershed Planner
(905) 788-3135, ext. 205
ppearson@npca.ca

From: Wilson, Connor <Connor.Wilson@niagararegion.ca>
Sent: September 30, 2024 9:28 AM
To: Madyson Ettl
Cc: Development Planning Applications; Biba, Philippe; Busnello, Pat
Subject: RE: Notice of Public Meeting - 5447 Regional Road 20 - File No. 1601-007-24

Good morning Madyson

In accordance to Section 3.3.4 of the MOU, this application is exempted from Review by the Region as the Zoning By-law Amendment application for "Agricultural Purposes Only" is required as a condition of consent.

Staff wish to advise the applicant of the following:

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)
- Curbside collection only
- Will remain as existing

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Staff request that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Let me know if you have any questions or concerns with the above.

All the Best,

Connor



Connor Wilson
Development Planner

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3399

W: www.niagararegion.ca

E: connor.wilson@niagararegion.ca

From: Madyson Ettl <metzl@westlincoln.ca>

Sent: Wednesday, September 11, 2024 3:45 PM

To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>; clark.euale@ncdsb.com; Meghan Birbeck <mbirbeck@npca.ca>; Paige Pearson <ppearson@npca.ca>; notifications@enbridge.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Busnello, Pat <pat.busnello@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; Consultation <consultations@metisnation.org>; Lonny Bomberry <lonnybomberry@sixnations.ca>; Dawn LaForme <dlaforme@sixnations.ca>; Jennifer Dockstader <executivedirector@fenfc.org>; Chris Shawanoo <executivedirector@nrnc.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; Leroy Hill <jocko@sixnationsns.com>; megan.devries@mncfn.ca; Dawn LaForme <dlaforme@sixnations.ca>

Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher (West Lincoln) <dfisher@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; tmcbride <tmcbride@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>

Subject: Notice of Public Meeting - 5447 Regional Road 20 - File No. 1601-007-24

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 Afternoon,

Please find attached the above mentioned notice for - 1601-007-24- –Zoning Bylaw Amendment – 5447 Regional Road 20.

This public meeting will be held on **Tuesday October 15th 2024**

Comments would be appreciated by September 30th.

If you have any questions, please contact me at 905-957-5126 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Ettl

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>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p> 
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DATE: October 15, 2024

REPORT NO: PD-46-2024

SUBJECT: **Provincial Bypass for Highway 20 on Southwest side of Smithville**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- In the 1970s, the Province registered an Order in Council on lands to the south and west of Smithville of a potential future bypass for, at that time, Provincial Highway 20 (Schedule 2).
- During discussions around the future proposal of a mid-peninsula corridor, later a Niagara-GTA corridor and later still a QEW widening program, the Region received notice from the Province of 3 prospective bypasses that were being transferred to the Region.
- The three bypasses included:
 - Highway 3 crossing the Welland Canal in Port Colborne
 - Highway 20 between Pelham and the 420 in Niagara Falls
 - Highway 20 – Smithville bypass
- The Transportation Master Plan that was completed as part of the Master Community Plan (MCP) for Smithville recommends three alternative bypass locations (Schedule 3) that should be considered as part of a future Environmental Assessment (EA) process.
- Now that OPA 62 is approved (OPA 63 is only partially approved), and the Master Transportation Plan has been endorsed, it is appropriate and timely to remove Highway 20 bypass from the record.
- This report is written to provide authority for staff to notify the Region that the Provincial Highway 20 bypass is no longer required as it is not consistent with the Transportation Master Plan completed as part of the MCP process.

RECOMMENDATION:

1. That, Recommendation Report PD-46-2024, titled “Provincial Bypass for Highway 20 on Southwest side of Smithville ”, dated October 15, 2024 be received; and,
2. That, Administration be directed to notify the Region of Niagara that the Provincial Highway 20 bypass is no longer consistent with the recommendations of the

Township of West Lincoln Transportation Master Plan and can therefore now be removed from the affected lands as they are no longer lands required for future bypass development.

ALIGNMENT TO STRATEGIC PLAN:

Theme

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

BACKGROUND:

In 2003, Regional Council passed a resolution expressing support for building a transportation corridor (mid-peninsula) extending through Niagara past the Hamilton International Airport, connecting a number of 400-series highways through the Environmental Assessment process. In 2005, the MTO initiated the NGTA study. The EA process started in 2007 and a Provincial Draft Transportation Strategy report was released at the end of February 2011. This included the identification of three Provincial bypasses that the Region is now required to assess for future development.

CURRENT SITUATION:

In the 1970s, the Province registered an Order in Council on lands to the south and west of Smithville of a potential future bypass (see Schedule 2) for, at that time, Provincial Highway 20.

During discussions around the future proposal of a mid-peninsula corridor, later a Niagara-GTA corridor and later still a QEW widening program, the Region received notice of 3 prospective bypasses that were being transferred to the Region.

The three bypasses included:

- Highway 3 crossing the Welland Canal in Port Colborne
- Highway 20 between Pelham and the 420 in Niagara Falls
- Highway 20 – Smithville bypass

In 2011, the Region wrote report PWA-32-2011 and Township Administration wrote a letter to Mr. Ken Brothers, Commissioner of Regional Public Works at the time and copied Township Council (Schedule 1).

In 2019, the Township of West Lincoln Master Community Plan (MCP) commenced an analysis of the urban area of Smithville and its growth potential. Also, included in this review was a Transportation Master Plan that reviewed alternative transportation routes that will serve the future growth of Smithville and identified three alternative locations as found on the map at Schedule 3 to this report. Each alternative will be analyzed through an Environmental Assessment process that identifies the preferred alternatives for development. This will be a Regional task.

Now that OPA 62 is approved (OPA 63 is only partially approved) and the Transportation Master Plan has been endorsed, it is appropriate and timely to advise the Region to remove the southwest provincial highway 20 bypass from the books.

The Master Community Plan (MCP) work is now complete and two of the bypass concepts around Smithville extend north from Highway 20 in the west end easterly to the Smithville Industrial Park and beyond. The third option is southerly, but at a further distance from Smithville that the Provincial bypass concept. The map at Schedule 3 illustrates the three preferred concepts (from the Transportation Master Plan) that will be further evaluated by a Regional Environmental Assessment (EA) process.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

Administration has discussed this report with Regional Public Works Staff, the Master Community Plan consulting team members and Phelps Homes, who are all supportive of this report and the recommendation.

CONCLUSION:

Staff recommend that it is now appropriate to notify the Region that the Order in Council for the former Provincial Highway 20 bypass to the south and west of the current built up area of Smithville can be removed from the record since the new Township of West Lincoln Transportation Master Plan evaluated the Provincial bypass and recommended three different options for future consideration.

SCHEDULES:

1. Report PWA-32-2011 and letter from July 2011
2. Maps illustrating 1970s bypass
3. Map of Options from Transportation Master Plan

Prepared & Submitted by:

Approved by:

**Brian Treble
Director of Planning & Building**

**Truper McBride
CAO**



REPORT TO: Chair and Members of the Public Works Committee

SUBJECT: **Niagara to GTA Planning and Environmental Assessment Study:
Transportation Development Strategy Report**

RECOMMENDATION(S)

That this Committee recommends to Regional Council:

1. That Council support the route planning for a new multi-use transportation corridor connecting Highway 406 in the Welland area to the QEW in Fort Erie:
 - a) That this route planning study be advanced from the medium term (5-15 years) to proceed immediately;
 - b) That the Ministry of Transportation co-ordinate their environmental assessment for this corridor with the Region's ongoing Class EA for the South Niagara East/West Arterial; and
 - c) That the construction of this corridor be advanced from the long term (15-25 years) to the medium term (5-15 years).

2. That Council continue to support the need for a new multi-use transportation corridor between Welland and Hamilton:
 - a) That the MTO continue to study growth patterns and transportation system performance to determine when this new facility will be required; and
 - b) That this monitoring be tied to the results of the required five year review of Official Plans and the ten year review of the Provincial Places to Grow Plan.

3. That Council endorse the following elements from the Draft Transportation Development Strategy:
 - a) Continued expansion by Metrolinx of GO bus and train service for Niagara;
 - b) Support for marine goods movement initiatives;
 - c) Removal of constraints to allow for more efficient movement of people and good by rail;
 - d) Development of an Active Traffic Management Plan to optimize the use of existing road networks; and
 - e) Support for an inter-regional transit service which links urban areas.
4. That Council advise the MTO that they agree with the recommendation to revoke existing highway designations on Highway 3 and Highway 20 as identified in Section 5 (a) of the Study, provided there is agreement from the local municipalities where these are located.
5. That this report be circulated for information to all twelve Local Area Municipal Clerks, Planners and Public Works Officials.

EXECUTIVE SUMMARY

This report explores the NGTA Phase 1 Report and Draft Transportation Strategy released for comment in March, 2011, and summarizes responses from Niagara Region as a stakeholder. The report briefly explains the NGTA Environmental Assessment, and the building blocks upon which the Draft Transportation Study was built. The report then presents a number of recommendations based on support of the Group 1 and Group 2 options, support for the Gateway Economic Zone and Gateway Economic Centre, connection to mandatory Provincial review processes and proposed removal of provincial interest in various Highways throughout Niagara Region.

FINANCIAL IMPLICATIONS

The provincial NGTA (Phase 1) report considers inter-regional transportation infrastructure planning. While the report does not address the financial aspects of the Draft Transportation Strategy, it is likely that the planned upgrades and new infrastructure will be financed by upper level(s) of government.

Niagara Region can still expect short-term and long-term financial implications. In the short term:

- There will be financial implications for the Region in the likely scenario of a partnership to expedite the Phase 2 EA, to connect the QEW and Highway 406 in the Welland area.
- There will be financial implications for the Region for infrastructure enhancements on Regionally-owned assets to support the Group 1 and Group 2 alternatives (discussed below), designed to make more efficient use of existing infrastructure.

Long-term financial implications will be determined through the final Phase 1 report and the upcoming Phase 2 work.

PURPOSE

To receive endorsement from Regional Council of staff comments related to the Niagara to GTA Corridor Planning and Environmental Assessment Study - Draft Transportation Development Strategy (NGTA Phase 1).

BACKGROUND

In 2003, Regional Council passed a resolution expressing support for building a transportation corridor (mid-peninsula) extending through Niagara past the Hamilton International Airport, connecting a number of 400-series highways through the Environmental Assessment process. In 2005, the MTO initiated the NGTA study. The EA process started in 2007 and the Draft Transportation Strategy report was released at the end of February 2011. During the consultation phases, Regional Staff advised the NGTA study team that a South Niagara East-West Arterial Corridor EA had been initiated. Regional staff identified the joint interest and need for the corridor and also the willingness to partner to expedite the QEW to Highway 406 corridor.

This report provides an update on the Transportation Development Strategy for the NGTA study, with specific recommendations for Regional Council in light of Niagara's previous work and future planned growth.

REPORT

The NGTA EA was approved to be undertaken in two phases. The NGTA Phase 1 report identified transportation problems and opportunities in the study area and evaluated proposed alternatives to determine a preferred solution. This process included extensive public and stakeholder consultations and culminated in the identification of a Draft Transportation Strategy.

Phase 2 will be focused on further developing the recommended alternatives of the Draft Transportation Strategy. This will include the location of actual infrastructure and further planning and monitoring in areas where no clear alternative could be recommended in Phase 1.

NGTA Phase 1

In order to evaluate the alternatives generated in response to the transportation problems and opportunities, a triple bottom line approach was adopted. This meant that, in addition to traditional transportation and engineering considerations (cost, constructability, etc.), the evaluation considered criteria related to the environment, the economy, and the community.

The NGTA study, given the large geographical area and the uniqueness of transportation, economic, environmental, and community characteristics of each area, carried out the evaluation process in three distinct geographic areas:

- East - QEW to Highway 406,
- Central - Highway 406 to Highway 403/ Burlington Skyway, and
- West - Highway 403 in Hamilton to the Highway 401 and Highway 407 ETR.

The Draft Transportation Strategy has adopted a 'building block' approach for the development of planning alternatives. An outlined summary is provided in the section below with staff comments and proposed recommendations.

Building Block Approach

NGTA Phase 1 demonstrates a commitment to the vision for planning in the Province. The report is consistent with the Provincial Policy Statement, complies with Places to Grow, and reflects the Provincial interest in the promotion of development that is designed to be sustainable, supportive of public transit and oriented towards active transportation.

The report recognizes that no single approach will be capable or appropriate to accommodate projected demand across the entire geographic extent of the EA. The report proposes to accommodate projected demand to 203, based on a number of building blocks:

- Manage demand on the existing network (Group 1)
- Add and expand non-road infrastructure (Group 2)
- Widen existing roads (Group 3) and,
- Plan for new corridors (Group 4).

Groups 1 and 2 represent the least cost options to address demand in the near term. These also include an important time element to allow for modal shift, supported by modifications to the existing transportation system that improve choice of travel for the individual at the local, regional and provincial level. Staff agree with the basic building block approach adopted in the report and recommends that the Regional Council with the approach.

Groups 3 and 4 were considered as part of the hybrid approach, which evaluated each of the geographic areas to determine whether the widening of existing corridors or the development of new corridors represented the preferred approach. This approach used transportation and economic modeling, using available data, and confirmed the need for new infrastructure in the East Area, as well as the need for continued monitoring and further study in the Central and the West Areas, respectively. For the Central area, the report prefers the widening of QEW to full capacity over a new southern corridor. However, the report recognizes the need to re-examine the future freight forecasts.

While agreeing with the modeling approach, which considered transportation and economic projections and their effect on future transportation needs, staff suggest that some of the assumptions used in the modeling could be subject to change in the short term with the ongoing efforts on the Niagara Gateway initiatives and Niagara 2031 Growth Management Strategy. These developments will trigger additional demand for transportation, especially in the southern tier of Niagara. Hence, the assumptions used in this modelling effort will need to be tested with the required five-year review of Official Plans, the ongoing work on Schedule 3 (population and employment forecasts) of Places to Grow, and the upcoming ten-year review of Places to Grow, as outlined in a later section.

The connection to the Planning Act and the mandatory review processes will provide an opportunity to review the assumptions of the Draft Transportation Strategy and to offer a means of responding to any changes. The changes could include any decision related to transportation systems, major developments, or any amendments to growth projections based on demonstrated growth or updates to Schedule 3 of Places to Grow. Of particular

Regional interest is the continuing review of the corridor to the west of Highway 406, presently placed under long-term monitoring in the Phase 1 report.

QEW to Highway 406 connection must be built in the short term

The Draft Transportation Strategy recognizes the need to establish a new multi-use corridor connecting the QEW and Highway 406 in the Welland area. This connection will support the Gateway Economic Zone and Centre by building a more resilient provincial road network with built-in route redundancy to the existing International border crossings (bridges).

This new connection also has the potential to utilize existing Welland Canal crossings which could be a factor in the determination of alternatives and traffic contingencies, to support decision making as part of the ongoing Garden City Skyway Environmental Assessment. As identified in the report, the future corridor must consider rail or other higher-order transit connections to the Gateway Economic Zone, as well as consider the opportunities for a bi-national connection to the Empire High Speed Rail corridor.

This connection could also potentially improve the high speed and volume options for goods movement and provide for improved logistics to aid bi-national trade. Niagara crossings are one of the heaviest used crossings for goods movement. For that reason, Regional Council has identified the need for a high-quality transportation connection between Highway 406 and QEW. In support of that identified need, the Region is engaged in an Environmental Assessment for the South Niagara East-West Corridor. Now that the need has also been identified in the Phase 1 report, there are opportunities to collaborate with MTO.

Therefore, staff recommend, as a primary recommendation, that the new multi-use corridor, connecting the QEW and Highway 406 in the Welland area route planning EA (Phase 2), be moved from medium-term (5-15 years) to the short term (0-5 years); that the Ministry of Transportation co-ordinate their environmental assessment for this corridor with the Region's ongoing Class EA for the South Niagara East/West Arterial, and that the implementation of the new corridor be placed in the medium term (5-15 years) .

Support for Group 1 and Group 2

Niagara Region recognizes the importance of modal shift. Shifting modes of transportation does, however, depend on individual choice. Supporting the individual to choose alternative modes of transportation requires coordinated action by multiple agencies and actors.

Metrolinx, an agency created by Provincial legislation (Metrolinx Act, 2006), has a mandate to develop and implement an integrated multi-modal transportation plan for the defined “regional transportation area” including the City of Toronto, the City of Hamilton and the four surrounding regional municipalities (Durham, Halton, Peel and York) and any additional prescribed areas. While Niagara Region is not included within the geographic area included in “The Big Move” Plan, Metrolinx has recognized the potential for the expansion of the GO Regional Rail system into Niagara and other regions beyond the current Metrolinx Plan boundaries.

Niagara Region and five of its local municipalities have taken the first step in the provision of inter-municipal transit in the form of a pilot program connecting St. Catharines, Welland and Niagara Falls. This, and further funding decisions by Regional Council and local municipalities to support inter-municipal transit and connections with the inter-regional transit, will require coordination and planning with the City of Hamilton, Metrolinx, and the Province. Metrolinx has initiated the weekday GO Rail commuter service expansion to Niagara through the EA process and Niagara Region has seconded the preferred station locations and the layover sites within its jurisdiction (PWA 63-2010/ICP 42-2010).

As part of enhancing the inter-regional travel, Niagara Region has also made available lands for the park and ride facility in Niagara Falls. This type of coordination has to be taken to the next level to achieve a seamless transit system in the region.

Regional Council has adopted a Transportation Demand Management Framework, the development of which was supported by the MTO under the Municipal Grant Program. In support of the directions set in the Transportation Demand Management Framework Regional staff are currently in the process of developing Transportation Demand Management policies for the Regional Policy Plan.

The degree of coordinated action will determine the extent to which the first two building blocks of the strategy will enhance the overall performance of the existing transportation system and also the degree to which those building blocks will support both Niagara 2031 and Places to Grow. Enhancing support for alternative modes of transportation and for non-road infrastructure for the movement of people, as well as goods, will also be critical in supporting the Draft Transportation Strategy action calling for an inter-regional, Hamilton focused transit service.

The coordination will be strongly encouraged should the Province, MTO and Metrolinx include Niagara Region as an ‘additional prescribed area’ to deliver programs and services to build support for alternatives to the single occupant vehicle for the individual and enhance non-road infrastructure, both of which are identified as the fundamental components of the Draft Transportation Strategy. Staff recommends that Regional Council endorse the continued expansion of GO bus and train service for Niagara by Metrolinx, the development of an Active Traffic Management Plan to optimize the use of

existing road networks, and support for an inter-regional transit service which links urban areas as outlined in the report.

Support for the Gateway Economic Zone and Gateway Economic Centre

Niagara Region has been identified as having a unique economic importance to the region, Ontario and Canada due to its proximity to major international border crossings. The Growth Plan for the Greater Golden Horseshoe defined and identified the Gateway Economic Centre, the Gateway Economic Zone, as well as a conceptual future transportation corridor connecting Niagara with the GTA in recognition of these location advantages and opportunities.

Niagara's singular status as an Economic Gateway in the Growth Plan was the impetus for the development of the Niagara Gateway Economic Zone and Centre report (2008). The report defined the Economic Gateway Zone and Centre concept and developed an economic and planning strategy, which capitalizes on the Region's location along the Canada/US border. The strategy aims to enhance Niagara's existing role as a conduit for bi-national trade and to encourage further economic development.

The Gateway Economic Zone and Centre Implementation Committee established at the Region has been actively leading efforts to bring the strategy to action. Current work has included three related initiatives, including an incentives review, an assessment of employment lands, and work related to the development of a Gateway Community Improvement Plan.

Preliminary findings associated with this work have identified that there are significant opportunities for the successful development of employment lands within the Gateway Economic Zone and Centre. The need for transportation and infrastructure planning has been identified as one of the key elements of a successful gateway.

Manufacturing sector jobs, once the backbone of the region's economy, have declined sharply due to structural changes in the sector. The new emerging manufacturing sectors are looking to locate their facilities in areas that are well served by physical infrastructure, with a particular interest in high quality transportation corridors with identified opportunities to develop the integration of multiple modes of transportation.

Rail and Marine modes

The Draft Transportation Strategy considered all modes of transportation. For supporting the Rail initiatives, the report recommends that MTO will work with CN, CP, and Metrolinx to identify and study potential solutions to resolve freight and passenger rail conflicts and

to provide grade separations at strategic locations. For the marine goods movement, the report, recommends that the MTO will work with Port of Hamilton, Seaway Authority to identify potential access improvements and changes to the current marine transport legislation that affect the competitiveness of short sea shipping.

Staff agree with the basic recommendations but feel that further discussions are warranted to identify opportunities to create a fully integrated multi-modal transportation system. The ports and rail networks both represent key opportunities to act in a coordinated manner with infrastructure planning and investment within Niagara Region , in coordination with the United States. Including Port Colborne as one of the ports for the marine transport planning and creation of a multi-modal hub at the Gateway Economic Centre will have to be followed on at staff level, at the time of further analysis of freight forecasts.

Therefore, staff recommends that the Regional Council endorse the support for marine goods movement initiatives and for removal of constraints for more efficient movement of people and goods by rail.

Connection to mandatory reviews required by the Planning Act, Places to Grow Act

The Draft Transportation Strategy identifies Short, Medium and Long-term periods within which various actions have been placed. The staging of the building blocks is critical, as it is recognized that time is needed to encourage individuals to change transportation behaviours, as well as to test growth projections against actual growth.

The NGTA Phase 1 report recognizes that planning for the new multi-use corridor between Hamilton and Welland should be tied to the results of both growth and transportation system monitoring. The NGTA Phase 1 report also recognizes the broad area of influence that must be considered demonstrated by its close connection to the GTA West study.

Any decision related to the transportation system in the Greater Toronto and Hamilton area will impact the entire system and may change the assumptions upon which the Draft Transportation Strategy was built. The monitoring of growth and transportation system performance should begin with the review of Schedule 3 (population and employment forecasts) of Places to Grow, as well as the first ten-year review of Places to Grow (2016), along with the five-year review period for both the PPS and Official Plans. Monitoring should continue with each subsequent review period to recognize the broad area of influence, which acts on the NTGA study area. Linking to these review processes will allow us to test the assumptions upon which the Draft Transportation Strategy was developed and to determine the need to begin planning a new multi-use corridor, independent of being prior to or after 2031.

Therefore, to support the economic development, Gateway Economic Zone and Centres efforts, and the tie in to the multi-modal transportation systems, staff recommends that Regional Council continue to support the need for a new multi-use transportation corridor between Welland and Hamilton; that the MTO continue to study growth patterns and transportation system performance to determine when this new facility will be required; and that this monitoring be tied to the results of the required five-year review of Official Plans and the ten-year review of the Provincial Places to Grow Plan.

Highway designations

The study recommends that, within the study area, some of the designated highways may no longer be of provincial interest due to proposed new corridors and that the Province communicate its intention to the affected municipalities to revoke such designations. The three affected highways are:

- Highway 20 (from west of the 420 terminus to the existing Highway 20 in Pelham)
- Highway 3 crossing of the Welland Canal in Port Colborne
- Highway 20 Smithville Bypass

It is important to consider lifting these designations as these corridors have had an impact on land use and growth patterns in parts of Niagara Region. Niagara Region staff, in cooperation with the affected local municipalities, will be willing to negotiate with MTO on the future of affected highways in order to continue the efficient movement of people and goods throughout the Region.

Some of the jurisdictional issues were identified in the Niagara Region Transportation Sustainability Review Report (2009). Staff recommend that Regional Council communicate to MTO the Region's intent to review the designations, in consultation with the affected local municipalities.

Submitted by:

Approved by:

Kenneth J. Brothers, P.Eng.
Commissioner of Public Works

Mike Trojan
Chief Administrative Officer

Appendix I - Niagara to GTA Planning and Environmental Assessment Study: Transportation Development Strategy, Executive Summary. (Draft for Consultation dated February, 2011).

This report was prepared by Kumar Ranjan, P. Eng, Associate Director Transportation Planning and Alison Enns, MCIP RPP, Planner, Integrated Community Planning with inputs from Integrated Community Planning, and Niagara Economic Development Corporation, and reviewed by Michael Roach, Public Works Manager of Financial Services and Joe Cousins, Director, Transportation Services.



TOWNSHIP OF WEST LINCOLN

318 Canborough Street, P.O. Box 400
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July 13, 2011

Region of Niagara
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario
L2V 4T7

Attention: Mr. Ken Brothers
Commissioner of Public Works

**Re: PWA 32-2011
Removal of Designated Highway 20 Bypass at Smithville, Ontario**

Dear Mr. Brothers,

This letter is written in response to recommendation number 4 of the above noted report to the Regional Public Works Committee.

Staff and Senior Management of the Township of West Lincoln are not in favour of the removal of the bypass around Smithville from the Provincial records. Township Staff are concerned that ongoing traffic related issues must be addressed first, including many that are recognized in the Region Road 20 Safety Study. The implementation of the Regional 20 Safety Study and its recommendations is critical. Removal of the bypass from Provincial records prior to Township and Regional Staff addressing the recommendations of the Regional Road 20 Safety Study would be premature.

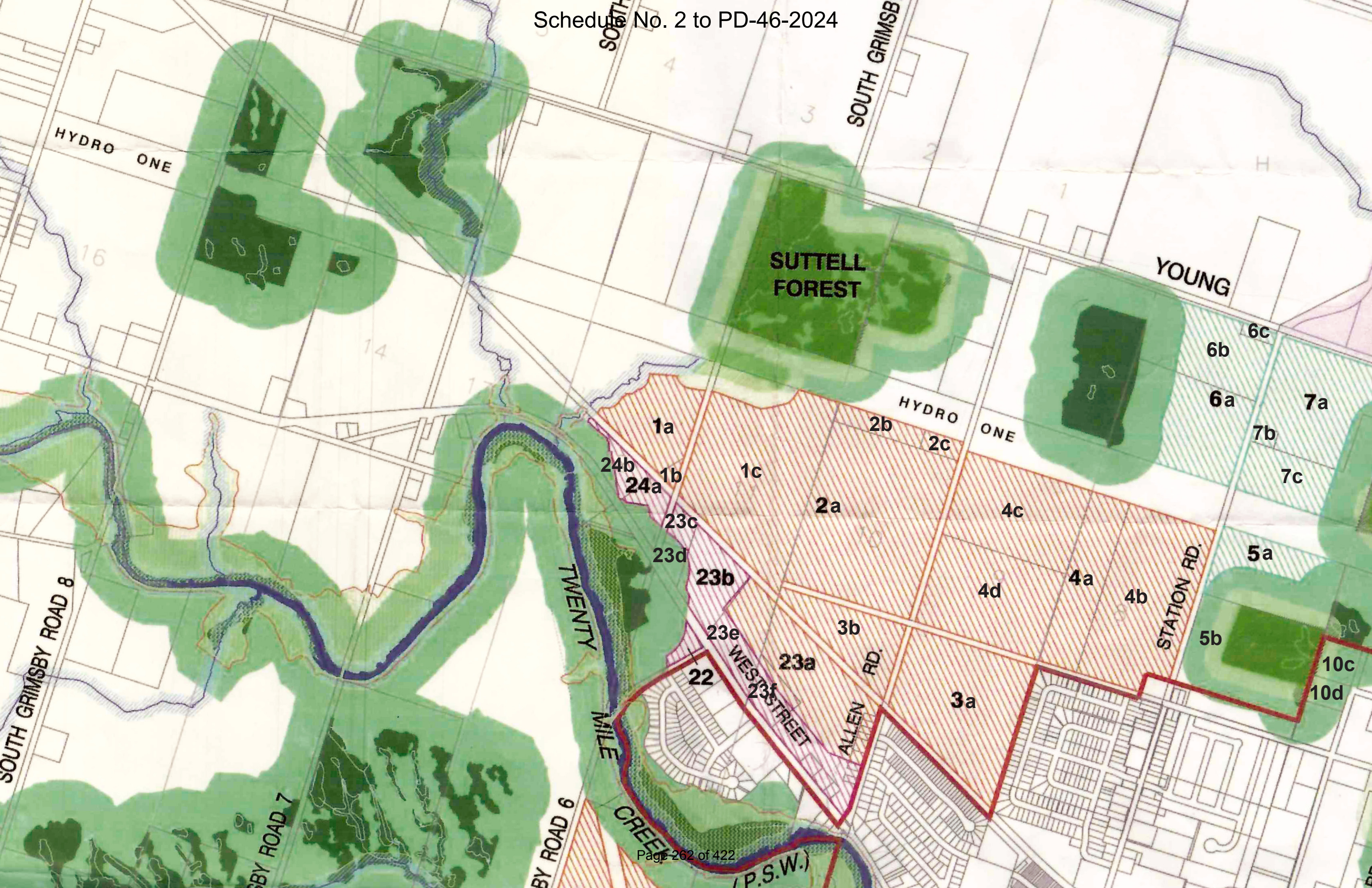
If the Province does choose to proceed with the removal of the bypass, then the designation should be transferred to the Region so that it is considered as part of any future modifications and upgrades of Regional Road 20.

I trust that this letter is clear. If you have any questions, please let me know.

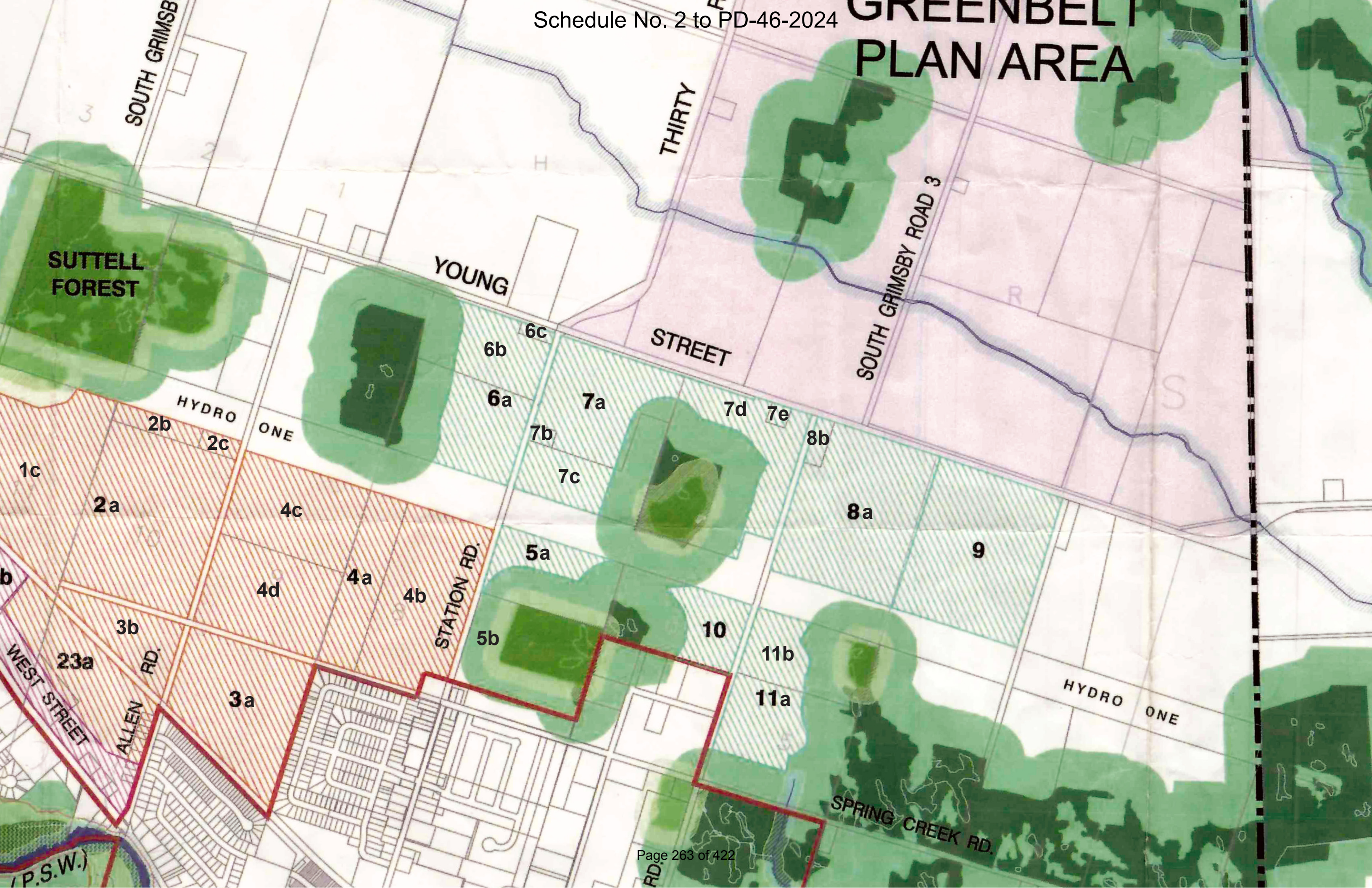
Sincerely,

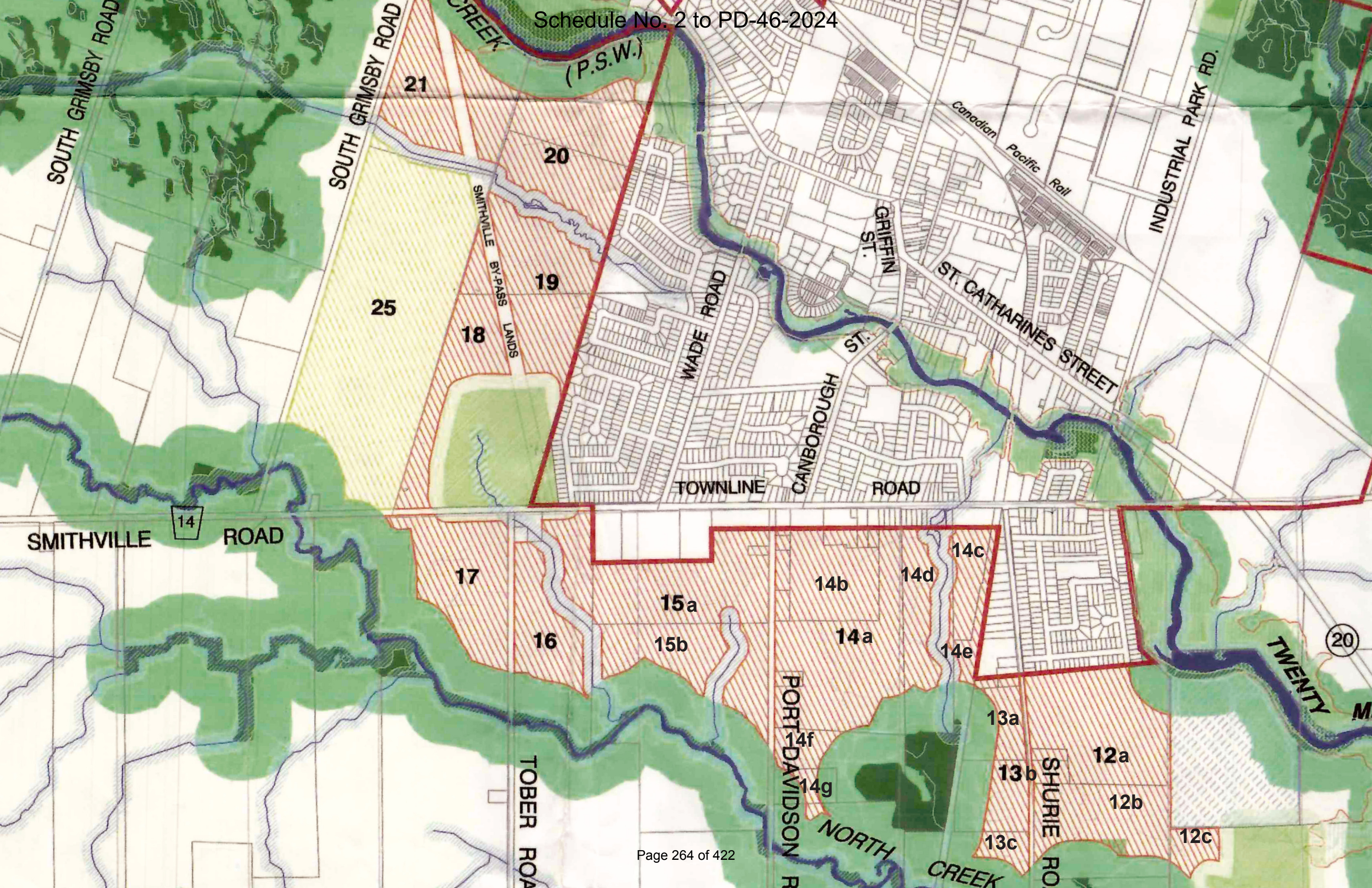
Brian Treble, MCIP, RPP
Director of Planning and Building

Cc: Minister of Transportation
Mayor and Members of the Township of West Lincoln Council
Derrick Thomson, CAO

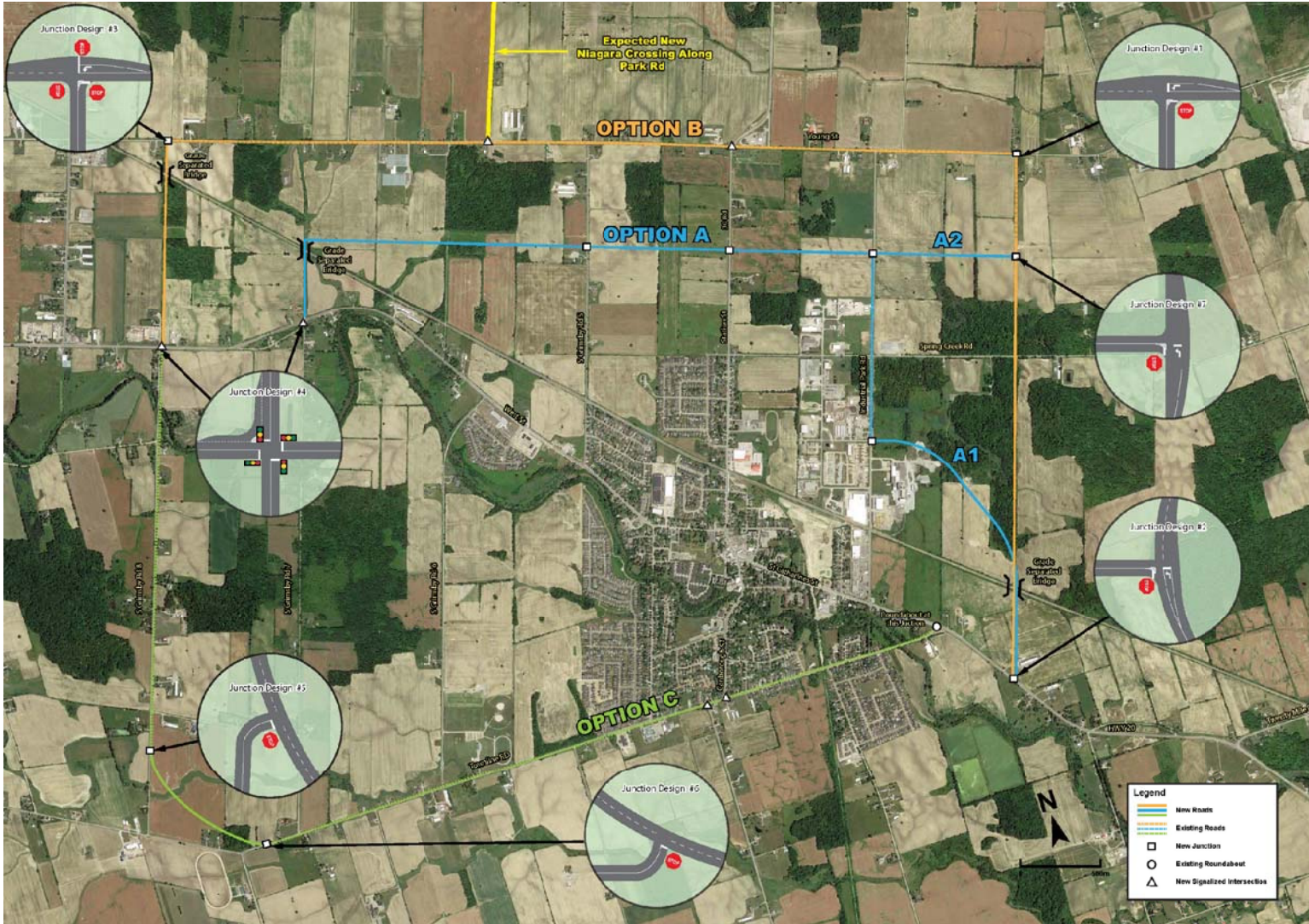


GREENBELT PLAN AREA





Appendix A1 Figure 4: Bypass alignments options with aerial overlay for Traffic model testing



DATE: October 15, 2024

REPORT NO: PD-49-2024

SUBJECT: **Recommendation Report – Extension of Draft Plan Approval for Marz Homes Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Marz Homes - Thrive Subdivision (File No. 2000-90-20)**

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

OVERVIEW:

- Marz Homes Inc. is the Owner/Developer of two subdivision developments in Smithville known as Smithville West – Dunloe Subdivision and Thrive Subdivision.
- Smithville West – Dunloe Subdivision (File No. 2000-87-18) is located west of South Grimsby Road 5, south of the Spring Creek Road unopened road allowance and north of the CPKC Rail line. The 5.65 hectare property is approved for 123 residential units with single detached lots, semi-detached lots, townhouse units, stormwater management block, trail, park, and future development blocks. Smithville West – Dunloe Subdivision originally received draft plan approval on December 16, 2019 and subsequently an extension of draft plan approval until December 17, 2024.
- Thrive Subdivision (File No. 2000-90-20) is fronting onto Regional Road 20 and South Grimsby Road 5, and south of the CP Rail line. It is adjacent to the Greek Community Centre and a number of smaller commercial lots to the south, and vacant lots to the east along South Grimsby Road 5. The 10.3 hectare property is approved for 268 residential units, with single detached lots, townhouse units, stormwater management block, trail, parks, and future commercial and residential development blocks. Thrive Subdivision received draft plan approval on November 25, 2021 and is set to expire on November 25, 2024.
- Marz Homes Inc. has requested a two year extension of draft plan approval of both these developments due to outstanding site servicing issues, and ongoing work with the Township and the Region of Niagara for the watermain construction and upgrades to the Streamside Pumping Station.
- There are no changes to the approved draft plans for Smithville West – Dunloe or Thrive Subdivisions and only minor changes to the conditions of approval have been requested and are recommended to be implemented and found in Schedules C and D.
- Administration Staff recommend supporting the extension requests for draft plan approval of the Smithville West – Dunloe Subdivision and Thrive Subdivision by two years.

RECOMMENDATION:

1. That, Recommendation Report PD-49-2024, titled “Extension of Draft Plan Approval for Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Thrive Subdivision (File No. 2000-90-20) (Marz Homes Inc.)”, dated October 15, 2024 be received; and,
2. That, the Draft Plan Approval for Smithville West – Dunloe Subdivision (Lot 7, Plan M98) be extended for a period of two years to expire on December 17, 2026 subject to conditions included in Schedule C to this report; and,
3. That, the Draft Plan Approval for Thrive Subdivision (Lot 9 of Plan M98 & Part 1 of Plan 30R15792) be extended for a period of two years to expire on November 25, 2026 subject to conditions included in Schedule D to this report; and,
4. That, Council deem the changes to the conditions of approval found in Schedules C and D to be minor; and,
5. That, notices of decision be circulated to relevant agencies and departments for both applications.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth** – Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

BACKGROUND:

Smithville West – Dunloe Subdivision (File No. 2000-87-18)

A request for an extension of draft plan approval has been submitted by Jared Marcus of Arcardis on behalf of Marz Homes Inc. for the Smithville West – Dunloe Subdivision located west of South Grimsby Road 5, south of the Spring Creek Road unopened road allowance, north of the CP Rail line, legally described as Lot 7, Plan M98.

On December 16, 2019, Township Council approved the Dunloe Draft Plan of Subdivision with a three-year timeframe to complete the conditions of approval. Council granted a two year extension on December 12, 2022 to allow Marz Homes Inc. who acquired the lands in early 2022 to review and confirm the design and development meets their objectives. The two year lapsing date is set to expire on December 17, 2024.

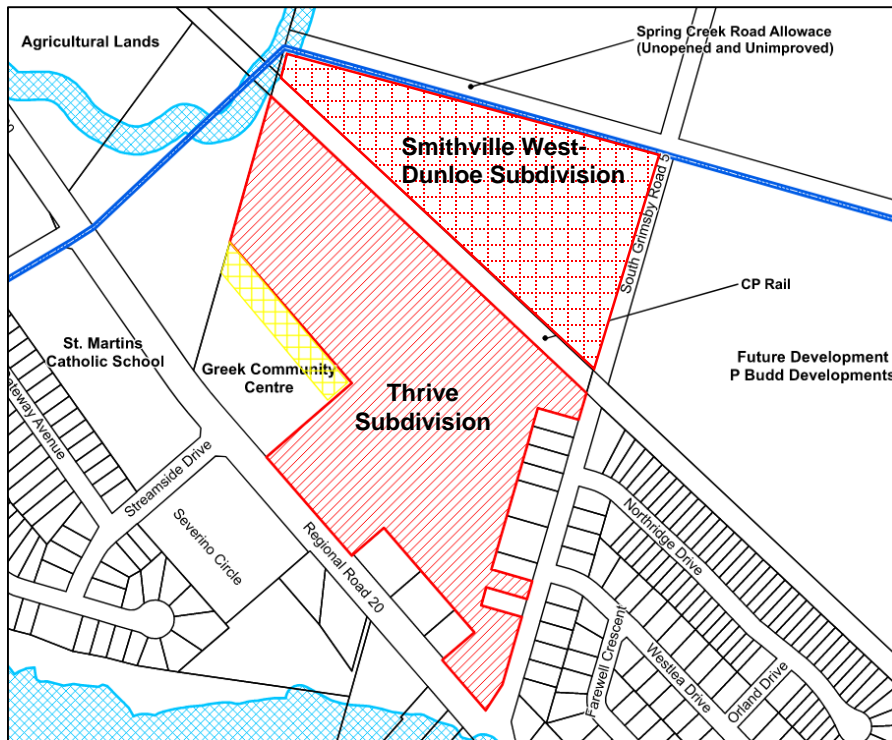
The 5.65 hectare development is draft plan approved for 123 residential units including 29 single detached lots (Lots 1-29), 10 semi-detached lots (20 units; Lots 30-39), 57 townhouse units (Blocks 45 & 47), future condominium townhouse block (Block 41), stormwater management block (Block 42), trail (Block 46), park (Block 40) and future development blocks (Block 43, 44) (refer to Schedule A for the draft plan).

Thrive Subdivision (File No. 2000-90-20)

Similarly, an extension of draft plan approval has been submitted by Arcardis on behalf of Marz Homes Inc. for the Thrive Subdivision which is located south of the Smithville West – Dunloe Subdivision and south of the CP Rail line. The development has frontage on Regional Road 20, and is adjacent to the Greek Community Centre to the west and south, adjacent to a number of smaller commercial lots to the south, and vacant lots to the east along South Grimsby Road 5. The lands are legally described as Lot 9 of Plan M98 & Part 1 of Plan 30R15792.

The amended Draft Plan of Subdivision containing 265 residential units and a commercial block was approved on November 25, 2021 by Council as it generally aligned with the applicable planning policy and intended policies of the Northwest Quadrant Secondary Plan. The three year approval timeframe to clear conditions is set to expire on November 25, 2024. (Refer to Schedule B for the draft plan).

Figure 1: Location of Smithville West – Dunloe and Thrive Subdivisions



CURRENT SITUATION:

The Northwest Quadrant was added to the settlement area in 2015 and the Northwest Quadrant Secondary Plan was completed in 2017. The need for significant regional infrastructure improvements became apparent as part of the subdivision applications submitted by Marz Homes Inc. and other landowners. The servicing constraints continue to limit the ability to increase housing starts coupled with some of the ongoing

servicing study work that is to support the expansion lands.

Marz Homes Inc. has been working to clear the draft plan conditions for both Smithville West – Dunloe Subdivision and Thrive Subdivision. For both Smithville West – Dunloe Subdivision, and for the Thrive Subdivision, the majority of the conditions will be cleared once the Subdivision Agreement is signed and registered and securities are posted. Both of these developments rely on the completion of a new regional 400 mm watermain and upgrades to the Streamside Pumping Station and Marz has been working with the Niagara Region on front ending agreements and design. Costs for the necessary infrastructure are greater than expected and have resulted in a delay of entering the front ending agreements.

The Planning Act permits in Section 51(32) that the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period. Additionally, Section 51(33) also permits that approval authorities may extend the approval for a time period specified by the approval authority.

As noted, the Smithville West – Dunloe Subdivision Draft Plan Approval is set to expire on December 17, 2024 and the Thrive Subdivision Draft Plan of Approval is set to expire on November 25, 2024.

If agencies and departments do not object to an extension, an extension of a period of no greater than two years is typically recommended. This is to ensure that staff and Council can re-assess the conditions and approval of the draft plan in relation to changing provincial and local planning objectives.

Administration have reviewed both extension requests and note that there are no changes are proposed to the draft plans. Additionally, these subdivisions still meet the intent of the Northwest Quadrant Secondary Plan Area and the provincial, regional and local planning policies.

Administration applied minor updates to the conditions (e.g., formatting, agency contact updates) and recommends a minor amendment to be added to both subdivisions by adding a condition where the Owner agrees in writing and the Subdivision Agreement contain a clause stating that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

The request for extension was circulated to agencies and departments for their review and comments.

The NPCA offers no objections to the approval of this extension request. A works permit was historically issued for a SWM outfall into a regulated features.

The Region of Niagara offered no objection for the requested extension of two years for these developments subject to the archaeological warning clause be amended for both developments.

The Township Public Works Department offered no objections to the requested extension of draft plan approval for Smithville West – Dunloe subject to Conditions 10 and 21 be amended and remove Conditions 22 and 23. Additionally, no objections to the requested extension of draft plan approval for Thrive Subdivision subject to Condition 21 be amended.

Refer to Schedule E for the agency comments.

CONCLUSION:

Administration Staff recommend supporting the two year extension of Draft Plan Approval for Smithville West – Dunloe Subdivision until December 17, 2026 and Thrive Subdivision until November 25, 2026 requested by the Owner/Developer Marz Homes Inc. with the amending condition of approval for each draft plan found in Schedules C and D.

SCHEDULES:

- Schedule A – Smithville West – Dunloe Draft Plan of Subdivision
- Schedule B – Thrive Draft Plan of Subdivision
- Schedule C – Amended Conditions of Approval for Smithville West – Dunloe Subdivision
- Schedule D – Amended Conditions of Approval for Thrive Subdivision
- Schedule E – Agency Comments

Prepared & Submitted by:

Susan Smyth, CPT
Senior Planner

Reviewed by:

Gerrit Boerema, MCIP, RPP
Manager of Planning & Building

Approved by:

Brian Treble, MCIP, RPP
Director of Planning & Building

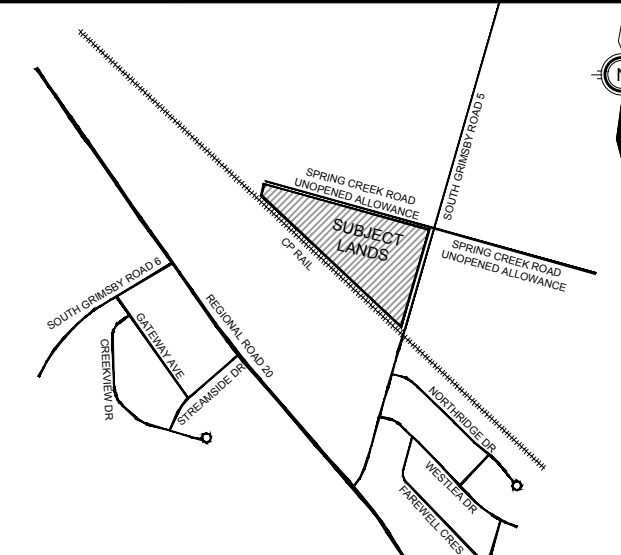
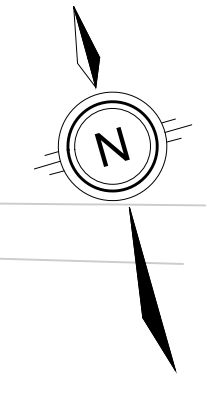
Approved by:

Truper McBride
CAO

SCHEDULE A - PD-49-2024

DRAFT PLAN OF SUBDIVISION DUNLOE (14 ACRES)

LOT 7, REGISTERED PLAN M-98
(AS CONFIRMED BY PLAN 30BA-1695)
IN THE TOWNSHIP OF WEST LINCOLN
MUNICIPAL REGION OF NIAGARA



KEY MAP - N.T.S.

BENCHMARK
TOWN OF LINCOLN BENCHMARK No. 00819950241

LOCATION: BENCHMARK IS LOCATED ON THE SOUTH SIDE OF HWY 20, 1.2km EAST OF GRIMSBY REGIONAL ROAD No. 12 AND 0.45km WEST OF GRIMSBY REGIONAL ROAD No. 7.

ELEVATION = 192.49 (CGVD: 1928/1978)

- INFORMATION REQUIRED**
UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1990, c.P.13 AS AMENDED
- (a) - AS SHOWN
 - (b) - AS SHOWN
 - (c) - AS SHOWN
 - (d) - AS LISTED BELOW
 - (e) - AS SHOWN
 - (f) - AS SHOWN
 - (g) - AS SHOWN
 - (h) - MUNICIPAL WATER
 - (i) - CLAY LOAM
 - (j) - AS SHOWN
 - (k) - MUNICIPAL SANITARY AND STORM SEWERS
 - (l) - NONE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SIGNED:
HARRY KALANTZARIS, CLS.
ASHENHURST NGUYENS & ASSOCIATES INC.

DATE: SEPT 21, 2018

OWNER'S CERTIFICATE
I HEREBY CONSENT TO THE FILING OF THIS PLAN BY IBI GROUP, IN DRAFT FORM.

SIGNED:
DUNLOE DEVELOPMENTS INC.

DATE: 10/19

BLOCK/LOT	DESCRIPTION	AREA (ha)	UNIT COUNT
LOTS 1-29	FREHOLD - SINGLES	1.19	29
LOTS 30-39	SEMI-DETACHED	0.51	20
BLOCKS 41, 45-47	CONDOMINIUM - TOWNHOUSE	2.33	75
BLOCK 40	PARK	0.14	
BLOCK 42	SWM/DEDICATED TRAIL	0.67	
BLOCK 43	DEDICATED LANES FOR BY-PASS	0.10	
BLOCK 44	FUTURE DEVELOPMENT	0.01	
BLOCK 48	DAYLIGHT TRIANGLE	0.00	
STREET A & B	R.O.W.	0.70	
TOTAL AREA		5.65	124

SCALE
1:750 (m)

DESIGN BY: A. BUONAMICI
DRAWN BY: S. CHALMERS

CHECKED BY: J. ARIENS
DATE: 2018-08-08

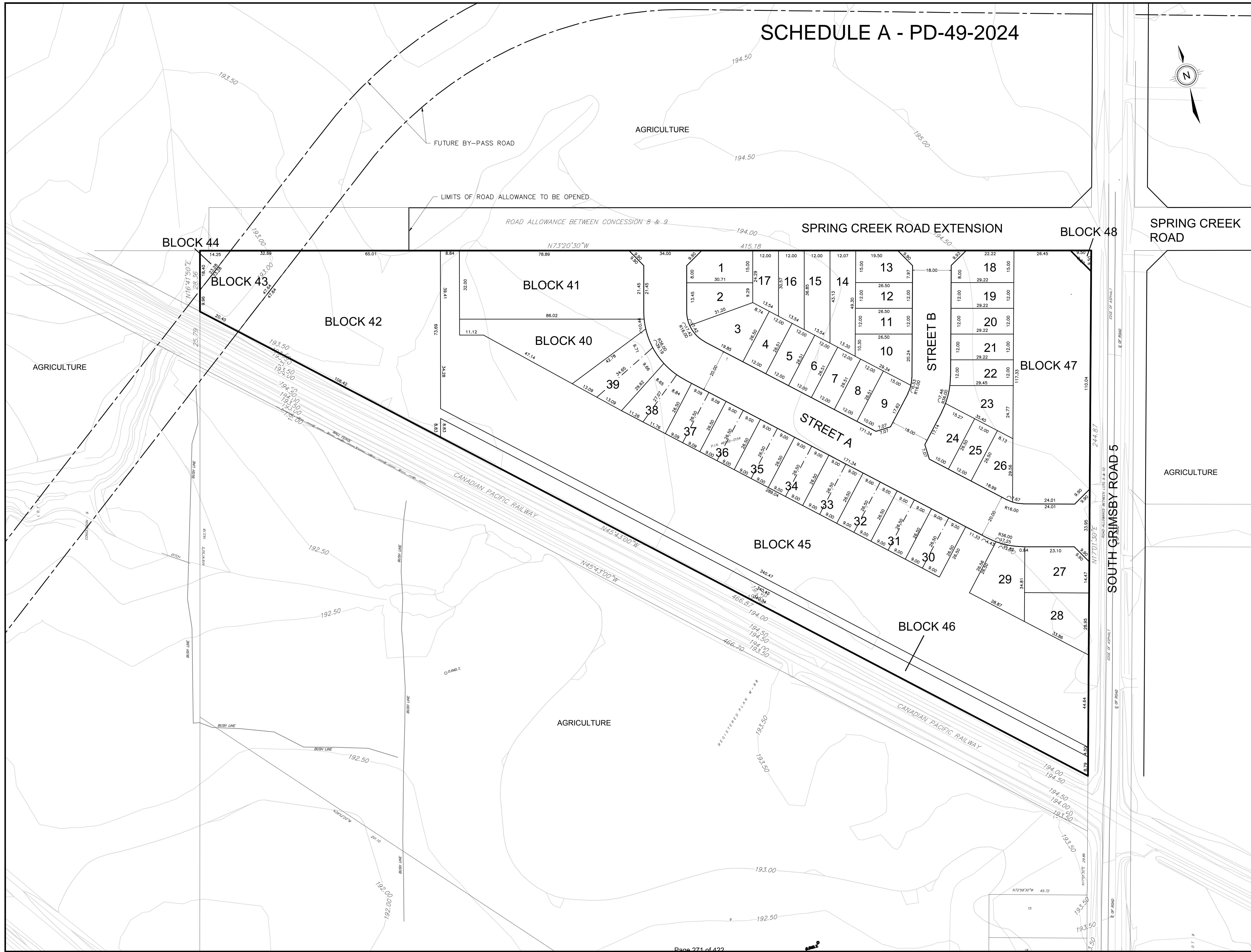
#	DATE	BY	DESCRIPTION
5	2019-12-05	BC	AS PER TOWNSHIP COMMENTS
4	2019-11-28	TN	AS PER CONCEPT PLAN UPDATES
3	2019-11-26	TN	AS PER CONCEPT PLAN UPDATES
2	2019-11-04	TN	AS PER DRAFT PLAN COMMENTS
1	2018-10-01	JM	FIRST DRAFT PLAN SUBMISSION

DRAWING ISSUE RECORD

APPROVALS

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

FILE NUMBER: 102433 SHEET NUMBER: DP1



PLAN OF SUBDIVISION OF
 LOT 9 & PART OF LOT 8
 PLAN M-98
 (AS CONFIRMED BY 30BA-1695)
 IN THE

**TOWNSHIP OF
 WEST LINCOLN**
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:1000
 0 10 20 30 40 50 metres
 NICHOLAS P. MUTH O.L.S.

SCHEDULE B - PD-49-2024

PLAN 30M-

I CERTIFY THAT THIS PLAN IS REGISTERED
 IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES
 DIVISION OF NIAGARA NORTH (30) AT _____ O'CLOCK ON THE
 DAY OF _____, 2024 AND ENTERED IN THE
 PARCEL REGISTER FOR PROPERTY IDENTIFIER _____

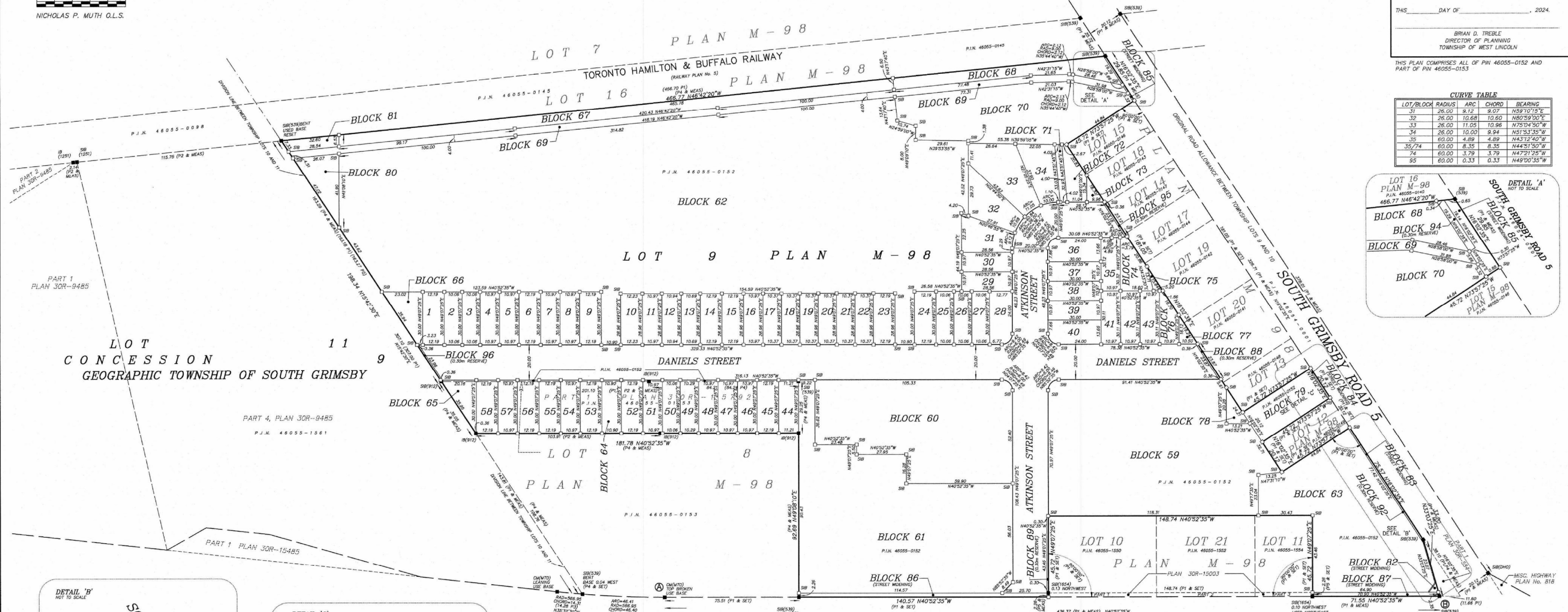
AND REQUIRED CONSENTS ARE REGISTERED
 AS PLAN DOCUMENT No. _____

REPRESENTATIVE FOR
 LAND REGISTRAR _____

APPROVED UNDER SECTION 51 OF THE PLANNING ACT
 THIS _____ DAY OF _____, 2024.

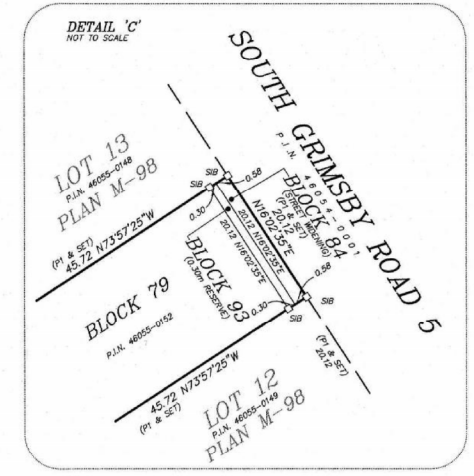
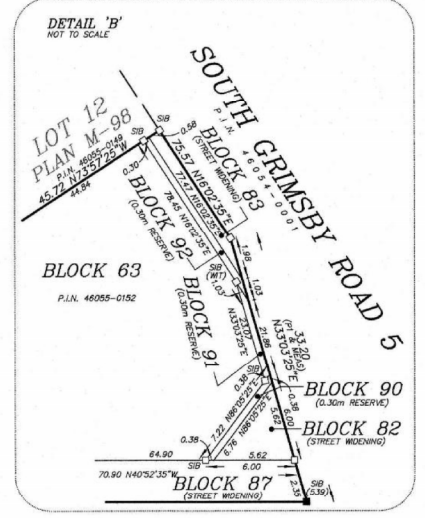
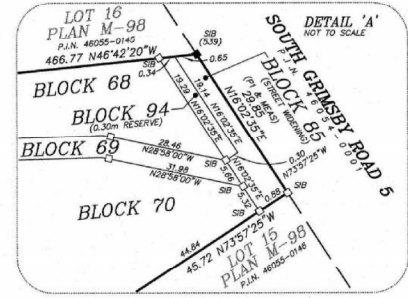
BRIAN D. TREBLE
 DIRECTOR OF PLANNING
 TOWNSHIP OF WEST LINCOLN

THIS PLAN COMPRISES ALL OF PIN 46055-0152 AND
 PART OF PIN 46055-0153



CURVE TABLE

LOT/BLOCK	RADIUS	ARC	CHORD	BEARING
31	26.00	9.12	9.07	N39°10'15"E
32	26.00	10.68	10.60	N80°59'00"E
33	26.00	11.05	10.96	N75°04'50"W
34	26.00	10.00	9.94	N51°53'35"W
35	60.00	4.89	4.89	N43°12'40"W
35/74	60.00	8.35	8.35	N44°51'50"W
74	60.00	3.79	3.79	N47°01'25"W
95	60.00	0.33	0.33	N49°00'35"W



BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, (81 DEGREES LONGITUDE) NAD83 (CSRS) (2010). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999745

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS) (2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10

POINT ID	NORTHING	EASTING
(A)	4773862.718	617278.052
(B)	4773532.881	617564.586

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN. FOR BEARING COMPARISONS, A ROTATION OF 01°00'15" COUNTERCLOCKWISE WAS APPLIED TO P1; A ROTATION OF 00°52'10" COUNTERCLOCKWISE WAS APPLIED TO P2; AND A ROTATION OF 00°55'35" COUNTERCLOCKWISE WAS APPLIED TO P3 TO CONVERT TO GRID BEARINGS.

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

MISCELLANEOUS HIGHWAY PLAN No. 318 (P-1884-20)
REGIONAL ROAD No. 20 (BY BY-LAW No. 8524-98)
 (FORMERLY KING'S HIGHWAY No. 20)
 TRANSFERRED TO THE REGIONAL MUNICIPALITY OF NIAGARA BY ORDER-IN-COUNCIL G.C. 2269/97 AS AMENDED BY O.C. 2394/98, REGISTERED AS L1769181
 P.I.N. 46055-0290

- LEGEND:**
- SIGN THIS ◻ DENOTES A SURVEY MONUMENT PLANTED
 - SIGN THIS ■ DENOTES A SURVEY MONUMENT FOUND
 - SB DENOTES STANDARD IRON BAR
 - CM DENOTES CONCRETE MONUMENT
 - IB DENOTES IRON BAR
 - SSB DENOTES SHORT STANDARD IRON BAR
 - (539) DENOTES D. G. LIRE, O.L.S.
 - (912) DENOTES A. J. CLARKE O.L.S.
 - (1251) DENOTES E. EICHMANN O.L.S.
 - (1654) DENOTES CHAMBERS AND ASSOCIATES SURVEYING LTD.
 - (DH0) DENOTES DEPARTMENT OF HIGHWAYS ONTARIO
 - (MTO) DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
 - P1 DENOTES PLAN M-98
 - P2 DENOTES PLAN 30R-9485
 - P3 DENOTES MISC. HIGHWAY PLAN No. 318 (P-1884-20)
 - P4 DENOTES PLAN 30R-15792
 - P5 DENOTES PLAN 30R-15003
 - BARS PLANTED ARE IB'S UNLESS MARKED OTHERWISE.

OWNER'S CERTIFICATE:
 THIS IS TO CERTIFY THAT:
 1. LOTS 1 TO 58 INCLUSIVE, BLOCKS 59 TO 81 INCLUSIVE, THE STREETS, NAMELY DANIELS STREET AND ATKINSON STREET, STREET WIDENINGS, NAMELY BLOCKS 82 TO 87 INCLUSIVE, AND RESERVES, NAMELY BLOCKS 88 TO 96 INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.
 2. THE SAID STREETS AND STREET WIDENINGS ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.
 DATED THE _____ TH DAY OF _____, 2024.

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE DAY OF _____, 2024.
 MARCH 21, 2024
 DATE
 NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
 SURVEYORS • ENGINEERS • PLANNERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

SMITHVILLE WEST – DUNLOE SUBDIVISION
MARZ HOMES INC.
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of the Smithville West - Dunloe Subdivision, in the name of Marz Homes Inc., File No. 2000-087-18, Township of West Lincoln are:

1. That this approval applies to the Smithville West - Dunloe Draft Plan of Subdivision, Township of West Lincoln prepared by IBI Group Inc., dated 2018-08-08, revised on 2019-12-05, containing 47 Blocks (29 Freehold Singles residential lots, 10 lots for 20 semi-detached units, 3 blocks for future townhouse development, 1 block for a stormwater management facility and trail corridor, 1 block for a parkette, 2 public streets, 1 block for future development and a block for a future rail crossing connection to Spring Creek Road.
2. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
3. That the road allowances shown on the draft plan (Street A & Street B) be dedicated to the Township of West Lincoln as Public Highways.
4. That the proposed public streets (Street A & Street B) be constructed and named to the satisfaction of the Township of West Lincoln.
5. That a 0.3 metre reserve be granted abutting the south side of Spring Creek Road allowance and the west side of South Grimsby Road 5 allowance to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
6. That the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of the intersection of South Grimsby Road 5 and Street A to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
7. That the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of Spring Creek Road and Street A and Spring Creek Road and Street B to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
8. That the Owner dedicate 9.5 metre x 9.5 metre daylighting triangle at the southwest corner of the intersection of Spring Creek Road and South Grimsby Road 5.
9. That such easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.

10. ~~That the Owner dedicates a minimum of 0.5 metres along the frontage of South Grimsby Road 5 and the unopened road allowance of Spring Creek Road extension for a road widening, as identified in the draft master servicing plans. The Owner dedicates to the Township a road widening of half of the deficiency for collector road along the subject property frontage for South Grimsby Road 5 and Spring Creek Road.~~
11. That the Owner submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
12. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
13. That the Owner provide an adequate storm drainage outlet including any necessary easements and drainage agreements to the satisfaction of the Township of West Lincoln, Region of Niagara and the Niagara Peninsula Conservation Authority.
14. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
15. That the Owner prepare a streetscape and landscape plan for the subdivision in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on separate plans.
16. That the Owner design and construct a primary off-road multiuse trail using the specifications found in the Township of West Lincoln Trails and Corridors Master Plan. The Trail shall extend from South Grimsby Road 5 to the western extent of the development and connect to the Spring Creek Road extension. The trail shall be a minimum of 3 metres in width and constructed from asphalt. At each intersection with a public street there shall be a trail head which includes amenities (e.g. park benches, trash receptacles, trees) as determined through the Subdivision Agreement.
17. That the Owner dedicate a 4.5 metre strip north of the required rail spillage berm but south of the proposed internal condominium street from the western extent of the development to South Grimsby Road 5, containing the multi-use trail and associated features as parkland as per the Township's request. If this dedication will not satisfy the required 5%, the remainder is to be in the form of cash-in-lieu of parkland.
18. That any outstanding Township invoices, including invoicing related to peer reviews, be paid in full.

19. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
20. That sidewalks be provided along one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
21. ~~That Spring Creek Road between South Grimsby Road 5, west to the CP Rail corridor, be constructed, and that the south portion of the road allowance, from the centre line, be constructed to an urban cross-section, to the satisfaction of the Director of Public Works, and that the appropriate road encroachments permits be applied for and approved. A best efforts clause will be contained within the Subdivision Agreement to obtain proportional cost recovery from any possible future development to the north.~~

That the subdivision agreement contain a clause requiring the owner to enter into a front ending agreement (subject to the approval of the Township Development Charge Bylaw) with the Township for the design, construction and urbanization of Spring Creek Road from South Grimsby Road 5 west to the CPKC Rail corridor and South Grimsby Road 5 from Spring Creek Road south to Regional Road 20, to the satisfaction of the Township, and that the appropriate road encroachment permits be applied for and approved.

- ~~22. That South Grimsby Road 5 between Spring Creek Road allowance south to the CP Rail Corridor be upgraded and constructed to an urban cross section, west of the centreline, including sidewalk, to the satisfaction of the Director of Public Works, and that the appropriate road encroachments permits be applied for and approved.~~
- ~~23. That sidewalks be provided as part of a full urban street cross-section along the west side of South Grimsby Road 5 and the south side Spring Creek Road from South Grimsby Road 5 to the rail trail connection, to the satisfaction of the Township of West Lincoln.~~
22. That a Traffic Calming Report be submitted to the Township containing recommendations for traffic calming measures along Spring Creek Road and South Grimsby Road 5 which may include traffic circle, chicanes, median islands and on-street parking. Recommended traffic calming measures which may be included in the Subdivision Agreement and on the engineering plans.
23. That the Subdivision Agreement include provisions for any necessary Township Road improvements required as a result of the recommendations of the Traffic Calming Report required in Condition 22 above.
24. That prior to final approval, it is to be determined that the existing capacity of the sewer lines and servicing to the site is adequate for this development by the Regional Public Works Department and the Township Public Works Department. If

existing capacity is not sufficient, the owner is required to provide the necessary upgrades to provide adequate sewer services to the development. Best efforts clauses will be included if the upgrades benefit additional developments.

25. That the Subdivision Agreement contain a clause that no Building Permits will be issued until any required upgrades to the water, storm and/or sanitary systems has been completed, including any required upgrades to the Streamside Sanitary Pumping station. If upgrades provide benefits to other developments in the Northwest Quadrant Secondary Plan Area, a best efforts clause will be included in the Subdivision agreement.
26. That the Owner agrees to include a clause in the Subdivision Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.
27. That the Owner is to provide to the Township a drainage agreement between the Owner and the property owner(s) to the west, where stormwater from the site outlets onto private lands in order to ensure continuous and unimpeded stormwater discharge.
28. That the design drawings for the water, sanitary sewer and stormwater drainage system, including any proposed downstream sewer improvements, required to service this development be submitted to the Regional Public Works Department for review and approval.
29. That the stormwater facility and outlet be designed in such a way as not to impact or impede the ability of a future at grade rail crossing, as shown in the Northwest Quadrant Secondary Plan.
30. That prior to approval and registration of this plan or prior to servicing (through a pre-servicing agreement), the Owner obtain Ministry of the Environment Environmental Compliance Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, sanitary sewers and stormwater management) for this development. Note: Any modifications to the stormwater management facility should be submitted directly to the Ministry of the Environment for approval and the issuance of an Environmental Compliance Approval.
31. That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and the Township of West Lincoln Public Works Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003 and "Stormwater Quality Guidelines for New Development", May 1991:

- a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
- b. Detailed sediment and erosion control plans which show how exposed soils, sediments and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirement for all employed devices.

Note: The Region may request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent clearance of related conditions.

32. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions where by the Owner agrees to implement the approved stormwater management plan required in accordance with Condition 31 above.
33. That the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.
34. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating infrastructure recommended in the report completed by dBA Acoustical Consultants dated August 28, 2018, including the berm, sound walls and fencing be completed prior to occupancy of the units.
35. That prior to final approval a final noise study be submitted to the Township which speaks to impacts, if any, on existing dwellings on Northridge Drive caused by this development and the spillage berms and fences to be constructed for this development.
36. That prior to final approval the Owner pays to the Township of West Lincoln any outstanding invoices relating to all associated planning and engineering reviews undertaken by the Township.
37. That a full Urban Design Report be submitted and approved to the Township for approval identifying how this development meets the objectives of the Township Urban Design Manual and how it creates good public form and an attractive pedestrian streetscape. It is expected that a higher standard of design be achieved

on units which are highly visible from public streets. Units with side or rear yards facing a public or private street should be designed to be attractive from the street.

38. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain the following clause:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>”

39. That the following warning clauses shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

“The lands in the plan of subdivision may be exposed to noise, odour, and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy these lands.”

40. That the Owner provides a written acknowledgement to Niagara Region Planning Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
41. That the Owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Township of West Lincoln.
42. That the Owner provide a detailed servicing study which shall include, overall servicing strategy for the developments in the area, detailed plan and profiles drawings and required Regional costs analysis information, to ensure that all development in the area can be serviced by gravity to the trunk sewer or by gravity to the Streamside Pumping Station. The servicing study shall be reviewed and approved by the Niagara Region prior to the design of Regional pumping station upgrades.

43. That the Owner complies with the Regional Design standards for the upgrades of the Streamside Sewage Pumping Station, engage Regional staff in the design works and receive Niagara Regional approval prior to submitting applications for Environmental Compliance Approvals to the Ministry of Environment Conservation and Parks.
44. That the Owner submits a complete Ministry of Environment, Conservation and Parks (MECP) Transfer of Review application with detailed drawings and calculations to Niagara Region for review and approval of the proposed sanitary and storm sewer piping systems for the development and receive the appropriate MECP compliance Approvals. If a direct submission to the MECP is completed for all services the Niagara Region will require a copy of the application letter and final ECA prior to clearance of this condition.
45. That the Owner enters into a legal agreement with the Niagara Region to implement and pay for all upgrades required for their development to allow the Streamside Sewage Pumping Station to accommodate the flows. If the upgrades provide benefits to other developments, best efforts clauses will be inserted in the Subdivision Agreement.
46. That prior to the approval of the final plan of subdivision or the undertaking of any on-site grading or storm servicing, the Owner shall submit a detailed stormwater management plan and associated engineering drawings (stamped and signed by a qualified professional engineer in accordance with the Ministry of Environment Conservation and Parks 'Stormwater Management Planning and Design Manual' (2003) and the Niagara Peninsula Conservation Authority's 'Stormwater Management Guidelines' (2010)) to the Niagara Region Planning and Development Services Department for review and approval. The required stormwater management engineering submission shall include (but not be limited to):
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans; and
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
47. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the condition above.

48. That the Owner submit a Stormwater Management Report, to the satisfaction of the Niagara Region Planning and Development Services Department, that includes the required information to meet the Stormwater Quality and Quantity requirements for the development.
49. That the Owner agrees in the Subdivision Agreement that in order to receive Regional Waste collection that the plan is in accordance with the Regional Municipality of Niagara Policy regarding Requirement for Commencement of Collection for New and Redevelopments. Note: for any development phasing, the developer shall create appropriate temporary waste collection turnaround(s), per the Niagara Region Corporate Waste Collection Policies, at the end of each dead end street(s) during any development phasing that will permit Regional waste collection or confirm that waste collection will be the developer's responsibility.
50. 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).
51. That the Subdivision Agreement between the Owner and the Township contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing development and new survey evidence is in place at the completion of the development.
52. That the Owner obtain a work permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to the stormwater outlet. In support of the Work Permit application the following information will be required:
 - a. Detailed design plans; and
 - b. Any other information as may be determined at the time of Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
53. That Condition 52 above be incorporated into the Subdivision Agreement between the Owner and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.
54. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara Peninsula Energy facilities servicing this draft plan of subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.

55. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.
56. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
57. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.
58. That the following clause shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

“The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.”
59. That the Owner agrees to:
 - a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b. Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d. Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and

- e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
60. That the Owner agrees to Canada Post's multi-unit policy, which requires that the Owner provide the centralized mail facility (lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
61. That the following warning clauses shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:
- “Purchasers/tenants are advised that sound levels, due to the increasing rail traffic on the nearby CP Railway, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and Ministry of the Environment's noise criteria. Purchasers/Tenants are also advised that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.”
- “Purchasers/tenants are advised that any berm, fence or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.”
62. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

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

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** for Conditions 1 – 37 inclusive.
- **The REGIONAL NIAGARA PUBLIC WORKS & DEVELOPMENT DEPARTMENT** for Conditions 13, 27 to 51.
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** for Conditions 13, 31, 33, 46, 52 – 53.

- **BELL CANADA of other applicable telecommunications company** for Conditions 54 – 57.
- **NIAGARA PENINSULA ENERGY** for Conditions 54 – 55.
- **CANADA POST** for Conditions 58 – 60.

NOTES:

1. Conveying

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

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

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

3. Water and Sewerage Systems

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

4. Agencies to be Contacted:

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

Mr. Brian Treble
 Director of Planning and Building
 318 Canborough Street
 P.O. Box 400
 Smithville, Ontario
 L0R 2A0
 Telephone – (905) 957-5138
 Email – btreble@westlincoln.ca

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

Ms. Jennifer Bernard
Public Works Engineering Coordinator
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 6732
Email – jbernard@westlincoln.ca

- (c) With respect to the requirements of the Region of Niagara contact:
Development Approvals
devtplanningapplications@niagararegion.ca

- (d) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce
3350 Merrittville Highway
Unit 9
Thorold, Ontario
L2V 4Y6
Telephone – (905) 788-3135
Email – ddeluce@npca.ca

- (e) With respect to the requirements of Bell Canada contact:

Ms. Janice Young
Manager, Right of Way
Floor 3 – 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Telephone – (416) 296-6291

5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

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

6. Hydro One Cautionary Note

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

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THRIVE SUBDIVISION
MARZ HOMES INC.
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of the Marz Homes Inc., in the name of Thrive Subdivision, File No. 2000-090-20, Township of West Lincoln are:

1. That this approval applies to the Marz Homes (Smithville West) Inc. 'Thrive', Draft Plan of Subdivision, Township of West Lincoln prepared by IBI Group Inc., dated, 2018-11-9, revised on 2021-03-11, containing 61 Lots and 23 Blocks plus internal streets.
2. That Part 1 of Plan 30R-15792, being shown as lots 47 to 62, inclusive, and Blocks 62 & 87 on the draft plan of subdivision, be merged on title to Lot 9, Plan M-98 prior to finalizing the conditions of draft plan approval.
3. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
4. That the Subdivision Agreement contain a clause requiring that the road allowances shown on the draft plan (Street A & B) be dedicated to the Township of West Lincoln as Public Highways.
5. That the Subdivision Agreement contain a clause requiring that the proposed public streets (Street A & B) be constructed and named to the satisfaction of the Township of West Lincoln.
6. That the Subdivision Agreement contain a clause requiring that a 0.3 metre reserve be granted abutting the west side of South Grimsby Road 5 allowance to the Township of West Lincoln, to separate lots and blocks from the street, free and clear of any mortgages, liens and encumbrances.
7. That such easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.
8. That the Owner submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
9. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
10. That the Subdivision Agreement contain a clause requiring that the Owner provide an adequate storm drainage outlet including any necessary easements and drainage agreements to the satisfaction of the Township of West Lincoln, Region

of Niagara and the Niagara Peninsula Conservation Authority.

11. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
12. That the Owner prepare a streetscape and landscape plan for the subdivision in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on separate plans.
13. That the Subdivision Agreement contain a clause requiring that the Owner design and construct a primary off-road multiuse trail using the specifications found in the Township of West Lincoln Trails and Corridors Master Plan and satisfaction of the Public Works and Recreation Department, as amended from time to time. The Trail shall extend from South Grimsby Road 5 to the western limit of the development. The trail shall be a minimum of 3 metres in width and constructed from asphalt. At each intersection with a public street there shall be a trail head which includes amenities (e.g. park benches, trash receptacles, trees) as determined through the Subdivision Agreement and engineering review.
14. That the Subdivision Agreement contain a clause requiring dedication of Block 69, and construction of a sidewalk or multiuse trail.
15. That the Owner dedicate a 4.5 metre strip south of the rail line, but north of the proposed internal condominium street from the western extent of the development to South Grimsby Road 5, being Block 67, containing the multi-use trail and associated features as parkland as per the Township's request. If this dedication, combined with the dedication of the community park, will not satisfy the required 5%, the remainder is to be in the form of cash-in-lieu of parkland.
16. That the Owner provide a park design for Block 70, satisfactory to the Township of West Lincoln Planning Department and Public Works and Recreation Department as a part of the engineering submission, including a landscaping plan with the provision of an access onto South Grimsby Road 5 for maintenance access, playground equipment, and that the Subdivision Agreement contain a clause requiring the Owner to construct the approved park plan at the Owners cost.
17. That the Subdivision Agreement contains a clause requiring Block 70 & 71, being the parkland, be constructed within the first phase of the development, and that they park be conveyed to the Township in consideration of parkland dedication.
18. That any outstanding Township invoices, including invoicing related to peer reviews and local servicing studies, be paid in full.

19. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
20. That the Subdivision Agreement contain a clause requiring that sidewalks be provided along at least one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
21. ~~That the Subdivision Agreement contain a clause requiring that the owner provide to the Township the proportional cost based on frontage to upgrade South Grimsby Road 5 between the CP Rail Corridor south to Regional Road 20 be upgraded and constructed to a local urban cross section, west of the centreline, including sidewalk, to the satisfaction of the Director of Public Works, and that the appropriate road encroachment permits be applied for and approved.~~
The Owner dedicates to the Township a road widening of half of the deficiency for collector road along the subject property frontage for South Grimsby Road 5.
22. That the Traffic Impact Study be updated and submitted for review to incorporate the findings of both the **Smithville West - Dunloe** Draft Plan of Subdivision and the P Budd Developments Inc. Draft Plan of Subdivision to identify any additional transportation related upgrades and to implement the required upgrades in the Subdivision Agreement.
23. That the Subdivision Agreement contains a clause limiting the number of units that can be constructed to **88 units (Phase 1)**, until such time that a second permanent access be constructed, according to the Northwest Quadrant Secondary Plan, providing permanent access east to South Grimsby Road 5 (extension of Street A or Street B) or west to connect with the traffic circle along Regional Road 20 prior to any additional units beyond the 88 units be constructed.
24. That the Subdivision Agreement contains a clause stating that building permits shall not be issued for Lots 34 & 35, Lots 45 & 46, & Lots 1, 2 & 3 until such time that the roadways are extended and the temporary cul-de-sacs are removed to the satisfaction of the Township of West Lincoln.
25. That the Subdivision Agreement contains a clause requiring a temporary emergency access to South Grimsby Road 5 for phase 1, as shown on the Draft Plan of Subdivision and Site Plan, undated, prepared by IBI Group and found attached to Report PD-96-2021, until such time that a secondary permanent access is fully constructed and approved by the Township of West Lincoln.
26. That prior to final approval, it is to be determined if the existing capacity of the sewer lines and servicing to the site is adequate for this development by the Regional Public Works Department and the Township Public Works Department. If existing capacity is not sufficient, the owner is required to provide the necessary upgrades to provide adequate sewer services to the development. Best efforts clauses will be included if the upgrades benefit additional developments.

27. That the Subdivision Agreement contain a clause that no Building Permits will be issued until any required upgrades to the water and/or storm systems has been completed. If upgrades provide benefits to other developments in the Northwest Quadrant Secondary Plan Area, a best efforts clause will be included in the Subdivision agreement.
28. That the Owner agrees to include a clause in the Subdivision Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.
29. That the design drawings for the water, sanitary sewer and stormwater drainage system, including any proposed downstream sewer improvements, required to service this development be submitted to the Regional Public Works Department and Township of Public Works Department for review and approval.
30. That the Owner provide to the Township an Engineering review submission that shows the water and sewer servicing in alignment with the recommendations of the Hydraulic Water and Sewer study prepared by AECOM.
31. That prior to final approval and registration of this plan or prior to servicing (through a pre-servicing agreement), the Owner obtain Ministry of the Environment Environmental Compliance Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, sanitary sewers and stormwater management) for this development. Note: Any modifications to the stormwater management facility should be submitted directly to the Ministry of the Environment for approval and the issuance of an Environmental Compliance Approval.
32. That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and the Township of West Lincoln Public Works Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003 and "Stormwater Quality Guidelines for New Development", May 1991:
 - a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - b. Detailed sediment and erosion control plans which show how exposed soils, sediments and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirement for all employed devices.

Note: The Region may request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent clearance of related conditions.

33. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions where by the Owner agrees to implement the approved stormwater management plan required in accordance with the above Conditions.
34. That the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.
35. That the Owner submits a revised Noise Study which includes potential impacts and mitigation measures for the proposed car wash facility at 6633 Regional Road 20 and that any mitigation measures be included in the Subdivision Agreement.
36. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating infrastructure recommended in the report completed titled *Environmental Noise and Vibration Impact Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020, be completed prior to occupancy of the affected units.
37. That a full Urban Design Report be submitted and approved by the Township for approval identifying how this development meets the objectives of the Township Urban Design Manual and how it creates good public form and an attractive pedestrian streetscape. It is expected that a higher standard of design be achieved on units which are highly visible from public streets. Units with side or rear yards facing a public or private street should be designed to be attractive from the street, including, but not limited to wrap around porches.
38. That the Subdivision Agreement contains a clause requiring any noise attenuation infrastructure or fencing north of the rail trail, being Block 69, remain in private ownership tied to adjacent future condominium blocks.

Regional Conditions

39. That the Owner submit at least a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) for the lands in the area of Street B, Blocks 47 to 62, inclusive, and Block 85, to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receive an acknowledgement letter from MHSTCI (copied to Niagara Region) confirming that all archaeological resource concerns have met

licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

40. That the following clause be included in the subdivision agreement:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>

41. That the *Environmental Noise and Vibration Impact Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020) be updated to reflect the current draft plan proposal and assess the adjacent commercial block/permitted uses to the satisfaction of Niagara Region.
42. That the Subdivision Agreement contain provisions whereby the owner agrees to implement the recommendations of the approved *Environmental Noise and Vibration Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020, to be revised in accordance with the above condition).
43. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
44. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Township.
45. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.

46. That the Owner enters into a legal agreement with the Niagara Region to implement and pay for all upgrades required to the Regional Streamside Sewage Pumping Station in order to accommodate the sewage flows from the proposed development. All upgrades required to the Regional sewage pumping station will need to comply with Regional Design standards and Region staff will need to be engaged in the design works prior to submitting applications to the Ministry of the Environment, Conservation and Parks (MECP) for the required Environmental Compliance Approvals.
47. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
 - c) Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and
 - d) That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
48. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
49. That the Owner submit a revised Transportation Impact Study (TIS) to the satisfaction of Niagara Region.
50. That prior to any construction taking place within the Regional Road 20 road allowance, the owner shall obtain the required Regional Construction Encroachment and Entrance Permit from Niagara Region's Transportation Services Division, Public Works Department.

51. That the Owner dedicate a 2.26 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 20 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
52. That the Owner dedicate a 6 metre by 6 metre daylight triangle to be conveyed behind the required road widening at the corner of Regional Road 20 and South Grimsby Road 5 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the Owner.
53. That the Owner ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the 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.
54. That the Owner shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement prior to Regional curbside waste collection services commencing.
55. That the Subdivision Agreement between the Owner and the municipality 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.

Notes:

- Prior to granting final plan approval, the Township must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Township of West Lincoln.

NPEI Conditions

56. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara Peninsula Energy facilities servicing this draft plan of subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.
57. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.

Telecommunications Conditions

58. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
59. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.

Canada Post Conditions

60. That the following clause shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

“The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.”

61. That the Owner agrees to:
 - a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;

- b) Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and
 - e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
62. That the Owner agrees to Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

CPKP Rail Conditions

63. That the following warning clauses shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:
- "Purchasers/tenants are advised that sound levels, due to the increasing rail traffic on the nearby CP Railway, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and Ministry of the Environment's noise criteria. Purchasers/Tenants are also advised that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations."
- "Purchasers/tenants are advised that any berm, fence or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features."
64. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

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

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** for Conditions 1 – 38 inclusive
- **The REGIONAL NIAGARA PUBLIC WORKS & DEVELOPMENT DEPARTMENT** for Conditions 39 to 55
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** for Conditions 32 to 34.
- **NIAGARA PENINSULA ENERGY** for Conditions 56-57
- **BELL CANADA of other applicable telecommunications company** for Conditions 58-59
- **CANADA POST** for Conditions 60-62
- **CPKP Rail** for Conditions 63-64

NOTES:

1. Conveying

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

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

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

3. Water and Sewerage Systems

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the

Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

4. Agencies to be Contacted:

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

Mr. Brian Treble
Director of Planning and Building
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-5138
Email – btreble@westlincoln.ca

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

Ms. Jennifer Bernard
Public Works Engineering Coordinator
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 6732
Email – jbernard@westlincoln.ca

- (c) With respect to the requirements of the Region of Niagara contact:
Development Approvals
devtplanningapplications@niagararegion.ca

- (d) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce
3350 Merrittville Highway
Unit 9
Thorold, Ontario
L2V 4Y6
Telephone – (905) 788-3135
Email – ddeluce@npca.ca

(e) With respect to the requirements of Bell Canada contact:

Ms. Janice Young
Manager, Right of Way
Floor 3 – 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Telephone – (416) 296-6291

5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

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

6. Hydro One Cautionary Note

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

Susan Smyth

From: Taran Lennard <tlennard@npca.ca>
Sent: September 6, 2024 10:41 AM
To: Susan Smyth
Subject: RE: NPCA Review: Draft Plan Approval Extension - Dunloe Smithville West Subdivision (File: 2000-087-18)

Hi Susan,

The NPCA offers no objections to the approval of this extension request. A works permit was historically issued for a SWM Outfall into our regulated features, which formed an integral part of the SUB application.

Thank you for including us on this request.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277
www.npca.ca
tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Susan Smyth <ssmyth@westlincoln.ca>
Sent: Monday, August 12, 2024 2:08 PM
Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Draft Plan Approval Extension - Dunloe Smithville West Subdivision (File: 2000-087-18)

Good Afternoon,

Please find attached the request for an extension of draft plan approval for Dunloe Smithville West Subdivision (Marz Homes Inc.) and the Township Planning Staff's request for agency comment.

We kindly ask that comments be provided by Thursday September 12, 2024. If no comments are received by this date then we are to assume there are no issues with the requested extension of draft plan approval.

If you should have any questions please let me know.

Thank you,

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

September 12, 2024

File Number: PLSD202401014

Susan Smyth - Senior Planner

Township of West Lincoln

318 Canborough Street

Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Regional and Provincial Comments
Draft Plan of Subdivision Extension
Township File Number: 2000-87-18
Applicant: Arcadis
Location: Southwest Corner of South Grimsby Road 5 and Spring Creek
Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the request for a two (2) year extension of Draft Plan of Subdivision approval for the property municipally known as Plan M98 Lot 7 (Southwest Corner of South Grimsby Road 5 and Spring Creek) in the Township of West Lincoln. Regional staff received this extension request from the Township on August 12, 2024.

The Draft Approved Plan of Subdivision consists of 29 single-detached dwellings (1.19 ha – Lots 1-29), 20 semi-detached dwellings (0.51 ha – Lots 30-39), 75 condominium townhouses (2.33 ha – Blocks 41, 45-47), a park (0.51 ha – Block 40), stormwater management system and dedicated trail (0.57 ha – Block 42), and a future development block (0.01 ha – Block 44). Staff note this is the second extension request whereby the Township previously granted a two-year extension.

In requesting an extension, the applicant noted concern with future growth and development in the northwest quadrant of lands approved by Official Plan No. 63 (OPA 63), and the new expanded urban limits of Smithville has generated opportunities and constraints on approaching stormwater infrastructure and outlet. The applicant, therefore, indicated they are unable to move forward with a clearance of draft plan conditions request. As such, the additional two years will allow for time to address stormwater management concerns.

Provincial and Regional Policies

Staff note that Niagara Official Plan Policy 7.5.3.6 states that Local Area Municipalities are encouraged to permit only one extension to a lapsing draft plan of subdivision for a period of up to two years unless the draft plan conforms to (a) the policies of this Plan; and (b) it can be demonstrated that concerted effort and progress has been made toward satisfying existing conditions of approval.

In this regard, staff note a detailed Engineering design had been submitted and reviewed, and the applicant is currently in the process of making revisions to clear existing conditions.

Archaeological Potential

The comments provided in the Regional comment letter (dated July 23, 2021) remain applicable.

Staff request that Condition 38 be amended to reflect the following updated archaeological warning clause wording:

That the Site Plan Agreement between the Owner and Township of West Lincoln contains the following warning clause:

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.
<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>”*

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department are in support of the requested two (2) year draft plan extension request in accordance with the comments above subject to the existing draft plan conditions remaining in effect and the recommended revised archaeological warning clause wording.

Please send copies of the staff report and notice of the Township’s decision on these applications. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca.

Kind regards,



Connor Wilson
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Phillipe Biba, Development Approvals Technician
Adam Boudens, Senior Environmental Planner

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

September 12, 2024

File Number: PLSD202401014

Susan Smyth - Senior Planner

Township of West Lincoln

318 Canborough Street

Smithville, ON L0R 2A0

Dear Ms. Smyth:

Re: Regional and Provincial Comments**Draft Plan of Subdivision Extension – Thrive Subdivision****Township File Number: 2000-090-20****Applicant: Arcadis****Location: Northwest corner of South Grimsby Road 5 and Regional Road 20, South of CP Rail line****Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the request for a two (2) year extension of Draft Plan of Subdivision Approval for the property municipally known as Plan M98 Lot 9 (Northwest Corner of South Grimsby Road 5 and Regional Road 20, south of CP Rail Line) in the Township of West Lincoln. Regional staff received this extension request on August 12, 2024.

The Draft Approved Plan of Subdivision consists of 227 residential units, with 7 future units (according to the Secondary Plan Concept, prepared by IBI Group, no date). Draft Plan approval was granted by the Township on December 16, 2019 for a period of three (3) years, and subsequently extended until December 16, 2024..

In requesting an extension, the applicant has noted the internal detailed Engineering and Landscape Design review has been completed. Additionally, Regional and external utility agencies are currently reviewing outstanding design matters and anticipates the conditions are unlikely to be satisfied before the lapsing date. The additional two years will allow for the addressment of the stormwater management concerns.

Provincial and Regional Policies

Policy 7.5.3.6 of the Niagara Official Plan, states that Local Area Municipalities are encouraged to permit only one extension to a lapsing draft plan of subdivision for a period of up to two years unless the draft plan conforms to (a) the policies of this Plan; and, (b) it can be demonstrated that concerted effort and progress has been made toward satisfying existing conditions of approval.

Staff understands from the Township's circulation letter that the applicant has been working towards final clearance of conditions and has received final Engineering and Landscape design review and approval by staff. In addition, to the Draft Subdivision Agreement has been released. Regional staff has also been actively reviewing submissions for clearance. As such, Regional staff is satisfied that an extension of draft approval is appropriate.

Archaeological Potential

The comments provided in the Regional comment letter (dated July 23, 2021) remain applicable.

Staff request that Condition 2 be updated to reflect the following updated archaeological warning clause wording in accordance with the Regional Archaeological Management Plan:

That the Subdivision Agreement between the Owner and Township of West Lincoln contains the following warning clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>"

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department are in support of the requested two (2) year draft plan extension t in accordance with the comments above subject to the existing draft plan conditions remaining in effect and the recommended revised archaeological warning clause wording.

Please send copies of the staff report and notice of the Township's decision on these applications. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca.

Kind regards,

A handwritten signature in black ink, appearing to read 'Connor Wilson', with a long horizontal flourish extending to the right.

Connor Wilson
Planner, Development

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Phillipe Biba, Development Approvals Technician
Adam Boudens, Senior Environmental Planner

Memo

To: Susan Smyth, Senior Planner
From: Jennifer Bernard, Coordinator of Engineering Services
Date: October 8, 2024
Re: Extension of Draft Plan Approval – Smithville West – Dunloe Subdivision and Thrive Subdivision

Public Works staff have reviewed Recommendation Report – Extension of Draft Plan Approval for Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Thrive Subdivision (File No. 2000-90-20)(Marz Homes Inc. – Owner)(Jared Marcus, Arcadis – Agent).

Water and wastewater analysis completed as part of the Master Community Plan confirmed based on the Functional Servicing Reports for the Dunloe and Thrive Subdivisions that these developments will require:

- the Regional 400mm trunk watermain;
- upgrades to the Streamside Pumping Station; and
- upsizing of the existing sanitary sewer on West St and Wade Rd.

It is understood that Marz Homes is currently working with the Niagara Region on the design and construction of the 400mm watermain and Streamside Pumping Station upgrades through Front Ending Agreements.

The Township’s sanitary sewer on West St and Wade Rd will be upsized with the Niagara Region’s RR20 Road Reconstruction project, expected to proceed to construction in 2025.

Staff have reviewed the Conditions of Approval and note that Dunloe conditions 21 through 23 and Thrive condition 21 were drafted prior to the completion of the Township’s Master Community Plan. The construction of Spring Creek Road and the upgrade of South Grimsby Road 5 have been included in the 2024 Draft DC Background Study.

Public Works recommends revising Dunloe condition 21 to read: *That the subdivision agreement contain a clause requiring the owner to enter into a front ending agreement (subject to the approval of the Township’s Development Charge By-law) or other agreement with the Township for the design, construction and urbanization of Spring Creek Road from South Grimsby Road 5 west to the CPKC Rail corridor, and South Grimsby Road 5 from Spring Creek Road south to Regional Road 20, to the satisfaction of the Township, and that the appropriate road encroachment permits be applied for an approved.*

Extension of Draft Plan Approval – Smithville West – Dunloe Subdivision and Thrive Subdivision

Dunloe conditions 22 and 23 and Thrive condition 21 can be removed as they are replaced by the above.

Conditions should be added to Dunloe and Thrive that a road widening is required on South Grimsby Road 5 and the Spring Creek Road allowance for half the deficient width of a Township Collector road.

Staff have no concerns with the proposal for an extension of draft plan approval due to the delays in servicing these developments.

DATE: October 15, 2024

REPORT NO: PD-42-2024

SUBJECT: **Information Report No. 3**
Comprehensive Zoning By-law Amendments Housekeeping 8
Draft By-law Update

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

OVERVIEW:

- There have been seven minor housekeeping amendments to Zoning By-law 2017-70, as amended, as a means to keep the by-law functioning as intended and to correct minor site specific issues.
- Since the last housekeeping amendment in November 2023, Administration has identified a number of minor updates that should be addressed through an additional round of housekeeping amendments, including:
 - Provide definitions for greater clarity.
 - Adjustments to the regulations for private garages used for parking spaces in the residential zones.
 - Adjustments to the lot coverage for small holdings that are agriculturally zoned (around 1 acre in size).
 - Adjustments to the regulations for accessory dwelling units (ADUs).
 - Adjustments to the regulations for accessory farm dwellings.
 - Adjustments to the maximum lot coverage for multiple residential dwellings.
 - Adjustments to the regulations for minimum amenity area and landscape open space.
 - Adjustments to the Employment zones to include warehouse.
 - Addition of a new Commercial Mix zone.
- Public and agency comments received have been integrated into the proposed draft by-law.
- Now that the Province has released the new Provincial Planning Statement (2024), the proposed amendments to the By-law required additional review to ensure consistency with the approach to implement the changes.
- This Information Report is to provide the public and members of Council with an opportunity to review the latest version of Housekeeping No. 8 to offer feedback on the proposed amendments.

RECOMMENDATION:

1. That, Information Report PD-42-2024, regarding “Information Report No. 3, Comprehensive Zoning By-law Amendments Housekeeping 8, Draft By-law Update,” dated October 15, 2024, be received for information; and
2. That, Administration be directed to finalize the amendments to Housekeeping 8 and present the final version for adoption by Council.

ALIGNMENT TO STRATEGIC PLAN:

- **Build** – A safe, connected caring and active community
- **Champion** – Strategic and responsible growth

BACKGROUND:

The Township’s Zoning By-law 2017-70, as amended has functioned well and has been improved over the years to address minor issues concerning Township wide regulations and site specific zoning provisions to keep the by-law current.

More recent issues and opportunities have come to the attention of Administration which are being addressed through this housekeeping amendment process. Public consultation is required and a Public Meeting was held on July 15, 2024 as well as additional feedback and comments received by the public, agencies, and various consultants acting as agents for landowners and developers which assisted Planning Staff to prepare the amendments to the by-law.

More recently, revisions to the by-law is necessary to continue to function and implement changes triggered by provincial legislation including the new 2024 Provincial Planning Statement that is a province-wide land use planning policy framework that replaces the 2020 Provincial Policy Statement and 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

This Information Report is prepared to offer another opportunity for public and agency feedback to ensure that the zoning provisions and regulations that affect both the settlement areas and agricultural areas are addressed.

CURRENT SITUATION:

The Township Planning Staff has reviewed and identified a number of issues and opportunities with the current Zoning By-law provisions and regulations that required refinements on a Township wide basis.

The comments received at the Public Hearing on July 15, 2024 were supplemented by additional written correspondence provided by various consultants and members of the public to help solidify the proposed draft by-law and its intended function to implement the zoning regulations Township wide.

The following table identifies the sections of the by-law and regulations that have been

changed and the rationale for the proposed changes.

Section / Table #	Regulation	Proposed Changes	Staff Comments
Part 2	Definitions	Include definitions of Berm, Bonafide Farm Operation, Utility Warehouse	These terms were referenced in the By-law although not definition was provided. Include these terms to avoid misinterpretation, subjectivity and to offer the wrong intent.
		Buffer Area	Members of the public provided wording that can be used as buffer areas as restoration or passive recreation uses for private and public development. Staff consulted with the Region and it was decided that the matters around buffer areas can be dealt with under applications for draft plan approvals. Staff further recommends that terms in a policy context can be considered more precisely under the Official Plan 5-year review exercise, therefore the term was removed from this housekeeping update.
Part 3 Section 3.1 Table 1-1	Permitted Yards	Type 3 (Greater than 120m ²) accessory buildings or structures in an Agricultural Zone to be permitted in all yards.	Based on inquiries and comments about the location of accessory buildings/structures for agricultural uses (e.g., storage barns, implement sheds) that are located far from the road or have constraints and limitations on the location of these buildings Staff agreed the buildings/structures should be located in all yards with no negative impacts on the agricultural use.
	Minimum setback to <i>front lot line</i>	Type 3 buildings and structures to 30m.	Staff suggest that the location of the larger accessory buildings/structures should be at least 30m from the front lot line to refrain from visual impacts to adjacent uses, or potential loss of agricultural land area.
	Minimum setback to <i>front lot line and exterior lot line</i>	Type 1 and 2 buildings and structures used for farm produce retail was reduced from 6m to 1m.	Staff noticed that throughout the Township, the farm retail stands are generally located closer to the roads and the 1m is appropriate to provide better exposure.
Section 3.1 Table 1-2	<i>Accessory Buildings or Structures</i> in a Residential Zone	No closer to the established <i>front lot line</i> than the <i>main building</i> .	Staff has received comments about what is considered as the front lot line and requests to position the accessory buildings/structures closer to the front lot line than the main building (usually

Section / Table #	Regulation	Proposed Changes	Staff Comments
	Minimum setback from <i>front lot line</i>		being the principle dwelling). Staff suggested added 'established' to ensure the intent of having the principle dwelling being closer to the lot line and the accessory buildings/structures remain subordinate.
Section 3.2.1	Accessory Dwelling Units (ADUs)	Updated the entire section and added the total number of ADUs shall be 2 throughout the Township of which one unit can be in the main dwelling either in the attic, or an addition or basement and one in a detached accessory building and permitted to be on the ground floor.	Staff recognized that the by-law needed to be consistent with the new Provincial legislation. Further, aim to provide flexibility and support a mix of housing options throughout the Township and not just in the settlement areas. The total number of ADUs is however subject to meeting the requirements of servicing, parking, and being sure these units remain secondary and subordinate to the main dwelling. Comments received on the ADUs in the Agricultural zones and that they should be allowed on the ground floor is a change that Staff recognized there is a need to address the accessibility for all ages and abilities.
Section 3.2.2	Accessory Farm Dwellings	Add ' <i>bonafide farm operation</i> ' to the regulation.	Staff added 'bonafide farm operation' to the regulation to ensure there is an active operation that the farmer is employed, and managing a farm exclusively for agricultural use which will prevent from grating permissions for two houses on one lot.
Section 3.2.4	Garden Suites	Add that the garden suite must be a 'four season or all season type of unit'.	Staff wanted to ensure consistency with the type of garden suites being used for temporary dwellings and that they are safe and meet the requirements of the Ontario Building Code.
Section 3.12.6 Table 6	Off-Street Motor Vehicle Parking Facility Requirements	Include warehouse parking 1 space per 180 m ² of gross floor area.	Staff recognized that this use was not included as a permitted use and did not have a parking requirement.
Section 3.12.6 (d) (vii)	Off-Street Motor Vehicle Parking Facility Requirements	Change the garage width to 3.25 metres and be counted as a parking space.	The development community have provided house plans for townhouse units that can accommodate a garage at 3.25 metres wide and still have the space available for the vehicle to park and open the doors and storage along

Section / Table #	Regulation	Proposed Changes	Staff Comments
			the side. Staff suggest that the depth of the garage space at 6 metres be maintained and the 3.25 metres for the width of a garage is acceptable with an allowance of 0.8 metre projection for stairs and count as a parking space for the townhouse units.
Section 3.12.7 (e)	Private Garages	Change the garage width to 3.25 metres and be counted as a parking space.	For consistency, Staff applied the same change as Section 3.12.6 (d) (vii) to this section of the by-law.
Section 3.12.7 (h)	Private Garages	Add 'except in residential zones where' to the provision.	Staff realized that the maximum garage width for an attached private garage in the Agricultural Zone can be larger than 50%, particularly for the larger parcels since the urban design considerations for planning approvals is no longer a requirement and house design preference especially for garage size and orientation should eliminate restrictions. However, Staff recommend that in the urban Residential Zones the 50% of the total width of the dwelling on the lot or 9.2 metres, whichever is less is maintained since the lots are smaller and want to avoid the oversize of garage to detract from the main dwelling.
Section 3.18	Setbacks to Pipelines	Removed 'Enbridge Pipelines' and replace with 'Oil and Gas Pipeline'.	Staff recognized that reference to a company name may change over time and to keep it generic.
Part 5 – Section 5.3 Table 12: Regulations	Maximum lot coverage	Include under A Zone: Dwelling – 20%	Staff propose an increase in the coverage for other accessory buildings and structures except for ADUs to offer some flexibility in the land area that can be developed. Staff realize that there are large agricultural parcels and limiting the lot coverage to 10% may be too restrictive for the placement of new accessory structures.
Part 6 – Section 6.3 Table 15	Minimum interior and exterior side yard	Change for RH zone the setback to greater of 50% of building height of finished grade or 3m	Staff are aware that the current setback does not protect the distance separation from the lower density residential uses.
Part 6 – Section 6.3 Table 15	Minimum rear yard	Change for RH zone the setback to greater of 50% of building height	Staff are aware that the setback does not protect the distance separation from the lower density residential uses.

Section / Table #	Regulation	Proposed Changes	Staff Comments
		of finished grade or 7.5m	
Part 6 – Section 6.3 Table 15	Maximum lot coverage for RM3 and RM4	Increase maximum lot coverage for RM3 and RM4 to 50% and no lot coverage for back to back townhouses	Increase in lot coverage will help to maximize the density while balancing building height, parking, amenity and landscape requirements.
Part 6 Section 6.3 Table 15	Maximum building height for RM3 and RM4 and RH	Add note ⁽⁸⁾ for RM4 and RH zones that back to back townhouse units, stacked townhouse units, and apartment units with ground level parking shall increase the building height to a maximum of 3 metres	Staff recognize parking is essential and to achieve compact and higher density residential units that can accommodate private garages or parking spaces at grade/ground level without a significant compromise to the parking counts therefore an increase in building height is necessary.
Part 6 Section 6.3 Table 15	Minimum amenity area for 5 – 8 dwelling units on one lot 9 or more units on one lot	Modified the amenity area for RM3 and RM4 amenity area 20m ² per dwelling plus 10m ² per unit and for RH 80m ² per dwelling plus 10m ² per unit	Staff understand from the development community that the requirement for additional amenity area creates issues with the available land to accommodate private driveways and front yards with smaller lot frontages and lot sizes. If developments cannot achieve the required amenity areas then justification by the developer is required (e.g., parkland dedication, trails).
Part 7 Section 7.1 and 7.2 Table 16	Commercial Zone	Add 'Commercial Mixed- CM' use to the zone as a permitted use.	Staff understand from the development community that developments are proposing mixed commercial uses and the current Zoning By-law did not have reference to the zone or permitted uses. Staff are proposing the new Commercial Mix- CM zone to offer alternative forms of commercial and residential uses in a compact built form that can assist the Township attain the higher density and Provincial and Regional residential intensification requirements with the 50 people and jobs per hectare.

Township Planning Staff is offering another opportunity for consultation to receive additional feedback to ensure the changes and refinements applied to the draft by-law are applicable and the intent of the by-law provisions are clearly understood and aligned with current Provincial legislation changes.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application is initiated by the Township of West Lincoln.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

The Township Planning Staff has considered the agency and public comments received when the Housekeeping By-law amendments was first introduced in the May 13, 2024 meeting under Report PD-25-2024.

This report and draft Housekeeping By-law No. 8 is being presented an additional time to provide another opportunity for comment and feedback to ensure the original comments have been captured and satisfy concerns raised with the regulations from members of the public. Any additional comments received will be included in the future Recommendation Report.

CONCLUSION:

This report is to inform Committee and Council that the Planning Staff have prepared a Housekeeping Amending Zoning By-law No. 8 of which includes the oral and written comments received by the public, agencies, Council, and consultants representing landowners and developers. The proposed draft by-law is found in Schedule A.

ATTACHMENTS:

Schedule A – Draft Housekeeping Amending By-law No. 8

Prepared & Submitted by:

Susan Smyth, CPT
Senior Planner

Reviewed by:

Gerrit Boerema, MCIP, RPP
Manager of Planning & Building

Approved by:

Brian Treble, MCIP, RPP
Director of Planning & Building

Approved by:

Truper McBride
CAO

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-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 By-law 2017-70 as amended, is hereby amended by adding the following definitions:

Berm means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

Bonafide Farm Operation shall be:

- a) An operation actively engaged, employed, and managing a farm exclusively for agricultural use;
- b) Operators earn majority of their income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions and have a valid Farm Business Registration number);
- c) Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops; and
- d) An operation that provides full time employment on the farm for one or more persons.

Utility means any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.

Warehousing means a process of storing goods in a warehouse building or structure for the purpose of distribution, sale, or manufacturing.

2. THAT, Part 3 “General Provisions” and Section 3.1, Accessory Buildings or Structures and Accessory Uses, Table 1-1 Regulations for Accessory Buildings and Structures in Agricultural Zones is hereby amended and modified to the following regulations:

Regulation	Accessory Buildings or Structures in an Agricultural Zone		
	Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Maximum ground floor area per building or structure	10m ²	120m ²	Based on maximum lot coverage (see below)
Maximum number of accessory buildings or structures per lot	Accessory buildings	3	Based on maximum lot coverage (see below)
	Accessory Structures	Based on maximum lot coverage (see below)	
Permitted yards	All Yards except the required front yard or required exterior side yard, except that a Type 1 accessory building or structure used for the retail sale of farm produce shall be permitted in the required front yard and required exterior side yard		All Yards
Minimum setback to front lot line	No closer to the front lot line than the main building, and in accordance with		30 metres

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
		the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be closer than 1 metre to the <i>front lot line</i>		
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 1 metre to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	200m ² or 8% of the <i>lot area</i> , whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of any building must be located within 50 metres of all other related residential or agricultural buildings respectively.		

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

3. THAT, Part 3 “General Provisions” and Section 3.1, Accessory Buildings or Structures and Accessory Uses, Table 1-2 Regulations for Accessory Buildings and Structures in Non-Agricultural Zones, is hereby amended and modified to the following regulations:

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum <i>ground floor area</i> per <i>building or structure</i>	RuR and R1A <i>Zones</i>	120m ²	Based on maximum <i>lot coverage</i> (see below)	
	All other Residential <i>Zones</i>	50m ² ⁽¹⁾		
Maximum number of <i>accessory buildings or structures</i> per <i>lot</i>	<i>Accessory buildings</i>	2		
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		<i>Interior Side Yard and Rear Yard</i>	All <i>Yards</i>	
Minimum setback from <i>front lot line</i>		No closer to the established <i>front lot line</i> than the <i>main building</i>	4.5 metres	15 metres

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Minimum setback to exterior side lot line		No closer to the required exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line		
Minimum setback to interior side lot line		1.2 metres, except that this shall not apply to prevent a permitted detached private garage which services two dwellings that are each on a separate lot	1.2 metres, or as required in the applicable zone where a lesser interior side yard is required for the main building	5 metres
Minimum setback to rear lot line			1.2 metres	7.5 metres
Maximum height		5 metres	6 metres	10 metres
Maximum lot coverage	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the total lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	8% of the lot area, provided the total lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the total lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
Minimum setback from main building ⁽²⁾		1.5 metres	3 metres	

⁽¹⁾ Accessory Dwelling Units located in an accessory building or structure refer to Section 3.2.1.

⁽²⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

4. THAT, Part 3 “General Provisions” and Section 3.2.1 Accessory Dwellings Units is hereby amended by deleting Article 3.2.1 – Accessory Dwelling Units and replaced by the following regulations:

3.2.1 Accessory Dwelling Units

- a) The following regulations apply to accessory dwelling units:

- i. Where a residential dwelling is permitted on a lot, up to two (2) accessory dwelling units are permitted on a lot, where at least one of the accessory dwelling units are located within, or attached to the principle dwelling;
- ii. An accessory dwelling unit shall have a maximum gross floor area, whichever is the lesser, of 100 square metres or 40% of the gross floor area of the principle dwelling. For the purposes of this provision, associated garage and/or basement contributes to the maximum gross floor area of the accessory dwelling unit.

- iii. Where attached to or located within a principle dwelling, the residential appearance and character of the principle dwelling including a *single detached, semi-detached, townhouse* 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 principle dwelling;
 - iv. An *accessory dwelling unit* may be located in the *basement* with a ceiling height no less than 2.2 metres, or in an *attic*, or as an addition to the principle dwelling;
 - v. An *accessory dwelling unit* located in a detached *accessory building*.
 - vi. An accessory building that is used for an accessory dwelling unit shall comply with the requirements of Section 3.1, except the maximum height of an accessory building that contains an accessory dwelling unit above the first storey shall be 8 metres;
 - vii. The accessory building that is used for an accessory dwelling unit shall not be located in the *front or exterior yards* and shall remain secondary and subordinate to the principle dwelling;
 - viii. The Accessory building shall be located within 25 metres of the principle dwelling.
 - ix. An *accessory dwelling unit* can be a *garden suite* and subject to additional regulations in Section 3.2.4.
- b) The following additional regulations apply to *accessory dwelling units* on lots that are not serviced by municipal sanitary and water services in the *Rural Settlement Areas and Agricultural Areas*:
- i. *Accessory dwelling units* shall not be permitted unless the lot has a minimum lot area of 0.4 hectares and the private sewage services and/or private water services are approved for the lot with adequate capacity for the *accessory dwelling unit* and any other uses on the lot. Accessory dwelling units may only be permitted to have separate septic systems in extenuating circumstances;
 - ii. An *accessory dwelling unit* located in a detached *accessory building/structure* shall comply with the *minimum distance separation formulae*;
 - iii. *Accessory dwelling units* permitted on a lot are in addition to an *accessory farm dwelling* that is permitted as an *agricultural use and subject to Section 3.2.2 regulations*.
- c) An *accessory dwelling unit* shall not be used for a *bed and breakfast establishment, boarding or rooming house, group home or home occupation*.
- e) Access to the required parking for the *accessory dwelling unit* shall be provided from the same driveway that provides access to the principle dwelling unit on the same lot.
- f) Where permitted in a Commercial Zone with the exception of the Commercial Mixed 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.

5. THAT, Part 3 “General Provisions” and Section 3.2.2 Accessory Farm Dwellings is hereby amended and modified by the following regulation:

The following regulations apply to *accessory farm dwellings*:

- a) An *accessory farm dwelling* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use with a bonafide farm operation* and an associated *single detached dwelling*, where permitted by the applicable *zone*.

6. THAT, Part 3 “General Provisions” and Section 3.2.4 Garden Suites is hereby amended by adding the following clause to the regulations:

The following regulations apply to *garden suites*:

- f) The *garden suite* shall be of a four season or all season design including *mobile home* on a secured foundation that is subject to the Ontario Building Code, Building Code Act, and approved by the Chief Building Official.

7. THAT, Part 3 “General Provisions” and Section 3.12.6 Off-Street Motor Vehicle Parking Facility Requirements and Table 6 Required Parking Facilities is hereby amended and modified by the following regulations:

The following regulations apply to *motor vehicle* parking facilities:

- a) *Parking spaces* for *motor vehicles* shall be provided and maintained for the identified uses of *lots, buildings* and *structures* in accordance with Table 6.

Table 6: Required Parking Facilities

Use	Minimum Number of <i>Parking Spaces</i> to be Provided
<i>Industrial uses and processing facilities</i>	
<i>Warehouse/Warehousing</i>	1 <i>parking space</i> per 180 m ² of <i>gross floor area</i>

- d) *Parking spaces* shall have minimum dimensions of 2.7 metres in width by 6 metres in length, except:

- vii. Private residential garages counted as a required parking space must be a minimum width of 3.25 metres wide by 6 metres long (measured from interior walls) unobstructed with a maximum of one step having an allowable projection of 0.8 metres into this space.

8. THAT, Part 3 “General Provisions” and Section 3.12.7 Private Garages of Zoning is hereby amended and modified by the following regulations:

The following regulations apply to private garages:

- d) For the purposes of meeting the parking requirements of this By-law, a private residential garage counted as a required parking space must be a minimum width of **3 metres 3.25 metres** wide by ~~5.5 metres~~ **6 metres** long (measured from interior walls) unobstructed with a maximum of one step having an allowable projection of 0.8 metres into this space.

- h) The maximum garage width for an attached private garage shall be no greater than 50% of the total width of the dwelling on the lot, **except in residential zones where** the maximum garage width for an attached private garage shall be no greater than 50% of the total width of the dwelling on the lot or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the dwelling.

9. THAT, Part 3 “General Provisions” and Section 3.12.7 Private Garages of Zoning

is hereby amended by deleting the following regulation (3.12.7 f) iii.):

iii. In all other zones where private garages are permitted, an attached private garage may project up to a maximum of 4 metres closer to the front lot line than the main front wall of the dwelling on the same lot[provided the front yard setback is met for the private garage]. Detached private garages must be located in accordance with Section 3.1; (By-law 2019-63).

10. THAT, Part 3 “General Provisions” and Section 3.18 Setbacks to Pipelines, specifically Section 3.18.2 Enbridge Pipelines is hereby amended and modified to:

3.18.2 Oil and Gas Pipeline

- a) Notwithstanding any other provisions of this By-Law to the contrary, no building or structure used for a dwelling or associated with a dwelling shall be located closer than 3 metres to the limit of the right of way for an oil and gas pipeline easement.

11. THAT, Part 5 “Agricultural Zones” and Section 5.3 Regulations and Table 12 Regulations of Permitted Uses in Agricultural Zones is hereby amended and adding to the following to the regulations:

Table 12: Regulations for Permitted Uses in Agricultural Zones

Regulation		Zone Requirements		
		A	APO	AR
Maximum lot coverage	Greenhouses	70%		40%
	Dwelling ⁽⁴⁾	10%	-	
	Other buildings or structures ⁽⁴⁾	10%		

⁽⁴⁾On lots 0.4 hectares in size or less, a maximum lot coverage of 20%.

12. THAT, Part 6 “Residential Zones” and Section 6.3 Regulations and Table 15 Regulations for Permitted Uses in the Medium and High Density Residential Zones is hereby amended by deleting and replacing with the following regulations:

In the zones identified in Section 6.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per principle dwelling unit)	Apartment dwelling	-		160m ²		50m 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	50m 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	-	-

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
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	30m	-
	Back to back townhouse dwelling	-	-	5.5m/unit	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 of finished grade 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		Greater of 50% of building height of finished grade or 7.5m
	Adjoining a lot in any other zone	6m		6m		
Maximum lot coverage ⁽⁹⁾		45%	50%			
Minimum separation distance between dwellings on the same lot	Between exterior side walls	3m				
	Between exterior front or rear walls	-	12m			
	Between exterior front or rear walls and side walls	7.5m				
Maximum height ⁽⁹⁾		10m	12m	15m	21.5m	
Minimum landscaped open space		25% ⁽¹⁰⁾				
Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	20m ² per unit				
	Dwelling with 5 to 8 dwelling units on one lot	-	20m ² per dwelling plus 10m ² per unit			
	Dwelling with 9 or more dwelling units on one lot	20m ² per dwelling plus 10m ² per unit			80m ² per dwelling plus 10m ² per 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) 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. Refer to urban Design Guidelines for any limit to the massing 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 5.5m², 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 and back-to-back units, minimum lot area per unit shall not be less than 50m² per unit.
- (8) For stacked and back-to-back units, there is no maximum lot coverage.
- (9) For stacked and back-to-back units, and apartment units with ground level parking, ground level storey parking height shall not be included as part of the total building height, to a maximum of 3 metres.
- (10) For stacked and back-to-back units, the minimum landscape open space shall be 15%.

13. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70 as amended, is hereby amended by amending Section 7.1 Applicable Zones and adding Commercial Mixed – CM zone as a permitted use:

7.1 APPLICABLE ZONES

The permitted uses and regulations of Part 7 apply to land within the following zones:

Zone	Symbol
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4
Commercial Mixed	CM

These zones apply to land identified with the corresponding zone symbol as shown in Schedule “A”.

7.2 PERMITTED USES

In the zones identified in Section 7.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the permitted uses in Table 16.

Table 16: Permitted Uses in Commercial Zones

Uses	Zones where Permitted				
<i>Principal Uses</i>					
Single Detached Dwelling			C3 ⁽²⁾		
Apartment Dwelling	C1				CM ⁽⁴⁾
Art gallery	C1				CM
Commercial kennel (see s. 3.8)			C3		
Commercial school	C1	C2	C3	C4	
Communications establishment	C1		C3	C4	CM
Contractors establishment			C3		
Day care (Bylaw 2022-67)		C2		C4	CM
Drive-through facility (see s. 3.12)			C3	C4	
Dry cleaning/laundry depot	C1	C2	C3	C4	CM
Financial institution	C1		C3	C4	CM
Funeral home	C1		C3		
Garden centre			C3	C4	
Hotel/motel			C3		
Motor vehicle dealership			C3		
Motor vehicle gasoline bar			C3	C4	
Motor vehicle repair establishment			C3		
Motor vehicle service station			C3	C4	
Motor vehicle washing establishment			C3	C4	
Office, including a medical office	C1	C2	C3	C4	CM
Personal service shop	C1	C2	C3	C4	CM
Pet care establishment (see s. 3.8)			C3	C4	
Place of entertainment	C1		C3	C4	CM
Private club	C1		C3	C4	CM
Recreation facility	C1		C3	C4	

Uses	Zones where Permitted				
	C1	C2	C3	C4	CM
<i>Restaurant</i>	C1	C2	C3	C4	CM
<i>Retirement Home /Long Term Home Care Facility</i>					CM
<i>Retail store</i>	C1	C2	C3	C4	CM
<i>Service shop</i>	C1		C3	C4	CM
<i>Shopping center</i>				C4	
<i>Studio</i>	C1	C2	C3	C4	CM
<i>Veterinary clinic</i>	C1		C3	C4	
<i>Wayside pit or quarry (see s. 3.27)</i>			C3	C4	
Accessory Uses ⁽¹⁾					
<i>Accessory buildings or structures and accessory uses (see s. 3.1)</i>	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾	CM
<i>Accessory dwelling units (see s. 3.2)</i>	C1 ⁽¹⁾				
<i>Outside display and sales area</i>			C3 ⁽¹⁾	C4 ⁽¹⁾	
<i>Outside storage</i>			C3 ⁽¹⁾	C4 ⁽¹⁾	
<i>Renewable energy system (see s. 3.15)</i>	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾	CM

⁽¹⁾ Denotes uses that are only permitted accessory to or in conjunction with a permitted *principal use*.

⁽²⁾ Existing Single Detached Dwellings outside of settlement areas within Commercial 'C3' Zones, and additions and alterations are permitted and are subject to the setbacks and lot coverage regulations of the Rural Residential 'RuR' zone. (By-Law No. 2022-67)

7.3 REGULATIONS

In the zones identified in Section 7.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Table 17.

Table 17: Regulations for Permitted Uses in Commercial Zones

Regulation		Zone Requirements				
		C1 ^{(1),(2)}	C2	C3	C4	CM
Minimum lot area		-	500m ²	750m ²	900m ²	-
Minimum lot frontage		-	15m	25m	30m	-
Minimum front yard	Adjoining Regional Road 14 or 20	-	6m	9m		3m
	Other	6m				
Minimum exterior side yard	Adjoining Regional Road 14 or 20	-	6m		3m	
	Other	6m				
Minimum interior side yard	Adjoining a lot in a Residential Zone	3m	5m	9m		4.5m or one-third of building height whichever is greater
	Other	-	3m			
Minimum rear yard	Adjoining a lot in a Residential Zone	6m	6m	9m		9m or one-third of building height whichever is greater
	Other					
Maximum lot coverage		-	45%	50%		-
Minimum height		2 storeys		-		-
Maximum height		15m	10m		15m	
Minimum landscaped open space		-	20%	10%		-
Maximum outside storage		-		25% of lot area ⁽³⁾		Not Permitted
Maximum gross leasable floor area	Per commercial use	-	280m ²	-		-

Regulation	Zone Requirements				
	C1 ^{(1),(2)}	C2	C3	C4	CM
Total % of lot area		45%	50%		50% ⁽⁴⁾

- (1) An *apartment dwelling* in the C1 Zone shall be permitted as an exclusive *principal use* of a *main building* or shall be located above the first *storey* within a *main building* containing a permitted non-residential *principal use* on the ground floor, and shall be subject to the minimum *lot area*, minimum separation distance between *dwellings* on the same *lot* and minimum *amenity area* requirements of the RH Zone in accordance with Section 6.3, Table 15. All other requirements of the C1 Zone shall apply.
- (2) The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120m² of *lot area*.
- (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*.
- (4) An *apartment dwelling* in the CM Zone shall be permitted on the ground floor within a *main building* containing a permitted non-residential *principal use* and subject to the maximum of 50% of the *gross floor area* of the ground floor of the *main building*.

14. THAT, all other provisions of Zoning By-law 2017-70 as amended continue to apply;
15. 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; and
16. 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, 2024.**

MAYOR CHERYL GANANN

**JUSTIN PAYLOVE
ACTING DIRECTOR OF LEGISLATIVE SERVICES/CLERK**

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-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 and opportunities that have become apparent during implementation.

A Public Meeting was held on July 15, 2024. All comments received were evaluated by Staff and Council through their decision.

File: 1601-005-24
Township of West Lincoln

DRAFT V4

DATE: October 15, 2024
REPORT NO: PD-47-2024
SUBJECT: **Minor Modifications to the Clean Yard By-law**
CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On October 24th, 2011, Council approved the first clean yards by-law, By-law 2011-89.
- On May 27th, 2019, By-law 2011-89 was repealed and a new Clean Yards by-law was approved which more appropriately separated areas of responsibility between a Property Standards bylaw and a Clean Yards bylaw.
- The by-law, as written in 2019, took into account the right of a farmer to operate a normal farm practice in accordance with the Farming and Food Production and Protection Act.
- Since then, staff have found one provision (Section 2.10) and one definition that needs updating for enforcement purposes.
- Staff propose that the minor revisions and clarifications as presented in this amendment to the Clean Yard By-law be supported as minor improvements to keep the Clean Yard bylaw current, enforceable and in line with the Farming and Food Production and Protection Act.
- The proposed regulation wording has been reviewed by Township legal Counsel and OMAFRA (Ministry of Agriculture, Food and Rural Affairs) staff.

RECOMMENDATION:

1. That, Recommendation Report PD-47-2024, regarding “Minor Modifications to the Clean Yard By-law”, dated October 15, 2024 be received; and,
2. That, an amending by-law such as the by-law found at Schedule A to this report, be adopted by Township Council, to amend the current Clean Yards By-law in order to improve the intent and enforcement of Section 2.10; and,
3. That, a future report be presented to Council to implement the Administrative Monetary Penalty (AMPs) by-law for ticketing purposes for the enforcement of the Clean Yards and Property Standards By-law.

ALIGNMENT TO STRATEGIC PLAN:

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.
- **ENRICH** our strong agricultural legacy

BACKGROUND:

The current Clean Yards By-law, By-law 2019-38, was passed on May 27, 2019 to provide regulations for the maintenance of yards and properties across the entire Township of West Lincoln and in so doing, repealed the previous Clean Yards By-law (By-law 2011-89). By-law 2019-38 was reviewed by staff at OMAFRA (Ministry of Agriculture, Food and Rural Affairs), OFA (the Federation of Agriculture) and Township Legal Counsel prior to adoption. The by-law, as written in 2019, took into account the right of a farmer to operate a normal farm practice in accordance with the Farming and Food Production and Protection Act.

CURRENT SITUATION:

One small refinement is now proposed to By-law 2019-38 which provides further clarity and will assist with enforcement. This wording establishes a setback from side and rear lot lines in addition to current setbacks from the front lot line and behind the wall of a building for storage purposes. The proposed amendments will not impact normal farm operations.

Further, it is recommended that the Property Standards by-law (1998-105) and Clean Yards By-law (2019-38) will be amended to add Administrative Monetary Penalty System (AMPS) wording for enforcement purposes, as part of a future report.

The proposed wording revisions have been taken from other municipalities and are therefore tried and tested regulations that should have minimal impact on the property owners of West Lincoln. At present, the wording of Section 2.10 only includes setbacks for derelict equipment storage at a setback from the road and/or behind a building, with no side and rear yard setbacks. This by-law now recommends 45 metres in all directions on farm parcels for inactive equipment storage.

A draft amending by-law is found at Schedule A to this report.

FINANCIAL IMPLICATIONS:

The proposed amendment will have no financial impact on the municipality as costs related to clean up or works done to resolve deficiency issues are directly billed to the property owner responsible for such works. In addition, a future by-law will add authority to issue tickets through AMPs.

INTER-DEPARTMENTAL COMMENTS:

The draft amending by-law, as found at Schedule A to this report, propose changes (as

noted above) to the Clean Yard By-law. This amendment is minor in nature and is recommended by Township Legal Counsel who advised that such wording is used in neighbouring municipalities and has been reviewed by OMAFRA and OFA staff and the courts. Staff would not recommend any amendment that affected the right of farmers under the Farming and Food Production Protection Act, 1998, and are advised that a revision to reflect language used in a neighbouring municipality is better and more enforceable language.

CONCLUSION:

Staff recommend that the proposed amendments to the Clean Yard By-law such as those found at Schedule A to this report, be approved.

A future report will provide provisions that grant authority to enforce both by-laws by means of the Administrative Monetary Penalties System (AMPs).

SCHEDULES

- A. Draft Consolidation of the to Clean Yards By-law (highlighted section to be included in the amending by-law)

Prepared & Submitted by:

Approved by:

**Brian Treble
Director of Planning & Building**

**Truper McBride
CAO**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2019-38

**BEING A BY-LAW RESPECTING LITTER, YARD
WASTE AND THE MAINTENANCE OF
PROPERTY WITHIN THE TOWNSHIP OF WEST
LINCOLN**

WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may require an owner or occupant of land to clean and clear the land, not including buildings; to regulate when and how such matters shall be done; to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define refuse;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become nuisances;

AND WHEREAS Section 131 of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, provides that a municipality may pass by-laws respecting, inter alia, health, safety and the well-being of persons;

AND WHEREAS Subsection 446(1) of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, provides that if a municipality has the authority under the *Municipal Act, 2001* or any other Act, or under a By-law under the *Municipal Act, 2001* or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Subsection 446(2) of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, provides that a municipality may enter upon land at any reasonable time for the purpose of Subsection 446(1);

AND WHEREAS Subsection 446(3) of the *Municipal Act, 2001*, S.O. 2001, c.25; as amended, permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Council desires to pass a by-law:

- (1) for the maintenance of yards by owners and occupants;
- (2) prohibiting the keeping of domestic and industrial waste on lands;
- (3) prohibiting littering on public and private land; and
- (4) regulating the salvage of motor vehicles and their components with the intent of promoting proper recycling and reuse of resources, the limiting of waste and wasteful practices, the limiting or eliminated of nuisances, particularly from waste and naturalized areas to other properties in the municipality, and the limiting and eliminating of other unhealthy practices and conditions arising from litter, refuse or neglect.

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

SECTION 1 GENERAL PROVISIONS

1.1 SHORT TITLE

- 1.1.1 This by-law shall be known as the "Clean Yards By-law".

1.2 DEFINITIONS

1.2.1 For the purpose of this by-law:

- (1) **"agricultural operation"** has the same meaning as the definition in the **Food Production and Protection Act, 1998, S.O. 1998, C.1**
- (2) **"Chief Building Official"** means the *Chief Building Official* appointed by *Council* under the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, or the *person* to act in that capacity in his or her absence;
- (3) **"Council"** means the *Council* of the Corporation of the Township of West Lincoln;
- (4) **"domestic waste"** means any debris, rubbish, *refuse*, *sewage*, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or residential *property*, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a *property* due to exposure or the weather; and for even greater certainty, it is hereby declared that **"domestic waste"** includes but is not limited to the following classes of materials regardless of the nature or condition of the material, article or thing:
 - (a) broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, waste lumber, except only cut and stacked *firewood*;
 - (b) paper, paper cartons and other paper products;
 - (c) rotting vegetable matter, or rotting animal matter, unless it is contained in an appropriate composting container;
 - (d) disconnected appliances, including refrigerators, stoves, dishwashers, microwaves, freezers, washers, dryers or any part or parts of such things;
 - (e) electronic devices, including televisions, computers and related components, radios, amplifying devices, speakers, audio and visual players and any parts of such things;
 - (f) furnaces, air conditioners, ducting, pipes heat pumps, fittings, pipes, wire and parts or accessories of such items;
 - (g) damaged water or fuel tanks;
 - (h) *inoperative motor vehicles, inoperative vehicles, and vehicle parts*;
 - (i) *inoperative lawnmowers, engines and other mechanical tools or devices*;
 - (j) accumulations, deposits, leavings or sweeping of litter, remains, rubbish, or trash of any sort, whether animal, mineral or vegetable;
 - (k) broken or *indoor furniture*;
 - (l) crockery, dishes, pots and pans, and small kitchen appliances;
 - (m) animal waste products, hides, bones, feathers or other animal parts or carcasses;
 - (n) construction, demolition, repair or renovation debris or leftover materials from such work; and
 - (o) accumulations of rubble or broken materials such as brick, concrete or asphalt.

Domestic waste as defined in this by-law does not cease to be *domestic waste* by reason only that it may be commercially salable or recyclable.

- (5) *"firewood"* means and includes any untreated wood cut and split into easily handled sizes and intended to be burned in a solid fuel burning appliance or outdoor fire pit;
- (6) *"indoor furniture"* means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include but not be limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses;
- (7) *"industrial waste"* means debris, rubbish, *refuse*, *sewage*, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial *property*, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on the *property* due to exposure or the weather, and for even greater certainty it is hereby declared that *"industrial waste"* includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:
- (a) debris discarded things or matter, or effluent which in whole or in part are derived from or are constituted from or consist of:
 - (i) animal or vegetable matter, paper, lumber or wood; or
 - (ii) mineral, metal or chemicals or fill contaminated with petrochemical or petroleum products;
 - (b) piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
 - (c) *inoperative motor vehicles*, *inoperative vehicles*, and *vehicle parts*;
 - (d) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories, with or without adjuncts and not packaged for immediate shipment or sale;
 - (e) material resulting from or as a part of, construction, demolition, repair or renovation projects including debris and leftovers;
 - (f) accumulations of rubble or broken materials such as brick, concrete or asphalt;
 - (g) bones, feathers, animal waste products, hides or other animal parts or carcasses; and
 - (h) dust or ashes emanating from the operation of the enterprise.
- (8) *"inoperative motor vehicle"* means and includes any motor vehicle other than a motor vehicle which is currently licensed, and operable and regularly driven by an *owner* or *occupant* of the *property* on which it is stored;
- (9) *"inoperative vehicle"* means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle, trailer, boat, bicycle, or any vehicle drawn, propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power, where such items are unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated, and in particular includes missing parts, wheels, tires, engines, drive train, body components windows, or any other component necessary for the vehicle to properly operate;
- (10) *"last known address"* means the address, which appears on the last revised assessment rolls of the Corporation of the Township of West Lincoln;

- (11) "*lawn*" means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;
- (12) "*naturalized area*" means land or a portion of land that does not consist of
- (a) cut *lawns* and tended flower beds;
 - (b) vegetation that is deliberately landscaped and planted, monitored, tended to and regularly maintained with a variety of flowers, plants or grasses;
 - (c) vegetation that is deliberately planted, tended to and harvested as a crop serving an *agricultural operation*; or
 - (d) wood lot areas being land or a portion of land covered with a thick growth of trees, shrubbery and undergrowth.
- (13) "*normal farm practices*" means those practices required for the operation of a farming operation in accordance with the *Farming and Food Production Protection Act, 1998*;
- (14) "*occupant*" means any *person* or *persons* over the age of 18 years in possession of the *property*;
- (15) "*Officer*" means an Enforcement Officer, a Building Inspector, a *Chief Building Official* or any other *person* appointed or employed by the *Township* for the enforcement of by-laws and includes both Police and Peace Officers;
- (16) "*order*" means any notice of non-compliance issued under this by-law;
- (17) "*owner*" means
- (a) the *person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the *person's* own account or as an agent or trustee of any other *person*, or who would so receive the rent if such land or premises were let; and
 - (b) a lessee or *occupant* of the *property* who, under the terms of a lease, is required to repair and maintain the *property* in accordance with the standards for the maintenance and occupancy of the *property*;
- (18) "*person*" means and includes an individual, firm, corporation, association or partnership and includes an *occupant* or an *owner* of a *property*;
- (19) "*property*" means land and includes; a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the Planning Act, or is described in accordance with a registered Plan of Condominium;
- (20) "*refuse*" means and shall include all manner of waste, debris and *sewage* as provided for or defined in this by-law but does not include a building or buildings on a *property*, but does include parts or pieces of such structures on the *property* that are dismantled or are rubble, or which have become detached from a building whether by construction, demolition, damage or deterioration and any article, thing, matter, substance or effluent that:
- (a) has been cast aside, discharged or abandoned;
 - (b) is disused from its usual and intended use;
 - (c) is used up, expended or worn out, in whole or in part, or
 - (d) is determined to be *domestic waste* and / or *industrial waste*;
- (21) "*sewage*" means and includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;

- (22) "Township" means The Corporation of the Township of West Lincoln or the geographical area of the municipality, as the context requires;
- (23) "vehicle parts" means and shall include any component or element, whether operable or not, used in the assembly, construction, maintenance or repair of a vehicle;
- (24) "watercourse" means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously flows, even if the bed is sometimes dry, and even if the banks are sometimes overflowed or submerged;
- (25) "weed" means a noxious weed designated by or under the *Weed Control Act, R.S.O. 1990, c.W5* including any weed designated as a local or noxious weed under a by-law of the *Township* passed under the act;

1.3 INTERPRETATION

1.3.1 In this by-law statutory references are to Statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

1.3.2 This by-law shall be read with all changes of gender and number required by the context or circumstances.

1.3.3 For the purpose of this by-law:

- (1) "m" means meters;
- (2) "mm" means millimetres;
- (3) ' means feet (i.e. 5' = 5 feet);
- (4) " means inches (i.e. 5" = 5 inches);
- (5) values contained in [] denote imperial equivalents to the prescribed metric value.

1.3.4 In this by-law the numbering methodology shall be referenced in accordance with the following:

- 1 section
- 1.1 subsection
- 1.1.1 article
- 1.1.1(1) sentence
- 1.1.1(1)(a) clause
- 1.1.1(1)(a)(i) subclause

1.4 EXEMPTIONS

1.4.1 The provisions and regulations of this by-law do not apply to materials or equipment directly related to construction works on lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act or to any construction project being carried out by or for any of the parties exempted by article 1.4.3.

1.4.2 The provisions and regulations of this by-law shall not apply to inhibit or prohibit *normal farm practices* protected under the *Farming and Food Production Protection Act, 1998*

1.4.3 The *persons* listed below shall be exempt from the provisions and regulations of this by-law:

- (1) the Corporation of the Township of West Lincoln;
- (2) the Regional Municipality of Niagara; and
- (3) any Department or Ministry of the Federal or Provincial Government.

SECTION 2 APPLICABLE PROVISIONS

2.1 VEGETATION

2.1.1 Every *owner* or *occupant* of *property* shall maintain vegetation on the *property* in accordance with the following provisions:

- (1) for *lawns*, vegetation other than trees and shrubbery shall be cut to maintain its height below 203mm [8"] in height over the entirety of the *lawn* area;
- (2) except as provided in 2.1.1(3), for *naturalized areas*, vegetation other than trees or shrubbery shall be cut to maintain its height below 203mm [8"] in height:
 - (a) for properties of 0.4 hectares [1.0 acre] or less in size, over the entirety of the *naturalized area*;
 - (b) for properties greater than 0.4 hectares [1.0 acre] but less than 1.0 hectare [2.47 acres] in size, along a minimum 1m [3'-3"] wide strip immediately adjacent to the lot lines abutting an adjacent lot occupied by a residential or commercial use; or
 - (c) for properties greater than 1.0 hectare [2.47 acres] in size, along a minimum 10m [32'-9"] wide strip immediately adjacent to the lot lines abutting an adjacent lot occupied by a residential or commercial use.
- (3) for areas of any *property* under the jurisdiction of the Conservation Authority being regulated features or having specific requirements for the maintenance of vegetation, sentences (1) and (2) shall not apply.

2.1.2 Every *owner* or *occupant* of *property* shall maintain vegetation, including trees and shrubbery, on the *property* in a manner to ensure:

- (1) a health, fire or safety hazard to the public is not created;
- (2) the vegetation does not constitute an obstruction of view or otherwise impacts the safety of vehicular or pedestrian traffic;
- (3) the vegetation does not conceal or interfere, in whole or in part, with the use of any sign, hydrant, water valve, or other utility;
- (4) the vegetation does not encroach upon any public sidewalk, pavement or traveled portion of any street or highway;
- (5) the vegetation does not overhang any sidewalk, pavement or traveled portion of any street or highway in a manner that would negatively impact the use of such sidewalk, pavement or traveled portion of any street or highway;
- (6) trees are not dead, in whole or in part; and
- (7) trees are pruned so as to be free from dead or dying limbs and *I* or branches.

2.1.3 Every *owner* or *occupant* of *property* shall remove *weeds* from all *lawn* and *naturalized areas* on the *property* by:

- (1) pulling or otherwise removing the *weeds* from the soil;
- (2) cutting the roots or stalks of the *weeds* before the seeds have developed sufficiently to ripen after cutting;
- (3) turning the soil where *weeds* were growing so as to bury or kill the *weeds*; or
- (4) applying a herbicide, in accordance with all applicable law for the application of such substances, that causes the *weeds* to be destroyed, or which prevents the growth of *weeds* or the ripening of their seeds.

2.2 DRAINAGE, STANDING WATER AND WATERCOURSES

- 2.2.1 Every *owner* or *occupant* of *property* shall maintain the *property* free of standing water remaining for a period in excess of three (3) days on ground, within litter or waste, structures or any other locations that may promote the breeding and/ or larvae growth of insects, except in areas of the *property* where vegetation is deliberately planted, tended to and harvested as a crop or wood lot areas being land or a portion of land covered with a thick growth of trees, shrubbery and undergrowth.
- 2.2.2 Every *owner* or *occupant* of *property* shall ensure that water discharged from downspouts, sump pump outlets or other similar sources on the *property* is directed in such a way to:
- (1) contain the water within the limits of the *property* until absorbed by the soil or drained to a swale, *watercourse*, storm sewer, or other suitable outlet;
 - (2) prevent discharge directly on to streets, sidewalks or stairs;
 - (3) prevent discharge into sanitary sewers; or
 - (4) prevent discharge on to neighbouring *property* unless the grading was designed to utilize shared swales or other forms of shared overland flow to capture surface water and direct it to a storm sewer or other suitable collection mechanism.
- 2.2.3 Every *owner* or *occupant* of *property* shall maintain any *watercourse* on the *property* free of obstructions.

2.3 FILL

- 2.3.1 Every *owner* or *occupant* of *property* shall ensure that fill shall not remain in an unlevelled state on the *property* for longer than thirty days, unless the *property* is:
- (1) a construction site for which a building permit is in effect;
 - (2) the subject of an agreement with the *Township* for site plan agreement, subdivision agreement, development permit agreement or any other matter entered into in accordance with the requirements of the *Planning Act R.S.O. 1990 c. P. 13*, as amended;
 - (3) has a valid site alteration permit issued by the *Township* in accordance with the Site Alteration By-law;
 - (4) *property* upon which material is being stored with the approval of an authority having jurisdiction in connection with a public works project; or
 - (5) *property* upon which material is being stored with the approval of an authority having jurisdiction in conjunction with an active agricultural, commercial or industrial operation.
- 2.3.2 Every *owner* or *occupant* of *property* shall ensure that fill shall not remain in an uncovered state, not covered by sod, seed or agricultural crop, on the *property* for longer than sixty days unless the *property* is:
- (1) a construction site for which a building permit is in effect;
 - (2) the subject of an agreement with the *Township* for site plan agreement, subdivision agreement, development permit agreement or any other matter entered into in accordance with the requirements of the *Planning Act R.S.O. 1990 c. P. 13*, as amended;
 - (3) has a valid site alteration permit issued by the *Township* in accordance with the Site Alteration By-law;
 - (4) actively being used in conjunction with an *agricultural operation*;
 - (5) *property* upon which material is being stored with the approval of an authority having jurisdiction in connection with a public works project; or

- (6) in a manner consistent with targeted and established provincially or federally endorsed *weed* management strategies.

2.4 MOVABLE CONCRETE BARRIERS

- 2.4.1 Every *owner* or *occupant* shall maintain the *property* free of movable concrete barriers.
- 2.4.2 Article 2.4.1 shall not apply to prohibit the placement of movable concrete barriers erected:
 - (1) under approval or requirement of an engineering, planning or similar agreement;
 - (2) to protect an excavation, construction site, or any emergency or hazardous area;
 - (3) as a component of a building requiring a permit in accordance with the Ontario Building Code;
 - (4) in association with an active *agricultural operation*; or
 - (5) in association with an industrial operation.

2.5 FIREWOOD

- 2.5.1 Every person shall maintain and store *firewood*:
 - (1) outside of the front yard, except when on display for sale as part of an active farm operation;
 - (2) in a manner not to occupy more than 15% of the area of the *property* on which it is located;
 - (3) neatly stacked;
 - (4) with a total height of not more than 1.5m [4'-11"]; and
 - (5) other than along a fence adjacent to a *property* containing a swimming pool.

2.6 LITTER

- 2.6.1 No *person* shall cause, permit, throw, place or deposit *refuse* and / or waste on any *property* other than their own, without the written authority of the *owner* or *occupant* of that *property*.
- 2.6.2 No *person* shall cause, permit, throw, place or deposit *refuse* and / or waste on *property* owned or maintained by the Corporation of the Township of West Lincoln or *property* owned or maintained by the Regional Municipality of Niagara without the written authority of the *owner* or *occupant* of that *property*.
- 2.6.3 A *person* does not breach the provisions of article 2.6.2 by placing garbage out for collection in accordance with applicable by-laws and collection schedules, but no *person* shall place garbage out contrary to such by-laws or schedules.

2.7 GARBAGE AND WASTE DISPOSAL

- 2.7.1 Every *owner* or *occupant* of *property* shall maintain the *property* free and clear of *refuse*, *domestic waste*, *industrial waste*, or any other thing that may constitute a health, fire or safety hazard on the *property* or to adjacent properties.
- 2.7.2 Every *owner* or *occupant* of *property* shall maintain the *property* or structures on the *property* free of dumping or disposing of *refuse*, *domestic waste*, *industrial waste* or any other thing that may constitute a health, fire or safety hazard on the *property* or to adjacent properties.
- 2.7.3 A *person* does not breach the provisions of articles 2.7.1 by placing garbage out for collection on *property* in accordance with applicable by-laws and collection

schedules, but no *person* shall leave garbage out contrary to such by-laws or schedules.

2.7.4 Articles 2.7.1 and 2.7.2 do not apply to:

- (1) *property* or structures used by the *Township* or the Regional Municipality of Niagara for the purpose of dumping or disposing of waste;
- (2) *property* or structures designated by by-law for the purpose of dumping or disposing of waste;
- (3) structures for the purpose of dumping or disposing of waste identified through an agreement under the Planning Act or otherwise placed on a site for the collective disposal of garbage, *refuse* and / or waste; or
- (4) *property* or structures for the purpose of dumping or disposing of waste whereby approval has been granted for its existence or operation by any Department or Ministry of the Federal or Provincial Government.

2.7.5 No *person*, other than the *Township*, Regional Municipality of Niagara or its agents, without prior authorization of the *Township* or Regional Municipality of Niagara, and except in accordance with such authorization, shall dump or dispose of garbage, *refuse*, *domestic waste*, or *industrial waste* on any *property* subject to sentences 2.7.4(1) and 2.7.4(2).

2.7.6 No *person*, other than the *owner* or *occupant* of a *property* or their agents, without prior authorization of the *owner* or *occupant* of the *property*, and except in accordance with such authorization, shall dump or dispose of garbage, *refuse*, *domestic waste*, or *industrial waste* within structures subject to sentence 2.7.4(3).

2.7.7 Where *refuse* or waste is to be stored or placed for disposal outside the enclosing walls of a building, every person shall:

- (1) store or place such *refuse* or waste in a suitable receptacle; and
- (2) maintain such *refuse* or waste at all times in a litter free condition in a manner that will not attract pests or create a health, fire or safety hazard through deterioration, exposure to weather conditions or wind.

2.7.8 Any open landing, porch, deck or balcony shall be maintained free from the accumulation of *refuse* and / or waste and any conditions that may constitute a health, fire or safety hazard on the *property* or adjacent properties.

2.7.9 Notwithstanding the provisions of this section, on a *property* used for an *agricultural operation* every person shall place or store *inoperative motor vehicles*, *inoperative vehicles* or *vehicle parts* required for use as replacement vehicles or parts in such a manner to:

- (1) not create a health, fire or safety hazard;
- (2) not block emergency access to or from the *property*; and
- (3) setback from *property* lines bordering any residentially used *property* or public highway by not less than 100m [328'-1"]; or
- (4) contained in an area screened from view from *property* lines bordering any residentially used *property* or public highway by a fence, wall or other solid structure including a hedge at least 2m [6'-6 3/4"] high that complies with all other applicable laws and regulations.

2.8 POSTERS AND GRAFFITI

2.8.1 Every *owner* or *occupant* of *property* shall clean and clear exterior walls of any building or structure and their components on the *property* so as to be free of posters, which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or where the posters are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

- 2.8.2 Pursuant to the *Municipal Act, S.O. 2001, c.25 as amended*, the cost of removal of posters by the *Township* is collectable against the *owner* of the advertising devise under the terms of the *Municipal Act*, notwithstanding the content of this by-law.
- 2.8.3 No *person* shall place, cause or permit graffiti to be placed on any *property* within the *Township*;
- 2.8.4 Every *owner* or *occupant* of *property* shall clean and clear exterior walls of any building or structure and their components on the *property* so as to be free of graffiti.

2.9 MOTOR VEHICLE SALVAGE

- 2.9.1 Except as provided in article 2.7.9, no *owner* or *occupant* of *property* shall use, cause or permit the use of any *property* in the *Township* for storing *inoperative motor vehicles*, *inoperative vehicles* or *vehicle parts* for the purpose of wrecking or dismantling them or salvaging *vehicle parts* thereof for sale or other disposal including the purposes of repairing other vehicles.
- 2.9.2 Article 2.9.1. does not apply if applicable Zoning by-law provisions permit the *property* to be used for such purposes and the *owner* or *occupant* of the *property* holds a current and valid license for the *property* issued by the *Township* or the body holding jurisdiction for the permitting of motor vehicle salvage.

2.10 AGRICULTURAL LOTS, FARMS AND PARCELS

2.10.1 Notwithstanding any other sections of this by-law a farm meeting the definition of "Agricultural Operation" under the *Farming and Food Production and Protection Act, 1998, S.O. 1998, C.1*, may store agricultural equipment in a yard provided:

- (a) The equipment is stored within a building; or
- (b) If the *equipment* is outdoors, it is:

- placed, stored or arranged so as to not create a safety or health hazard to persons on the property, and in particular does not block emergency access to or from the property and;
- is stored within an enclosed area by a fence, wall or solid structure including a hedge at least 2 metres (6.5 feet) in height, or some combination of those enclosures, with not more than three access points for entry and exit from the area or;
- the *equipment* is set back from the property lines by at least 45 metres or (147.6 feet).

2.10.2 For the purpose of section 2.10.1. above, "Store" and "Stored" in relation to farm equipment that is not in use includes equipment that is not in operation or in need of repair.

SECTION 3 ADMINISTRATION AND ENFORCMENT

3.1 GENERAL PROVISIONS

- 3.1.1 No *person* shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an *Officer* or a *person* acting under their instructions in the exercise of a power or the performance of a duty under this by- law.

- 3.1.2 No *person* shall neglect or *refuse* to provide any information required by an *Officer* in the exercise of a power or performance of a duty under this by-law.
- 3.1.3 A *person* is guilty of an offence if the *person*:
 - (1) contravenes any section of this by-law; or
 - (2) fails to comply with an *order* issued under this by-law.
- 3.1.4 Every director or *Officer* of a corporation who contravenes article 3.1.3 is guilty of an offence.
- 3.1.5 Neither the *Township* or an agent acting on its behalf shall be liable to compensate the *owner, occupant* or any other *person* by reason of anything done by or on behalf of the *Township* in the reasonable exercise of its powers under this by-law

3.2 OFFICERS

- 3.2.1 The *Chief Building Official*, is hereby assigned the responsibility of administering and enforcing this By-law and the *Council* of the *Township* shall appoint *Officers* responsible for the enforcement of this By-law.
- 3.2.2 *Persons* appointed or assigned for the purposes of administering or enforcing this By-law are *Officers* and have authority to carry out the duties assigned to *Officers* under this By-law, and may enforce the provisions of this By-law.
- 3.2.3 An *Officer* is authorized to give immediate effect to any *order* issued under Section 3 of this by-law, that has not been complied with by the *owner* or *occupant*, under the provisions of the *Township* Tendering and Purchasing Policy, as amended from time **-to-time.**
- 3.2.4 Where approved by the *Chief Building Official*, an *Officer* may permit the maintenance of *property* to alternate standards required by any provisions of this by-law.
- 3.2.5 The alternate standards referenced in article 3.2.4 shall be in accordance with the general purpose and intent of this by-law and they shall have the same effect and force as standards required by any provision of this by-law.

3.3 RIGHT TO ENTER

- 3.3.1 An *Officer* acting under the provisions of this by-law or any *person* acting under their instructions may at any reasonable time, and upon producing proper identification, enter upon any *property* without a warrant for the purpose of:
 - (1) inspection of the *property* to determine whether the *property* conforms with the standards prescribed in this by-law;
 - (2) inspection of the *property* to determine whether an *order* made under this by- law has been complied with; or
 - (3) conducting necessary works to rectify and otherwise resolve any non- conformity identified in an *order* having been served and the stipulated date of compliance passed.

3.4 INSPECTION

3.4.1 Every *owner* or *occupant* shall permit an *Officer* to inspect the *property* without a warrant for the purpose of:

property or structure for compliance with the provisions of this by-law.

3.4.2 For the purposes of an inspection under the provision of this by-law, an *Officer* and any *person* acting under the *Officer's* instructions may:

- (1) alone or in conjunction with a *person* possessing special knowledge, enter upon the subject *property* to inspect or otherwise make an examination to determine whether:
 - (a) the *property* is being maintained in accordance with the provisions of this by-law;
 - (b) the *property* and/ or structure(s) are used for dumping or disposing of garbage, *refuse*, fill, *domestic waste*, or *industrial waste* of any kind;
 - (c) the *property* is used for the storage of motor vehicles for the purpose of wrecking or dismantling or salvaging parts thereof for sale or disposal;
 - (d) the *owner* or *occupant* has complied with an *order* issued by an *Officer*,
or
 - (e) there is non-compliance with any other provision of this by-law.

(2) require information from any *person* concerning a matter related to the subject *property* or part thereof; or

(3) through the examination of the *property*, document the state of *property* through various means, including but not limited to:

- (a) the conducting of tests;
- (b) taking of samples; or
- (c) taking of photographs or video.

3.5 ORDERS

3.5.1 If after an inspection an *Officer* is satisfied that one or more non-conformities with the standards set out in this by-law exist on the *property*, the *Officer* may issue an *order* to the *owner* and such other *persons* affected by it, as the *Officer* determines, requiring that the *property* be brought into compliance with the provisions of this by- law.

3.5.2 An *order* as described in article 3.5.1 shall:

- (1) state the municipal address or the legal description of the *property* on which the non-conformity or infraction has occurred;
- (2) give reasonable particulars of the contravention adequate to identify the contravention and the location on the *property* on which the contravention has occurred;
- (3) indicate the date or dates by which compliance with the *order* must be achieved;
- (4) give notice that, if the required actions are not carried out within the time specified, the *Township* may carry out the necessary actions to resolve the non-compliance at the expense of the *owner*, and
- (5) be served in accordance with sub-section 3.6.

3.5.3 An *Officer* may make an *order* requiring the *owner* or *occupant* within the time specified in the *order* to:

- (1) clean and clear-up the *property* and to bring the *property* into compliance with the applicable section of this by-law;
- (2) remove obstructions from *watercourses*;
- (3) clean, clear or remove from the *property* any or all garbage, *refuse*, fill, *sewage*, long grass, *weeds*, *domestic waste* or *industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard, or public nuisance;
- (4) cease using the *property* or structure for the dumping or disposing of garbage, *refuse*, fill, *sewage*, *domestic waste* or *industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard or public nuisance;
- (5) undertake and supply, at the expense of the *owner*, such tests and samples as may be specified or required to determine conformance with the provisions of this by-law; or
- (6) clean or clear exterior walls of a building or structure, and their components of posters or graffiti not in compliance with the provisions of this by-law.

3.5.4 For the purpose of this by-law the minimum duration of time offered for compliance with an *order* issued by an *Officer* shall be not less than that stipulated in the table below.

Violation	First Offence	Subsequent Offence
vegetation	10 days	3 days
drains and standing water	10 days	3 days
fill	30 days	15 days
movable concrete barriers	30 days	15 days
firewood	15 days	5 days
refuse and waste	15 days	5 days
posters and graffiti	10 days	3 days
motor vehicle salvage	30 days	15 days

- 3.5.5 The minimum duration stipulated by article 3.5.4 shall commence the day the *order* is issued and expiry of such duration shall occur as of 12:01am of the day immediately following the date of the stipulated deadline.
- 3.5.6 An *Officer* may grant extensions of time for compliance with any *order* beyond that specified in the *order* in any case where valid reason exists, in the opinion of the *Officer*, for the extension for such an extension.
- 3.5.7 Any offence that occurs after the first offence on the same *property* in the same calendar year shall be considered, for the purpose of this by-law, a subsequent offence.

3.6 SERVICE

- 3.6.1 The *order* described in article 3.5.1 shall be served or caused to be served on the *owner* of the *property* and such other *persons* affected by the *order* by:
- (1) *personal* service; or
 - (2) prepaid registered mail sent to the *last known address* of the *owner* or *occupant*.
- 3.6.2 An *order* served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.
- 3.6.3 An *Officer* may in addition to service set out in article 3.6.1, post a copy of the *order* in a conspicuous place on the *property*.
- 3.6.4 If an *Officer* is unable to effect service as provided in article 3.6.1, the *Officer* shall place a placard containing the terms of the *order* in a conspicuous place on the *property* and the placing of the placard shall be deemed as sufficient service of the *order* on the *owner*, *occupant* or other *persons*.
- 3.6.5 Where an *order* is issued for a subsequent offence, personal delivery and / or posting of the *order* on site as provided for in article 3.6.4 shall be deemed to be sufficient notice for compliance provided the *order* issued respecting the first offence indicated that any subsequent offence would be dealt with in this manner.

3.7 FAILURE TO COMPLY WITH AN ORDER

- 3.7.1 Where the *owner* or *occupant* fails to comply with an *order* issued under this by-law within the time specified for compliance, an *Officer*, with such assistance by others as may be required may:
- (1) clean or clear-up a *property* and bring it into compliance with the provisions of this by-law;
 - (2) remove obstructions from *watercourses*;
 - (3) clean, clear or remove from the *property* or structure any or all garbage, *refuse*, fill, *sewage*, *domestic waste* or *industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard or public nuisance;
 - (4) remove *inoperative motor vehicles*, *inoperative vehicles*, machinery, trailers or boats and any *vehicle parts*, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal;
 - (5) clean or clear exterior walls of a building or structure, and their components of posters or graffiti not in compliance with the provisions of this by-law; or
 - (6) issue a fine to the *owner* of the *property* in accordance with Schedule "A" of this by-law.
- 3.7.2 Where items, materials or things are removed as a result of actions to rectify non-conformities on a *property* in accordance with article 3.7.1, the items materials or things may be immediately disposed of by an *Officer*, and any resulting recovered salvage value or other actual recovery of money made upon such disposal shall be forfeited by the *owner* or *occupant*.

3.7.3 Upon completion of the works pursuant to article 3.7.1, by or on behalf of the Township, the *Township* shall have a lien on the *property* for the amount spent on the work and shall be deemed to be municipal real *property* taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real *property* taxes as provided by statute.

3.7.4 Where the *Township* conducts works pursuant to article 3.7.1, the *Township* may, in addition to the expense of the work, charge an administrative fee of 15% of such expense with a minimum fee of \$125.00 which shall be added to the expense of the work.

3.7.5 Notwithstanding the provisions of article 3.7.3, to recover the costs incurred and identified by articles 3.7.3 and 3.7.4, the *Township* may prepare and issue an invoice to the *owner* allowing for not less than 21 days to pay such invoice in full, after which time the amount shall be transferred to the tax roll by the Clerk of the municipality.

3.8 PENALTIES

3.8.1 Every *person* who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended.

3.8.2 Every *person* who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty of not more than \$10,000 for the first offence and to a penalty of not more than \$25,000 for each subsequent offence.

3.8.3 Notwithstanding the provisions of article 3.8.2, every corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty of not more than \$50,000 for the first offence and to a penalty of not more than \$100,000 for each subsequent offence.

3.9 TRANSITION PROVISIONS

3.9.1 After the date of passing of this by-law, any former Clean Yards by-law including the predecessor to this by-law shall apply only to those properties in which an *order* has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such *order* has been completed or any enforcement proceedings with respect to such *order*, including any rectification carried out by the *Township* shall have been concluded.

3.9.2 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a former Clean Yards by-law including the predecessor to this by-law, the process may be continued and carried out under this by-law.

3.10 VALIDITY

3.10.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of *Council* that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and care of *property* is maintained.

3.10.2 Where the regulations of this by-law conflict with those of another by-law, Act, or Regulation in force within the *Township*, the regulation that establishes the higher standards to protect the health and safety of *persons* shall prevail.

SECTION 4 REPEALS & ENACTMENT

4.1 BY-LAWS TO BE REPEALED

4.1.1 By-law 2011-89, and any amendments thereto, is hereby repealed.

4.2 DATE OF ENACTMENT

4.2.1 This by-law shall come into force and effect on June 1st, 2019.

**READ A FIRST, SECOND
AND THIRD TIME AND
FINALLY PASSES THIS 27TH
DAY OF MAY 2019**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

DRAFT

DATE: October 15, 2024

REPORT NO: PD-39-2024

SUBJECT: **Information Report – New Provincial Planning Statement Overview 2024 and Provincial Transition Recommendation**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On August 20th, 2024, the new Provincial Planning Statement was released and is set to come into force on October 20th, 2024. Any decision made on or after October 20, 2024 must conform to the new PPS.
- The designation of the Greater Golden Horseshoe Growth Plan area and the Ministry’s requirements under that Act will be removed as of the same date.
- Area of Employment is now a term defined in the Planning Act that also comes into effect on October 20, 2024.
- These new changes are presented by the Province in order to help municipalities support growth by reducing and strengthening planning rules, simplifying approvals to build homes and eliminate duplication.
- Only minor changes were made to the PPS since the last draft version was released by the Province for comment in April of 2024.
- One of the bigger changes for West Lincoln is that municipalities are now required to use an agricultural system approach to maintain and support the long term economic prosperity and production capacity of the agri-food network.
- This report summarizes and identifies many of the key changes to the PPS, 2024.
- A track changes version of the Provincial Planning Statement is also attached to this report for reference purposes as prepared by the law firm of Osler Law.
- The Township of West Lincoln is in the process of undertaking a 5 year review of the Township of West Lincoln Official Plan as funded by the 2023 Budget which is required to establish conformity within the Region of Niagara Official Plan and the new proposed policy statement. Future reports will address proposed policy changes.

RECOMMENDATION:

1. That, Information Report PD-39-2024, regarding “Recommendation Report – New Provincial Planning Statement Overview 2024 and Provincial Transition Recommendation”, dated October 15th, 2024, be received.

ALIGNMENT TO STRATEGIC PLAN:

Theme

- **CHAMPION strategic and responsible growth**

BACKGROUND:

The Province announced the intention to merge the Growth Plan and the Provincial Policy Statement into one new Provincial Planning Statement. This process has gone through three consultation sessions and now comes into effect on October 20, 2024. A red lined version of the new document is attached to this report.

CURRENT SITUATION:

The PPS, 2024 replaces A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“**Growth Plan**”) and the Provincial Planning Statement (PPS), 2020 by integrating them into a single planning document which applies province-wide.

The PPS, 2024 introduces new policies and definitions that were not contained in the PPS, 2020. The PPS, 2024 also incorporates and, in some cases modifies a number of existing Growth Plan policies that carry forward and, in some cases, modify policies and definitions.

The PPS 2024 is considered a policy statement for the purpose of Section 3 of the Planning Act.

The PPS 2024 must be applied to all municipal planning decisions made on or after October 20, 2024, subject to a possible transition regulation.

29 Large and Fast-Growth Municipalities:

The PPS, 2024 contains certain policies that only apply to large and fast-growing municipalities, which are those with the greatest need for housing. The Statement defines large and fast-growing municipalities by reference to the 29 municipalities listed in Appendix – Schedule 1 to the Statement.

Planning for People and Homes:

Policy 2.1.1 provides that planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify these projections as appropriate.

The policy also provides that planning for infrastructure, public service facilities,

strategic growth areas and employment areas may extend beyond this time horizon.

Policy 2.1.6 removes the concept of “healthy, liveable and safe communities” contained in the PPS, 2020 and instead provides that “[p]lanning authorities should support the development of complete communities.” Complete communities is a new defined term.

Housing:

Policy 2.2.1(a) re-introduces the requirement from the PPS, 2020 that planning authorities establish and implement minimum targets for the provision of housing that is affordable to low and moderate income households.

The Statement re-introduces low and moderate households as a defined term (with slight modifications from PPS 2020). This policy requires that the full range housing options, including affordable housing be given consideration.

Policy 2.2.1(b)2 continues to require planning authorities to permit and facilitate the development and redevelopment of underutilized commercial and institutional sites for residential development.

The policy has been further revised to specifically identify underutilized shopping malls and plazas as potential commercial sites for redevelopment to add residential units.

Settlement Areas and Settlement Area Boundary Expansion:

The PPS, 2024 includes significant changes, modifications and additions to previous policies in relation to settlement areas. For example, policy 2.3.1.4 now requires (instead of encourages) planning authorities to establish minimum targets for intensification and redevelopment. Policy 2.3.1.5 has also been modified to provide that planning authorities are encouraged (but not required) to establish density targets for designated growth areas (rather than settlement areas).

New policy 2.3.1.6 directs planning authorities to establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of infrastructure and public service facilities.

The PPS 2024 permits a planning authority to identify a new settlement area or allow a settlement area boundary expansion at any time (even if outside the Municipal Comprehensive Review process). It also removes the current conditions required to be satisfied before settlement area additions or boundary expansions are permitted.

Section 2.3.2.1 now provides that in identifying a new settlement area or allowing a settlement area boundary expansion, planning authorities “shall consider” the following:

1. the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;

2. if there is sufficient capacity in existing or planned infrastructure and public service facilities;
3. whether the applicable lands comprise specialty crop areas;
4. the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
5. whether the new or expanded settlement area complies with the minimum distance separation formulae;
6. whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
7. the new or expanded settlement area provides for the phased progression of urban development.

The PPS, 2024 includes a new standalone policy 2.3.2.2, which provides that planning authorities may identify a new settlement area only where it has been demonstrated that infrastructure and public service facilities to support development are planned or available.

Strategic Growth Areas:

The PPS, 2024 imposes general policies for strategic growth areas that focus on achieving complete communities, a range and mix of housing options, intensification and mixed-use development. New policies provide that within strategic growth areas, planning authorities should prioritize planning and investment for infrastructure and public service facilities, identify the appropriate scale and type of development etc.

Major Transit Station Areas:

Section 2.4.2 modifies the current Growth Plan policies for major transit station areas. Notably, the PPS, 2024 imports the existing minimum density targets for major transit station areas from the Growth Plan.

Similarly, policy 2.4.2.2 modifies an existing Growth Plan policy and applies mandatory medium density targets within major transit station areas on higher intensity transit corridors to all municipalities with major transit station areas.

Policy 2.8.1.1(e) is a new policy which requires planning authorities to promote economic development and competitiveness by addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

Rural Areas:

The PPS 2024 does not make significant changes to the PPS 2020 policies related to rural areas. It is notable that policy 2.6.1 of the PPS 2024 does not specifically alter multi residential development and /or permitted uses on rural lands.

Employment:

For lands outside of employment areas, policy 2.8.1.2 encourages the development of industrial, manufacturing and small-scale warehousing uses that can be operated adjacent to sensitive land uses without causing adverse effects. This adjacency is encouraged within strategic growth areas and within other mixed-use areas where frequent transit service is available.

Policy 2.8.2.5 significantly modifies the PPS 2020 policies related to the removal of lands from employment areas. This is also referred to as an employment conversion.

The PPS 2024 permits planning authorities to remove lands from employment areas. This is often referred to as an “employment conversion.” The PPS, 2024 permits planning authorities to remove lands from employment areas at any time (rather than through a Municipal Comprehensive Review), only where it has been demonstrated that:

- a) there is an identified need for the removal and the land is not required for employment area uses over the long term;
- b) the proposed uses would not negatively impact the overall viability of the employment area by:
 - i. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;
 - ii. maintaining access to major goods movement facilities and corridors;
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and
- d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.

The definition of employment area is revised and now references the amended definition of “area of employment” in the Planning Act that was adopted through Bill 97 and which will come into force on October 20, 2024. The PPS, 2024 defines employment areas as, “those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office areas not associated with the primary employment areas listed above. The Provincially significant employment zones identified in the Growth Plan are not carried forward into the PPS, 2024.

Land Use Compatibility:

The policies set out in section 3.5 will make it easier to establish sensitive land uses in the vicinity of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment.

Sewage, Water and Stormwater:

Policy 3.6.1(a) provides that planning for sewage and water services shall accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services, as well as existing private communal sewage services and private communal water services. Policy 3.6.1(b) now makes reference to ensuring that services are provided in a manner that protects the quantity and quality of water and aligns with comprehensive municipal planning for these services where applicable.

Policy 3.6.1 (c) now includes reference to energy conservation. Policy 3.6.1(d) requires the consideration of opportunities at all stages of the planning process, including consideration of opportunities to allocate and reallocate, if necessary, the unused system capacity of municipal water services and municipal sewage services to support the efficient use of these services to meet current and projected needs for an increased housing supply.

Natural Heritage:

Aside from amending certain definitions, the PPS, 2024 does not make any changes to the natural heritage policies of the PPS, 2020.

Water:

A new policy 4.2.3 encourages municipalities, and requires large and fast-growing municipalities, to undertake watershed planning. A new policy 4.2.4 provides that where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities to undertake watershed planning. A new policy 4.2.4 provides that where planning is conducted by Upper Tier municipalities that include one or more lower tier and fast growing Municipalities, the upper tier shall undertake watershed planning.

Agriculture:

The PPS, 2024 now requires (instead of encourages) planning authorities to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.

Policy 4.3.2.4 permits a principal dwelling associated with an agricultural operation to be located in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited by policy 4.3.3.3.1(c) (lot creation and adjustments).

Policy 4.3.2.5 provides that where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that specified criteria are met. This criteria includes compliance with the minimum distance separation formulae, compatibility with surrounding agricultural operations, the appropriate provision of sewage and water services, the ability to address public health and safety concerns, the request for additional units to be of limited scale and located within, attached or in close proximity to the principal dwelling or

farm building cluster and minimize land taken out of agricultural production.

The Province's stated intent of this policy is to permit more housing on farms for farmers, farm families and farm workers, without creating new lots.

The PPS, 2024 generally maintains the PPS, 2020 policies regarding lot creation in prime agricultural areas. Specifically, policy 4.3.3.1 discourages lot creation and would only permit lot creation for agricultural uses, agriculture-related uses and infrastructure.

Policy 4.3.5.2 requires an agricultural impact assessment or equivalent analysis based on Provincial guidelines where it is not possible to avoid impact from any new or expanding non-agricultural use on surrounding agricultural lands and operations.

New policy 4.6.4(b) encourages planning authorities to develop and implement "proactive strategies for conserving significant built heritage resources and cultural heritage landscapes."

Indigenous:

Policy 4.6.4.5 modifies an existing PPS 2020 policy and requires planning authorities to engage early with Indigenous Communities. It has also been broadened to ensure their interests are considered when identifying, protecting and managing not only archaeological resources but also built heritage resources and cultural heritage landscapes.

Natural Hazards:

Policy 5.2.1 is carried over from the PPS, 2020 but requires planning authorities to collaborate with conservation authorities, where they exist, to identify hazardous lands and hazardous sites, and manage development in these areas in accordance with provincial guidance.

Implementation and Interpretation:

Policy 6.1.12 carries over a policy from the Growth Plan which provides that density targets represent minimum standards and that planning authorities are encouraged to go beyond these minimum targets. Policy 6.1.13 requires minimum density targets to be revisited at the time of each official plan update.

The PPS, 2024 contains new policies in section 6.2 requiring planning authorities to engage with the public, school boards and publicly assisted post-secondary institutions in efforts to implement the PPS, 2024.

The Ministry of Municipal Affairs and Housing is currently seeking feedback on whether a transition regulation for the PPS, 2024 is necessary to address matters such as development applications that are currently under appeal. Regional staff have informed the Province of a few such applications including OPA 63 that should be given consideration. See Schedule 2 to this report.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

Administrative staff have discussed the Province’s request for comments on matters under appeal and support the Region bringing OPA 63 to the attention of the Province. This amendment implements Secondary Plan policies for the expanded urban boundary lands and is unfinished because of the ongoing mediation efforts that affect lands in Stage 4 of the expansion area.

Township Planning staff are currently in the process of releasing an RFP for the review of the Township of West Lincoln Official Plan. This review is required to review policy against the Regional Official Plan as approved by the Province on November 4, 2022 and now the new Provincial Planning Statement. A few agricultural and environmental policy changes are anticipated as a result of the new PPS.

CONCLUSION:

This report is prepared to keep Committee and Council informed of the changes that have recently been made and announced by the Province to the Provincial Planning Statement which will come into effect on October 20, 2024. Also, this report informs Council of Administrative staff’s support of the Regional staff’s request that the transition regulations should also recognize that OPA 63 is still subject to further mediation as it relates to environmental lands in Phase 4.

SCHEDULES:

1. *Provincial Planning Statement, 2024 – Unofficial comparison to the 2020 Provincial Policy Statement – OSLEW Law*
2. Regional Report and Correspondence – CWCD 2024-163

Prepared & Submitted by:

Brian Treble
Director of Planning & Building

Approved by:

Truper McBride
CAO

Provincial Planning Statement, 2024

Unofficial comparison to the 2020 Provincial Policy Statement



OSLER

With the introduction of the Provincial Planning Statement, 2024, the Ontario government has taken an important step in its plan to have 1.5 million new homes built by 2031. The PPS will come into force on October 20, 2024. On that same day, the Growth Plan for the Greater Golden Horseshoe will be repealed.

We have prepared a comprehensive comparison of the PPS 2024, looking at both the PPS 2020 and A Place to Grow. The comparison shows where language has been added, deleted or moved, as compared primarily to the PPS 2020. Where policies, definitions or concepts have been imported from the Growth Plan, we have indicated in a footnote.

New text is show in blue underline, deleted text is in ~~red-strikethrough~~, and text that has been moved is shown in green underlining in its new location, and ~~green-strikethrough~~ where it was previously. Because the structure of the PPS is different, we have tried to show old policy numbers and policies from the 2020 PPS.

A summary of the changes can be found at [osler.com](https://www.osler.com).

Chapter 1: Introduction

Vision

Ontario is a vast, fast-growing province that is home to many urban, rural and northern communities distinguished by different populations, economic activity, pace of growth, and physical and natural conditions. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.

Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.

A prosperous and successful Ontario will also support a strong and competitive economy that is investment-ready and recognized for its influence, innovation and diversity. Ontario's economy will continue to mature into a centre of industry and commerce of global significance. Central to this success will be the people who live and work in this province.

Ontario's land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians. Cultural heritage and archaeology in Ontario will provide people with a sense of place. And while many Ontarians still face a complex range of challenges, municipalities will work with the Province to support the long term prosperity and well-being of residents through the design of communities responsive to the needs of all Ontarians.

Ontario's vibrant agricultural sector and sensitive areas will continue to form part of the province's economic prosperity and overall identity. Growth and development will be prioritized within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production, and the agri-food network. In addition, resources, including natural areas, water, aggregates and agricultural lands will be protected. Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be mitigated¹.

Ontario will continue to recognize the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. Meaningful early engagement and constructive, cooperative relationship-building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.

Above all, Ontario will continue to be a great place to live, work and visit where all Ontarians enjoy a high standard of living and an exceptional quality of life.

¹ Text and general direction was in policy 3.0

Part I: Preamble

Role of the Provincial Planning Statement

The Provincial ~~Policy~~Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial ~~Policy~~Planning Statement sets the policy foundation for regulating the development and use of land. ~~It also supports~~ province-wide, helping achieve the provincial goal ~~to enhance~~of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

~~The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.~~

~~The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.~~

Municipal official plans are the most important vehicle for implementation of ~~this~~the Provincial ~~Policy~~Planning Statement and for achieving comprehensive, integrated and long-term planning. Official plans ~~shall identify provincial interests and set out appropriate land use designations and policies.~~

~~Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial~~ outcomes ~~solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up to date with this Provincial Policy Statement.~~²

Zoning and development permit by-laws are also important for the implementation of ~~this~~the Provincial ~~Policy~~Planning Statement. Planning authorities shall keep their zoningZoning and development permit by-laws up to date with their official plans and this Provincial Policy Statement³should be forward-looking and facilitate opportunities for an appropriate range and mix of housing options for all Ontarians.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications ~~and~~ affect planning matters, and assist in implementing these interests.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous

² Similar language is now in policy 6.1.5

³ Requirement to keep by-laws up to date is now in policy 6.1.6

communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights.⁴

~~Within the Great Lakes—St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes—St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.~~

Part II: Legislative Authority

~~The Provincial **Policy** Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on **May 1, 2020**.~~

The Provincial **Planning** Statement is a policy statement issued under the authority of section 3 of the *Planning Act* and came into effect on **October 20, 2024**. The Provincial **Planning Statement** applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after **October 20, 2024**.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” ~~policy statements~~ issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” ~~this~~ the Provincial **Policy** **Planning** Statement.

⁴ Text was previously in Part IV – Vision for Ontario’s Land use Planning System

Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

Part III: How to Read the Provincial Policy Statement

The provincial policy led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

Read the Entire Provincial Policy Statement

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation⁵. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented. While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole. There is no implied priority in the order in which the policies appear.

Consider Specific Policy Language

When applying the Provincial Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “development and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.” The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

Geographic Scale of Policies

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales. Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

⁵ Text is in policy 6.1.1

Policies Represent Minimum Standards

The policies of the Provincial [Policy Planning](#) Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial [Policy Planning](#) Statement.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincial [Policy Planning](#) Statement are defined in the Definitions [section chapter](#). For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in the Definitions [section chapter](#) are intended to capture both singular and plural forms of these terms in the policies.

[Provincial Guidance](#) ~~Material~~

~~Guidance~~ [Provincial guidance, including guidance material, guidelines](#) and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial [Policy Planning](#) Statement. Information, technical criteria and approaches outlined in [provincial guidance material](#) are meant to support [implementation](#) but not add to or detract from the policies of ~~the this~~ Provincial [Policy Planning](#) Statement.

Relationship with Provincial Plans

The Provincial [Policy Planning](#) Statement provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide, except where this ~~policy statement~~ [Provincial Planning Statement](#) or another provincial plan provides otherwise.

Provincial plans, such as the Greenbelt Plan, ~~A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario~~ [and the Oak Ridges Moraine Conservation Plan](#), build upon the policy foundation provided by the Provincial [Policy Planning](#) Statement. They provide additional land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial [Policy Planning](#) Statement. They take precedence over the policies of the Provincial [Policy Planning](#) Statement to the extent of any conflict, except where the relevant legislation provides otherwise.

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Where the policies of provincial plans address the same, similar, related, or overlapping matters as the policies of the Provincial [Policy Planning](#) Statement, applying the more specific policies of the provincial plan satisfies the more general requirements of the Provincial [Policy Planning](#) Statement. In contrast, where matters addressed in the Provincial [Policy Planning](#) Statement do not overlap with policies in provincial plans, the policies in the Provincial [Policy Planning](#) Statement must be independently satisfied.

Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial [Policy Planning](#) Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Part IV: ~~Vision for Ontario's Land Use Planning System~~

~~The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.~~

~~Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.~~

~~The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights.⁶ Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge sharing in land use planning processes and inform decision-making.~~

~~The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.~~

⁶ Green text moved to preamble

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~~Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.~~

~~Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change. The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.~~

~~It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.~~

~~Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.~~

~~Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.~~

~~The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.~~

Part V: Policies

1.0 Chapter 2: Building Strong Healthy Homes, Sustaining Strong and Competitive Communities

~~Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Accordingly:~~

2.1 Planning for People and Homes

1. As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.
2. Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.
3. At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of ~~up to 25 years~~ at least 20 years, but not more than 30 years, informed by provincial ~~guidelines~~ guidance. Planning for *infrastructure, public service facilities, strategic growth areas and employment areas* may extend beyond this time horizon.⁷

Where the Minister of Municipal Affairs and Housing has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan. At the time of the municipality's next official plan update, this additional growth shall be incorporated into the official plan and related infrastructure plans.

~~1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of, up to 25 years informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.~~

~~Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. Nothing in policy 1.1.2 limits the planning for *infrastructure, public service facilities and employment areas* beyond a 25-year time horizon.~~

4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through ~~residential intensification and redevelopment and, if necessary~~ lands which are designated and available for residential development; and
 - b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, ~~to facilitate residential intensification and redevelopment~~ including units in draft approved ~~and~~ or registered plans.⁸

~~Upper tier and single tier municipalities may choose to maintain land with~~

⁷ 1.1.2, which also allowed for infrastructure planning beyond 25 years

⁸ 1.4.1

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~~servicing capacity sufficient to provide at least a five-year supply of residential
units available through lands suitably zoned to facilitate residential intensification
and redevelopment, and land in draft approved and registered plans~~

5. Where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality identified in policy 2.1.4 shall be based on and reflect the allocation of population and units by the upper-tier municipality⁹.

6. [Planning authorities should support the achievement of *complete* communities](#) by

~~1.1.1 Healthy, liveable and safe are sustained by:~~

~~a) promoting efficient development and land use patterns which sustain the
financial well-being of the Province and municipalities over the long term;~~

a) ~~b) accommodating an appropriate affordable and market based range and mix
of [land uses, housing options, transportation options with multimodal access,
employment, public service facilities](#) and other institutional uses (including,
[schools and associated child care facilities, long-term care facilities,](#) places of
worship; [and cemeteries](#)) ~~and long term care homes~~), recreation, ~~park~~[parks](#) and
open space, and other uses to meet long-term needs; ~~residential types (including
single detached, additional residential units, multi-unit housing, affordable
housing and housing for older persons), employment (including industrial and
commercial), institutional (including~~~~

~~c) avoiding development and land use patterns which may cause
environmental or public health and safety concerns;~~

~~d) avoiding development and land use patterns that would prevent the efficient
expansion of *settlement areas* in those areas which are adjacent or close to
settlement areas;~~

~~e) promoting the integration of land use planning, growth management,
transit-supportive development, intensification and infrastructure planning to
achieve cost-effective development patterns, optimization of transit investments,
and standards to minimize land consumption and servicing costs;~~

~~g) ensuring that necessary *infrastructure and public service facilities* are or will be
available to meet current and projected needs~~

~~h) promoting development and land use patterns that conserve biodiversity; and~~

~~i) preparing for the regional and local impacts of a changing climate.~~

b) improving accessibility for ~~persons with disabilities and older persons~~[people of
all ages and abilities](#) by addressing land use barriers which restrict their full
participation in society; [and](#)

c) [improving social equity and overall quality of life for people of all ages, abilities,
and incomes, including equity-deserving groups.](#)

⁹ 1.4.2

2.2 1.4 Housing

1. ~~1.4.3~~ Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected ~~market based and affordable housing~~ needs of current and future residents of the *regional market area* by:¹⁰
 - a) establishing and implementing minimum targets for the provision of housing that which is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
 - b) permitting and facilitating:
 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including ~~special needs requirements~~ additional needs housing and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas¹¹, and redevelopment which results in a net increase in residential units in accordance with policy ~~1.1.3.3~~ 2.3.1.3;
 - c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service* and support the use of active transportation; and
~~e) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;~~
 - d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
~~e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.~~

¹⁰ 1.4.3

¹¹ Part of 2020 definition of “residential intensification”

2.3 1.1.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

~~Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.¹²~~

~~The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.~~

1. ~~1.1.3.1~~ Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
2. ~~1.1.3.2~~ Land use patterns within settlement areas ~~shall~~ should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) ~~are appropriate for, and efficiently use, the~~ optimize existing and planned infrastructure and public service facilities ~~which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;~~
 - c) ~~minimize negative impacts to air quality and climate change, and promote energy efficiency;~~
 - d) ~~prepare for the impacts of a changing climate;~~
 - c) ~~e)~~ support active transportation;
 - d) ~~f)~~ are transit-supportive as appropriate; and, ~~where transit is planned, exists or may be developed~~
 - e) ~~g)~~ are freight-supportive.

~~Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.~~

3. ~~1.1.3.3~~ Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options ~~identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned~~ and prioritizing planning and investment in the necessary infrastructure and public service facilities ~~required to accommodate projected needs.~~

~~1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to~~

¹² Highlighted green text moved to definition of "settlement area"

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~~public health and safety.~~

- ~~4. 1.1.3.5~~ Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.
~~However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.~~
5. [Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.](#)
~~1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.~~
6. ~~1.1.3.7~~ [Planning](#) authorities should establish and implement phasing policies, [where appropriate](#), to ensure [that development within *designated growth areas* is orderly and aligns with](#) the timely provision of the *infrastructure* and *public service facilities*
 - ~~a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and~~
 - ~~b) the progression of development within *designated growth areas* and required to meet *current* and *projected* needs.~~

2.3.2 New Settlement Areas and Settlement Area Boundary Expansions

~~1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:~~

1. [In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, planning authorities shall consider the following:](#)
 - a) [the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;](#)
 - b) [if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;](#)
 - ~~a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;~~
 - ~~b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;~~
 - ~~c) in *prime agricultural areas*:~~
 - c) [1. whether the applicable lands do not comprise *specialty crop areas*;](#)
~~2. alternative locations have been evaluated, and~~
 - d) [i. there are no reasonable alternatives the evaluation of alternative locations](#) which avoid *prime agricultural areas*; and [where avoidance is not possible, consider](#) ~~there are no~~ reasonable alternatives on lower priority

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agricultural lands in *prime agricultural areas*;

- ~~e) d) whether the new or expanding/expanded settlement area is in compliance-complies with the *minimum distance separation formulae*; ~~and~~~~
- ~~e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.~~
- f) whether impacts on the *agricultural system* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and
- g) the new or expanded settlement area provides for the phased progression of urban development

~~In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.~~

- ~~1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:~~
- ~~a) there would be no net increase in land within the *settlement areas*;~~
 - ~~b) the adjustment would support the municipality's ability to meet *intensification and redevelopment* targets established by the municipality;~~
 - ~~c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e);~~
 - ~~and~~
 - ~~d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands~~

- 2. Notwithstanding 2.3.2.1.b), planning authorities may identify a new *settlement area* only where it has been demonstrated that the *infrastructure* and *public service facilities* to support development are planned or available.

2.4 Strategic Growth Areas¹³

2.4.1 General Policies for Strategic Growth Areas

- 1. Planning authorities are encouraged to identify and focus growth and development in *strategic growth areas*.
- 2. To support the achievement of *complete communities*, a range and mix of *housing options*, *intensification* and more mixed-use development, *strategic growth areas* should be planned:
 - a) to accommodate significant population and employment growth;
 - b) as focal areas for education, commercial, recreational, and cultural uses;
 - c) to accommodate and support the transit network and provide connection points for inter-and intra-regional transit; and

¹³ The concept of Strategic Growth Areas is throughout *A Place to Grow*. The general policy direction is carried through to this document, although the specific wording differs.

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[d\) to support *affordable, accessible, and equitable housing.*](#)

[3. Planning authorities should:](#)

- [a\) prioritize planning and investment for *infrastructure and public service facilities in strategic growth areas;*](#)
- [b\) identify the appropriate type and scale of development in *strategic growth areas* and the transition of built form to adjacent areas;¹⁴](#)
- [c\) permit *development and intensification in strategic growth areas* to support the achievement of *complete communities* and a *compact built form;*](#)
- [d\) consider a student housing strategy when planning for *strategic growth areas;*
\[and\]\(#\)](#)
- [e\) support redevelopment of commercially-designated retail lands \(e.g., underutilized shopping malls and plazas\), to support mixed-use residential.](#)

[2.4.2 Major Transit Station Areas](#)

[1. Planning authorities shall delineate the boundaries of *major transit station areas* on *higher order transit corridors* through a new official plan or official plan amendment adopted under section 26 of the *Planning Act*. The delineation shall define an area within an approximately 500 to 800-metre radius of a transit station and that maximizes the number of potential transit users that are within walking distance of the station.](#)

[2. ~~3-Major~~Within *major* transit station areas on ~~priority~~*higher order* transit corridors ~~or subway lines will be planned,~~ planning authorities shall plan for a minimum density target of:](#)

- [a\) 200 residents and jobs combined per hectare for those that are served by subways;](#)
- [b\) 160 residents and jobs combined per hectare for those that are served by light rail ~~transit~~ or bus rapid transit; or](#)
- [c\) 150 residents and jobs combined per hectare for those that are served by ~~the GO Transit~~commuter or regional rail ~~network~~.¹⁵](#)

[3. Planning authorities are encouraged to promote *development and intensification* within *major transit station areas*, where appropriate, by:](#)

- [a\) planning for land uses and built form that supports the achievement of minimum density targets; and](#)
- [b\) supporting the redevelopment of surface parking lots within *major transit station areas*, including commuter parking lots, to be *transit supportive* and promote *complete communities*.](#)

[4. For ~~any~~ particular *major transit station area*, planning authorities may request the Minister ~~may to~~ approve an official plan or official plan amendment with a target that is lower than the applicable target established in policy ~~2.2.4.3~~2.4.2.2, where it has been demonstrated that this target cannot be achieved because:](#)

¹⁴ Policy 2.2.2.3 b) of *A Place to Grow*

¹⁵ Comparison is to policy 2.2.4.3 of *A Place to Grow*

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- a) *development* is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated area; or
- b) there are a limited number of residents and jobs associated with the built form, but a *major trip generator* or feeder service will sustain high ridership at the station or stop.¹⁶

5. Planning authorities may plan for *major transit station areas* that are not on *higher order transit corridors* by delineating boundaries and establishing minimum density targets.

6. All *major transit station areas* should be planned and designed to be *transit-supportive* and to achieve *multimodal* access to stations and connections to nearby *major trip generators* by providing, where feasible:

- a) connections to local and regional transit services to support *transit service integration*;
- b) *infrastructure* that accommodates a range of mobility needs and supports *active transportation*, including sidewalks, bicycle lanes, and secure bicycle parking; and
- c) commuter pick-up/drop-off areas.

2.4.3 Frequent Transit Corridors

1. Planning authorities shall plan for *intensification* on lands that are adjacent to existing and planned *frequent transit corridors*, where appropriate.

2.5 ~~1.1.4~~ **Rural Areas in Municipalities**

~~Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.~~

~~Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.~~

1. ~~1.1.4.1~~ Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the *redevelopment* of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural *infrastructure* and *public service facilities* efficiently;

¹⁶ Comparison is to policy 2.2.4.4 of *A Place to Grow*

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- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) ~~providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy ~~2.34.3~~.~~

2. ~~1.1.4.2~~ In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

3. ~~1.1.4.3~~ When directing development in *rural settlement areas* in accordance with policy ~~1.1.32.3~~, planning authorities shall give consideration to [locally appropriate](#) rural characteristics, the scale of development and the provision of appropriate service levels.

~~1.1.4.4~~ Growth and development may be directed to *rural lands* in accordance with policy ~~1.1.52.6~~, including where a municipality does not have a *settlement area*.

2.6 ~~1.1.5~~ Rural Lands in Municipalities

~~1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.~~

1. ~~1.1.5.2~~ On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings [not intended as permanent residences](#));
- c) residential development, including lot creation, ~~that is locally~~ [where site conditions are suitable for the provision of](#) appropriate [sewage and water services](#);
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

~~1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.~~

2. ~~1.1.5.4~~ Development that ~~is compatible with the rural landscape and~~ can be sustained by rural service levels should be promoted.

3. ~~1.1.5.5~~ Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the ~~unjustified and/or~~ uneconomical expansion of this *infrastructure*.

~~1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require~~

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~~separation from other uses.~~

4. ~~1.1.5.7 Opportunities to~~ [Planning authorities should](#) support a diversified rural economy ~~should be promoted~~ by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
5. ~~1.1.5.8~~ New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.7 ~~1.1.6~~ Territory Without Municipal Organization

1. ~~1.1.6.1~~ On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings [not intended as permanent residences](#)).
2. ~~1.1.6.2~~ Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
3. ~~1.1.6.3~~ The establishment of new permanent townsites shall not be permitted.
4. ~~1.1.6.4~~ In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings [not intended as permanent residences](#)) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, ~~as part of a comprehensive review,~~ that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

2.8 ~~1.3~~ Employment

2.8.1 [Supporting a Modern Economy](#)

1. ~~1.3.1~~ Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - c) ~~facilitating the conditions for economic investment by~~ identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

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- d) encouraging ~~compact, mixed-use development that incorporates compatible~~ intensification of employment uses and compatible, compact, mixed-use development to support ~~liveable and resilient~~ the achievement of complete communities, ~~with consideration of housing policy 1.4~~; and
 - e) ~~ensuring the necessary infrastructure is provided to support current and projected needs.~~
 - e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.
2. Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available, outside of employment areas.
 3. In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.
 4. ~~2.~~ Major ~~office~~ office and ~~appropriate~~ major institutional development ~~will~~ should be directed to ~~urban growth centres, major transit station areas or other strategic growth areas with existing or planned~~ where frequent transit service is available.¹⁷

2.8.2 ~~1.3.2~~ Employment Areas

1. ~~1.3.2.1~~ Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.
2. Planning authorities shall protect *employment areas* that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment uses ~~employment area uses~~ that require those locations.¹⁸
3. Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:
 - a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
 - b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;
 - c) prohibiting retail and office uses that are not associated with the primary employment use;
 - d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and
 - e) including an appropriate transition to adjacent non-employment areas to ensure

¹⁷ Comparison is to policy 2.2.5.2 of *A Place to Grow*

¹⁸ 1.3.2.6

4. ~~1.3.2.2 At the time of the official plan review or update, planning authorities should assess~~[Planning authorities shall assess and update](#) *employment areas* identified in ~~local~~ official plans to ensure that this designation is appropriate to the planned function of ~~the employment areas~~[planned for industrial and manufacturing uses shall provide for separation or mitigation from.](#) [In planning for employment areas, planning authorities shall maintain land use compatibility between](#) *sensitive land uses* [and employment areas in accordance with policy 3.5.1](#) to maintain the long-term operational and economic viability of the planned uses and function of these areas.

~~1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.~~

~~Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.~~

5. ~~1.3.2.4~~ Planning authorities may ~~permit conversion of~~[remove](#) lands ~~within~~[from](#) *employment areas* ~~to non-employment uses through a comprehensive review,~~ only where it has been demonstrated that: ~~the land is not required for employment purposes over the long term and that there is a need for the conversion.;~~

~~1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single tier municipalities and subject to the following:~~

- a) there is an identified need for the ~~conversion~~[removal](#) and the land is not required for ~~a) employment purposes~~[area uses](#) over the long term;
- b) the proposed uses would not ~~adversely affect~~[negatively impact](#) the overall viability of the *employment area*; ~~and by:~~

[1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;](#)

[2. maintaining access to major goods movement facilities and corridors;](#)

- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses; ~~and~~

- d) the municipality ~~will maintain~~ [has](#) sufficient employment lands to accommodate ~~projected forecasted~~ employment growth to the horizon of ~~this Plan~~ [the approved official plan.](#)¹⁹

~~1.7~~ [Long-Term Economic Prosperity](#)

~~1.7.1~~ [Long-term economic prosperity should be supported by:](#)

- a) ~~promoting opportunities for economic development and community~~

¹⁹ Comparison is to policy 2.2.5.9 c) of *A Place to Grow*

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- ~~investment readiness;~~
- ~~b) encouraging residential uses to respond to dynamic market based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;~~
- ~~c) optimizing the long term availability and use of land, resources, infrastructure and public service facilities;~~
- ~~d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;~~
- ~~e) encouraging a sense of place, by promoting well designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;~~
- ~~f) promoting the redevelopment of *brownfield sites*;~~
- ~~g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;~~
- ~~h) providing opportunities for sustainable tourism development;~~
- ~~i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;~~
- ~~j) promoting energy conservation and providing opportunities for increased energy supply;~~
- ~~k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and~~
- ~~l) encouraging efficient and coordinated communications and telecommunications infrastructure.~~

2.9 1.8 Energy Conservation, Air Quality and Climate Change

~~1.8.1~~ Planning authorities shall ~~support energy conservation and efficiency, improved air quality,~~ reduced plan to reduce greenhouse gas emissions, and ~~preparing~~ prepare for the ~~impacts of a changing climate~~ through ~~land use and development patterns which~~ approaches that:

- a) ~~promotes~~ support the achievement of compact ~~form and a structure of nodes and corridors,~~ transit-supportive, and complete communities;
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
- c) support energy conservation and efficiency
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

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- ~~b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;~~
- ~~c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;~~
- ~~d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;~~
- ~~e) encourage *transit-supportive* development and *intensification* to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;~~
- ~~f) design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and~~
- ~~g) maximize vegetation within *settlement areas*, where feasible.~~

Chapter 3: Infrastructure and Facilities

3.1 1.6 General Policies for Infrastructure and Public Service Facilities

1. 1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner ~~that prepares for the impacts of a changing climate~~ while accommodating projected needs.

Planning for *infrastructure and public service facilities* shall be coordinated and integrated with land use planning and growth management so that they ~~are~~:

- are financially viable over their life cycle, which may be demonstrated through asset management planning; ~~and~~
- leverage the capacity of development proponents, where appropriate; and
- are available to meet current and projected needs.

~~1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.~~

- 1.6.3 Before consideration is given to developing new *infrastructure and public service facilities*:

- the use of existing *infrastructure and public service facilities* should be optimized; and
- opportunities for adaptive re-use should be considered, wherever feasible.

- 1.6.4 *Infrastructure and public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in ~~Section 3.0~~ [Chapter 5: Protecting Public Health and Safety](#).

- 1.6.5 *Public service facilities* should be planned and co-located ~~in community hubs, with one another, along with parks and open space~~ where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

- Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in strategic growth areas, and other areas with a compact built form.

3.2 1.6.7 Transportation Systems

- Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles.
- Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

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3. As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved including connections which cross jurisdictional boundaries.
~~1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.~~

3.3 1.6.8 Transportation and Infrastructure Corridors

1. Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
2. Major goods movement facilities and corridors shall be protected for the long term.
3. Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate ~~mitigate or minimize~~ negative impacts on and adverse effects from the corridor and transportation facilities.

4. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
5. The co-location of linear *infrastructure* should be promoted, where appropriate.

~~1.6.8.6 When planning for corridors and rights of way for significant transportation, electricity transmission, and infrastructure facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.~~

3.4 1.6.9 Airports, Rail and Marine Facilities²⁰

1. Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:
 - a) their long-term operation and economic role is protected; and
 - b) *airports, rail facilities* and *marine facilities* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5 ~~1.2.6~~.
2. *Airports* shall be protected from incompatible land uses and development by:

²⁰ 1.6.9

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- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) prohibiting ~~discouraging~~ land uses which may cause a potential aviation safety hazard.

3.5 ~~1.2.6~~ Land Use Compatibility²¹

1. *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.²²
2. Where avoidance is not possible in accordance with policy 3.5.1 ~~1.2.6.1~~, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other ~~uses~~ *major facilities* that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* ~~is are~~ only permitted if potential *adverse effects*²³ to the proposed *sensitive land use* are minimized and mitigated, and potential impacts to industrial, manufacturing or other *major facilities* are minimized and mitigated in accordance with provincial guidelines, standards and procedures.
~~the following are demonstrated in accordance with provincial guidelines, standards and procedures:~~
 - a) ~~there is an identified need for the proposed use;~~
 - b) ~~alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;~~
 - c) ~~adverse effects to the proposed *sensitive land use* are minimized and mitigated; and~~
 - d) ~~potential impacts to industrial, manufacturing or other uses are minimized and mitigated.~~

3.6 ~~1.6.6~~ Sewage, Water and Stormwater

1. Planning for *sewage and water services* shall:
 - a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing ~~municipal sewage services and municipal water services;~~ and existing private communal sewage services and private communal water services; ~~where municipal sewage services and municipal water services are not available or feasible;~~
 - b) ensure that these ~~systems~~ services are provided in a manner that:
 1. can be sustained by the water resources upon which such services rely;

²¹ 1.2.6

²² 1.2.6.1

²³ Error in original. This should probably read "adverse effects" which is the defined term.

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~~2. prepares for the impacts of a changing climate;~~

~~3. is feasible and financially viable over their life cycle; and~~

~~4. protects human health and safety, and the natural environment, including the quality and quantity of water; and~~

~~5. aligns with comprehensive municipal planning for these services, where applicable.~~

c) promote water [and energy](#) conservation and ~~water use~~ efficiency;

d) integrate servicing and land use considerations at all stages of the planning process; ~~and~~

e) [consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and](#)

f) be in accordance with the servicing [hierarchy options](#) outlined through policies ~~1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.~~ [3.6.2, 3.6.3, 3.6.4 and 3.6.5](#)

~~2. 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.~~ [include both centralized servicing systems and decentralized servicing systems.](#)

~~3. 1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.~~

~~4. 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.~~

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the ~~character of rural settlement areas. Where planning is conducted by an upper tier municipality, the upper tier municipality should work with lower tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the~~ [financial viability or](#) feasibility of other forms of servicing set out in policies ~~1.6.6.2~~ [3.6.2](#) and ~~1.6.6.3~~ [3.6.3](#).

5. ~~1.6.6.5~~ *Partial services* shall only be permitted in the following circumstances:
- a) where they are necessary to address failed *individual on-site sewage services* ~~and~~ *individual on-site water services* in existing development;
 - b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*; or
 - c) within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.
6. ~~Where~~ In rural areas, where *partial services* have been provided to address failed services in accordance with ~~subsection (policy 3.6.5.a)~~, infilling on existing lots of record ~~in rural areas in municipalities~~ may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. ~~In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.~~
7. ~~1.6.6.6~~ Subject to the hierarchy of services provided in policies ~~1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5~~, planning Planning authorities may allow lot creation ~~only if~~ where there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* ~~within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.~~.
8. ~~1.6.6.7~~ Planning for stormwater management shall:
- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over ~~the long term~~ their full life cycle;
 - b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
 - c) minimize erosion and changes in water balance, ~~and prepare for the impacts of a changing climate~~ including through the ~~effective management of stormwater, including the~~ use of ~~the~~ green infrastructure;
 - d) mitigate risks to human health, safety, property and the environment;
 - e) maximize the extent and function of vegetative and pervious surfaces; ~~and~~
 - f) promote ~~stormwater management~~ best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
 - g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

3.7 ~~1.6.10~~ Waste Management

~~1.6.10.1~~ 1. *Waste management systems* need to be planned for and provided that are of an appropriate size ~~and~~ type, and location to accommodate present and future requirements, and facilitate ~~encourage and promote reduction, reuse and recycling objectives~~ integrated waste management.

~~Waste management systems shall be located and designed in accordance with provincial legislation and standards.~~

3.8 ~~1.6.11~~ Energy Supply

~~1.6.11.1~~ 1. Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, energy storage systems, district energy, *renewable energy systems* and *alternative energy systems*, to accommodate current and projected needs.

3.9 ~~1.5~~ Public Spaces, Recreation, Parks, Trails and Open Space

1. Healthy, active, and inclusive communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for ~~for a full range and equitable distribution of publicly-accessible~~ the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

2.0 Chapter 4: Wise Use and Management of Resources

~~Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.~~

~~Accordingly:~~

4.1 ~~2.1~~ Natural Heritage

1. ~~2.1.1~~ Natural features and areas shall be protected for the long term.
2. ~~2.1.2~~ The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.
3. ~~2.1.3~~ *Natural heritage systems* shall be identified in Ecoregions 6E & ~~7E¹~~7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.
4. ~~2.1.4~~ Development and site alteration shall not be permitted in:
 - a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
 - b) *significant coastal wetlands*.
5. ~~2.1.5~~ Development and site alteration shall not be permitted in:
 - a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
 - b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
 - c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
 - d) *significant wildlife habitat*;
 - e) *significant areas of natural and scientific interest*; and
 - f) *coastal wetlands* in Ecoregions 5E, 6E and ~~7E¹~~7E¹ that are not subject to policy ~~2.1.4~~(4.1.4.b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

6. ~~2.1.6~~ Development and site alteration shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.
7. ~~2.1.7~~ Development and site alteration shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
8. ~~2.1.8~~ Development and site alteration shall not be permitted on *adjacent lands* to the

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) *natural heritage features and areas* identified in policies [2.1.4](#), [2.1.5](#), [4.1.4](#), [4.1.5](#), and [2.1.6](#) unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

9. ~~2.1.9~~ Nothing in policy [2.14.1](#) is intended to limit the ability of *agricultural uses* to continue.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

4.2 ~~2.2~~ Water

1. ~~2.2.1~~ Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

- a) using the *watershed* as the ecologically meaningful scale for integrated and ~~long-term~~long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-watershed impacts;
~~c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;~~
- c) ~~d)~~ identifying water resource systems ~~consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas,~~ which are necessary for the ecological and hydrological integrity of the watershed.²⁴;
- d) ~~e)~~ maintaining linkages and ~~related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas~~ functions of water resource systems;
- e) ~~f)~~ implementing necessary restrictions on *development* and *site alteration* to:
 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 2. protect, improve or restore *vulnerable* surface and ground water, ~~sensitive surface water features and sensitive ground water features,~~ and their *hydrologic functions*;
- f) ~~g)~~ planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
- g) ~~h)~~ ensuring consideration of environmental lake capacity, where applicable; and
~~i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.~~

2. ~~2.2.2~~ *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.
~~Mitigative measures and/or alternative development approaches may be required in order~~

²⁴ Highlighted language added to the definition of *water resource systems*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) ~~to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.~~

3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.
4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.
5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.

4.3 ~~2.3~~ Agriculture

4.3.1 General Policies for Agriculture

1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.
2. ~~2.3.1 Prime~~ As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.
3. ~~Prime agricultural areas are areas where prime agricultural lands predominate.~~ Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

~~2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time. Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.~~

4.3.2 ~~2.3.3~~ Permitted Uses

1. ~~2.3.3.1~~ In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related agriculture-related uses and on-farm diversified uses based on provincial guidance.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on ~~guidelines developed by the Province~~ provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2. ~~2.3.3.2~~ In prime agricultural areas, all types, sizes and intensities of agricultural uses and

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normal farm practices shall be promoted and protected in accordance with provincial standards.

3. ~~2.3.3.3~~ New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.
4. A principal dwelling associated with an agricultural operation shall be permitted in *prime agricultural areas* as an *agricultural use*, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c).
5. Where a residential dwelling is permitted on a lot in a *prime agricultural area*, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that , where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and, any additional residential units:
 - a) comply with the *minimum distance separation formulae*;
 - b) are compatible with, and would not hinder, surrounding agricultural operations;
 - c) have appropriate *sewage and water services*;
 - d) address any public health and safety concerns;
 - e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
 - f) minimize land taken out of agricultural production.

Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).

6. For greater certainty, the two additional residential units that are permitted on a lot in a *prime agricultural area* in accordance with policy 4.3.2.5 are in addition to farm worker housing permitted as an *agricultural use*.

4.3.3 ~~2.3.4~~ Lot Creation and Lot Adjustments

1. ~~2.3.4.1~~ Lot creation in *prime agricultural areas* is discouraged and may only be permitted in accordance with provincial guidance for:
 - a) *agricultural uses*, provided that the lots are of a size appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
 - c) ~~a one new residential lot per farm consolidation for a residence surplus to a farming operation~~ an *agricultural* operation as a result of farm consolidation provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new ~~residential~~ dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new ~~residential~~ dwellings or additional residential units are

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches ~~which~~[that](#) achieve the same objective; and

d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2. ~~2.3.4.2~~ Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

3. ~~2.3.4.3~~ The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy ~~2.3.4.1~~ [\(4.3.3.1.c\)](#).

4.3.4 ~~2.3.5~~ Removal of Land from Prime Agricultural Areas

~~2.3.5.1.1.~~ Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy ~~1.1.3.8~~ [2.3.2](#).

4.3.5 ~~2.3.6~~ Non-Agricultural Uses in Prime Agricultural Areas

1. ~~2.3.6.1~~ Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals, petroleum resources* and *mineral aggregate resources*; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon [identified in the official plan as](#) provided for in policy ~~1.1.2~~ [2.1.3](#) for additional land to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2. ~~2.3.6.2~~ Impacts from any new or expanding non-agricultural uses on ~~surrounding the agricultural operations and lands are to be mitigated to the extent feasible.~~ [system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.](#)

4.3.6 Supporting Local Food and the Agri-food Network

1. [Planning authorities are encouraged to support local food, facilitate near-urban and urban agriculture, and foster a robust agri-food network.](#)

4.4 ~~2.4~~ Minerals and Petroleum

4.4.1 General Policies for Minerals and Petroleum

~~2.4.1.1.~~ [Minerals and petroleum resources shall be protected for long-term use.](#)

4.4.2 ~~2.4.2~~ Protection of Long-Term Resource Supply

- 1. ~~2.4.2.1~~** *Mineral mining operations and petroleum resource operations* shall be identified and protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 2. ~~2.4.2.2~~** Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and *development* and activities in these resources or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - a) resource use would not be feasible; or
 - b) the proposed land use or development serves a greater long-term public interest; and
 - c) issues of public health, public safety and environmental impact are addressed.

4.4.3 ~~2.4.3~~ Rehabilitation

- 2.4.3.1 1.** Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

4.4.4 ~~2.4.4~~ Extraction in Prime Agricultural Areas

- 2.4.4.1 1.** Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

4.5 ~~2.5~~ Mineral Aggregate Resources

4.5.1 General Policies for Mineral Aggregate Resources

- 2.5.1 1.** *Mineral aggregate resources* shall be protected for long-term use and, where provincial information is available, *deposits of mineral aggregate resources* shall be identified.

4.5.2 ~~2.5.2~~ Protection of Long-Term Resource Supply

- 1. ~~2.5.2.1~~** As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

- 2. ~~2.5.2.2~~** Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.
- 3. ~~2.5.2.3~~** *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- 4. ~~2.5.2.4~~** *Mineral aggregate operations* shall be protected from *development* and activities that

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. Where the *Aggregate Resources Act* applies, only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing *mineral aggregate operations*. When a license for extraction or operation ceases to exist, policy [2.5.2.5](#) continues to apply.

5. ~~2.5.2.5~~ In known *deposits of mineral aggregate resources* and on *adjacent lands, development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

4.5.3 ~~2.5.3~~ Rehabilitation

1. ~~2.5.3.1~~ Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2. ~~2.5.3.2~~ *Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations.

3. ~~2.5.3.3~~ In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

4.5.4 ~~2.5.4~~ Extraction in Prime Agricultural Areas

1. ~~2.5.4.1~~ In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that:

- a) [impacts to the *prime agricultural areas* are addressed, in accordance with policy 4.3.5.2; and](#)
- b) the site will be rehabilitated back to an *agricultural condition*.

2. ~~Complete~~ [Despite policy 4.5.4.1.b\), complete](#) rehabilitation to an *agricultural condition* is not required if:

- a) ~~outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or~~ the depth of planned extraction ~~in a *quarry*~~ makes restoration of pre-extraction agricultural capability unfeasible; [and](#)
 - b) ~~in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;~~

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~~e) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and~~

b) ~~d)~~ agricultural rehabilitation in remaining areas is maximized.

4.5.5 ~~2.5.5~~ Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

~~2.5.5.1.1.~~ *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

4.6 ~~2.6~~ Cultural Heritage and Archaeology

1. ~~2.6.1 Significant~~Protected heritage property, which may contain *built heritage resources and significant*or *cultural heritage landscapes*, shall be conserved.
2. ~~2.6.2 Development~~Planning authorities shall not permit development and *site alteration shall not be permitted* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *significant archaeological resources* have been conserved.
3. ~~2.6.3~~ Planning authorities shall not permit *development* and *site alteration* on *adjacent lands to protected heritage property* ~~except where the proposed development and site alteration has been evaluated and it has been demonstrated that~~ unless the *heritage attributes* of the *protected heritage property* will be conserved.
4. Planning authorities are encouraged to develop and implement:
 - a) ~~2.6.4 Planning authorities should consider and promote~~ *archaeological management plans and cultural plans in* for *conserving cultural heritage and archaeological resources;* and
 - b) proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.
5. ~~2.6.5~~ Planning authorities shall engage early with Indigenous communities and ~~consider~~ ensure their interests are considered when identifying, protecting and managing ~~cultural heritage and~~ *archaeological resources*, built heritage resources and cultural heritage landscapes.

3.0 Chapter 5: Protecting Public Health and Safety

~~Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.~~

5.1 General Policies for Natural and Human-Made Hazards

1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

~~Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.~~

Accordingly:

5.2 3.1 Natural Hazards

1. Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.
2. ~~3.1.1~~ Development shall generally be directed, ~~in accordance with guidance developed by the Province (as amended from time to time),~~ to areas outside of:
 - a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
 - b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
 - c) *hazardous sites*.
3. ~~3.1.2~~ Development and site alteration shall not be permitted within:
 - a) the *dynamic beach hazard*;
 - b) *defined portions of the flooding hazard along connecting channels* (the *St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers*);
 - c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
 - d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.
4. ~~3.1.3~~ Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.
5. ~~3.1.4~~ Despite policy ~~3.1.2~~5.2.3, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland*

lake systems:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

6. ~~3.1.5~~ *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an *essential emergency service* such as that provided by fire, police, and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

7. ~~3.1.6~~ Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.

8. ~~3.1.7~~ Further to policy ~~3.1.6~~5.2.7, and except as prohibited in policies ~~3.1.2~~5.2.3 and ~~3.1.5~~5.2.6, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

9. ~~3.1.8~~ *Development* shall generally be directed to areas outside of lands that are unsafe for development due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

5.3 3.2 Human-Made Hazards

1. ~~3.2.1~~ Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
2. ~~3.2.2~~ Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.
 - i. ~~Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.~~

4.0-Chapter 6: Implementation and Interpretation

6.1 General Policies for Implementation and Interpretation

1. ~~4.2~~ ~~This~~ ~~The~~ Provincial ~~Planning~~ ~~Policy~~ Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
2. ~~4.3~~ ~~This~~ ~~The~~ Provincial ~~Planning~~ ~~Policy~~ Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.
3. ~~4.4~~ ~~The~~ Provincial ~~Planning~~ ~~Policy~~ Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
4. ~~4.5~~ ~~In~~ ~~When~~ implementing ~~this~~ ~~Policy~~ the ~~Provincial~~ ~~Planning~~ Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations ~~when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province~~ to balance government priorities.
~~4.6~~ ~~The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long term planning is best achieved through official plans.~~²⁵
5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. ~~To determine the significance of some natural heritage features and other resources, evaluation may be required.~~ Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and²⁶ facilitate development in suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans ~~up-~~ ~~to-date~~ up- to-date with ~~this~~ ~~Policy~~ the ~~Provincial~~ ~~Planning~~ Statement. The policies of ~~this~~ ~~Policy~~ the ~~Provincial~~ ~~Planning~~ Statement continue to apply after adoption and approval of an official plan.²⁷
6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.
7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.

²⁵ While this policy has been deleted, reference to the Official Plan being the most important vehicle remains in Chapter 1 under "Role of the Provincial Planning Statement."

²⁶ Highlighted text was previously in Part I: Preamble

²⁷ Requirement to keep official plans and zoning by-laws up to date was previously in the Preamble.

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8. ~~4.7~~In addition to land use approvals under the *Planning Act*, *infrastructure* may also ~~require approval~~[have requirements](#) under other legislation and regulations. ~~An~~[For example, an](#) environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

9. [To assess progress on implementation of the Provincial Planning Statement, the Province may:](#)

- a) ~~4.8 The Province,~~[identify key indicators to measure the outcomes, relevance and efficiency of the policies in the Provincial Planning Statement](#) in consultation with municipalities, Indigenous communities, other public bodies and stakeholders ~~shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any;~~
- b) [monitor and assess the implementation of the Provincial Planning Statement through the collection and analysis of data under each indicator;](#)
[and](#)
- c) [consider the resulting assessment in each](#) review of ~~this Policy~~ [the](#) Provincial [Planning Statement](#).

10. ~~4.9~~Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any ~~reporting~~ requirements, [for reporting planning information to the Province](#), data standards and [including through](#) any other guidelines that may be issued by the Minister.

11. ~~8. The identification of strategic~~[Strategic](#) growth areas, ~~delineated built-up areas,~~ and designated ~~greenfield~~[growth](#) areas are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.²⁸

12. ~~The minimum intensification and~~ Density targets represent ~~in this Plan, including any alternative targets that have been permitted by the Minister are~~ minimum standards and ~~municipalities~~[planning authorities](#) are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of [the Provincial Planning Statement](#) ~~this Plan~~ or any other provincial plan.²⁹

13. [Minimum density targets will be revisited at the time of each official plan update to ensure the target is appropriate.](#)

²⁸ Comparison is to policy 5.2.5.8 of *A Place to Grow*

²⁹ Comparison is to policy 5.2.5.1 of *A Place to Grow*

6.2 ~~1.2~~ Coordination

1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, [boards, and Service Managers including:](#)
 - a) managing and/or promoting growth and development that is integrated with ~~infrastructure~~ [planning for infrastructure and public service facilities, including schools and associated child care facilities;](#)
 - b) economic development strategies;
 - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
 - f) natural and human-made hazards;
 - g) population, housing and employment projections, based on regional market areas, [as appropriate; and](#)
 - h) [addressing housing needs in accordance with provincial ~~policy statements~~ such as the ~~Policy Statement: Service Manager Housing and Homelessness Plans~~ housing policies and plans, including those that address homelessness.](#)
2. Planning authorities shall [engage undertake early engagement](#) with Indigenous communities and coordinate on land use planning matters [to facilitate **knowledge sharing**³⁰, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.](#)
3. [Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.](#)
4. [Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.](#)
5. [Planning authorities shall collaborate with publicly-assisted post-secondary institutions, where they exist, to facilitate early and integrated planning for student housing that considers the full range of *housing options* near existing and planned post-secondary institutions to meet current and future needs.](#)
6. [Further to policy 6.2.5, planning authorities should collaborate with publicly-assisted post-secondary institutions on the development of a student housing strategy that includes consideration of off-campus housing targeted to students.](#)
7. Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient

³⁰ “Knowledge sharing” as part of Indigenous engagement was referenced in the text of Part IV.

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) communities.³¹

8. Municipalities, the Province, and other appropriate stakeholders are encouraged to undertake a coordinated approach to planning for large areas with high concentrations of employment uses that cross municipal boundaries.³²
9. Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:³³
 - a) identify and allocate population, housing and employment projections for lower-tier municipalities;
 - b) identify areas where growth and development will be ~~directed~~ focused, including strategic growth areas, and establish any applicable minimum density targets;
 - c) identify minimum density targets for growth and development taking place in new or expanded settlement areas, where applicable; and
 - d) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.
10. Where there is no upper-tier municipality or where planning is not conducted by an upper-tier municipality, planning authorities shall ensure that policy ~~1.2.4~~ 6.2.9 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

³¹ 1.2.3

³² Text was part of policy 2.2.5.17 of *A Place to Grow*

³³ 1.2.4

6.08: Definitions

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards and/or other water-related hazards*.

Active transportation: means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Additional needs housing: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *additional needs housing* may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.³⁴

Adjacent lands: means

- a) for the purposes of policy [1-6-8-33.3.3](#), those lands contiguous to existing or *planned corridors* and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in [guidelines developed by the Province](#) [provincial guidance](#) or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policy [2-1-84.1.8](#), those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) for the purposes of policies [2-4-2-24.4.2.2](#) and [2-5-2-54.5.2.5](#), those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d) for the purposes of policy [2-6-34.6.3](#), those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effects effect: as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*;
or
 2. housing for which the purchase price is at least 10 percent below the average purchase price of

³⁴ Formerly defined as “Special Needs Housing”

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)
a resale unit in the ~~regional market area~~ [municipality](#);

- b) in the case of rental housing, the least expensive of:
1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. a unit for which the rent is at or below the average market rent of a unit in the ~~regional market area~~ [municipality](#).

Agricultural condition: means

- a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained ~~or~~, restored [or enhanced](#); and
- b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture ~~are~~ [will be maintained](#), restored [or enhanced](#).

Agricultural impact assessment: ~~A study that evaluates the means the evaluation of potential impacts of non-agricultural development on nonagricultural uses on the agricultural operations and the Agricultural System and system. An assessment~~ [recommends ways to avoid or](#), if avoidance is not possible, minimize and mitigate adverse impacts. ~~(Greenbelt Plan)~~³⁵

Agricultural System system: [means a](#) system comprised of a group of inter-connected elements that collectively create a viable, thriving ~~agricultural~~ [agri-food](#) sector. It has two components:

- a) An agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*, ~~and~~. [It may also include](#) *rural lands* that ~~together help to~~ create a continuous productive land base for agriculture; and
- b) An *agri-food network* which includes agricultural operations, *infrastructure*, services, and assets important to the viability of the agri-food sector.

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on- farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and ~~accommodation~~ [housing](#) for ~~full-time~~ farm ~~labour~~ [workers](#), when the size and nature of the operation requires additional employment.

Agri-food network: Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; ~~agricultural operations including~~ on-farm buildings and [primary processing](#); ~~infrastructure~~; agricultural services, farm markets, distributors, ~~and primary processing~~; and vibrant, agriculture-supportive communities.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

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

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system: means a system that uses sources of energy or energy conversion processes to

³⁵ Comparison is to definition in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites, [and](#) marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological ~~fieldwork undertaken in accordance with~~ [assessments carried out by archaeologists licensed under](#) the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. ~~Criteria to identify archaeological potential, as evaluated using the processes and criteria that~~ are established [by under](#) the *Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist*.

Areas of mineral potential: means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

Areas of natural and scientific interest ~~(ANSI)~~: means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. ~~Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.~~

Coastal wetland: means

- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Compact built form: means a land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for *infrastructure*.

Compact built form can include detached and semi-detached houses on small lots as well as townhouses, duplexes, triplexes and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and *active transportation*, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads.³⁶

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Complete communities: means places such as mixed-use neighbourhoods or other areas within cities,

³⁶ Definition is the same as in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) towns, and *settlement areas* that offer and support opportunities for [equitable access to many necessities for daily living for](#) people of all ages and abilities ~~to conveniently access most of the necessities for daily living~~, including an appropriate mix of jobs, ~~local stores, and services~~, a full range of housing, transportation options ~~and~~, [public service facilities, local stores and services](#). *Complete communities* are ~~age-friendly~~ [inclusive](#) and may take ~~different~~ [different](#) shapes and forms appropriate to their contexts [to meet the diverse needs of their populations](#)³⁷

Comprehensive review: means

~~a) for the purposes of policies 1.1.3.8, 1.1.3.9 and 1.3.2.4, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:~~

- ~~1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;~~
- ~~2. utilizes opportunities to accommodate projected growth or development through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries;~~
- ~~3. is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;~~
- ~~4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;~~
- ~~5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and~~
- ~~6. considers cross-jurisdictional issues.~~

~~b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:~~

- ~~1. addresses long-term population projections, infrastructure requirements and related matters;~~
- ~~2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and~~
- ~~3. considers cross-jurisdictional issues.~~

~~In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.~~

Conserved: means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker.

Mitigative measures and/or alternative development approaches ~~can~~ [should](#) be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. ~~Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.~~

Defined portions of the flooding hazard along connecting channels: means those areas which are critical

³⁷ Comparison is to definition in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using ~~evaluation procedures established by the Province~~ [provincial guidance](#) for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

Designated growth areas: means lands within *settlement areas* designated ~~in an official plan for growth over the long term planning horizon provided in policy 1.1.2, but which~~ [for growth or lands added to settlement areas that](#) have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy ~~1.4.1~~ [\(2.1.4.a\)](#), as well as lands required for employment and other uses.

Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process [or identified in provincial standards; or](#)
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy ~~2.1.4~~ [\(4.1.4.a\)](#), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy ~~2.1.5~~ [\(4.1.5.a\)](#).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, ~~but not limited to,~~ [manufacturing, research and development in connection with manufacturing, warehousing, offices, and goods movement,](#) associated retail and [office, and](#) ancillary facilities. [An employment area also includes areas of land described by subsection 1\(1.1\) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.](#)

Endangered species: means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

Energy storage system: [means a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery](#)

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)
[storage](#).

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish: means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the *Fisheries Act*, means ~~spawning grounds~~[water frequented by fish](#) and any other areas [on which fish depend directly or indirectly to carry out their life processes](#), including [spawning grounds and](#) nursery, rearing, food supply, and migration areas ~~on which fish depend directly or indirectly in order to carry out their life processes~~.

Flood fringe: for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the *flood fringe* than those experienced in the *floodway*.

Flood plain: for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for ~~wave~~ [uprush effects](#) and other *water-related hazards*;
- b) along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 2. the *one hundred year flood*; and
 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, [for example](#), as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards*, ~~wave~~ [uprush effects](#) and other ~~water-related~~ [water-related](#) hazards along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along *river, stream and small inland lake systems*.

Floodway: for *river, stream and small inland lake systems*, means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in [guidelines developed by the Province](#) [provincial guidance](#) or based on municipal approaches that achieve the same objectives.

Frequent transit: means a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.³⁸

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes.

Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Ground water feature: means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means habitat within the meaning of section 2 of the *Endangered Species Act, 2007*.

Hazardous forest types for wildland fire: means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources ~~and Forestry~~, as amended from time to time.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard* or *erosion hazard* limits.

Hazardous sites: means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

³⁸ Definition is the same as the definition in *A Place to Grow*. The 2020 PPS did not have this definition

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)

Heritage attributes: means ~~the principal features or elements, as defined under the *Ontario Heritage Act*, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures~~ that contribute to ~~a protected heritage property's~~ their cultural heritage value or interest, ~~and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).~~

Higher order transit: means transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed traffic transit. *Higher order transit* can include heavy rail (such as subways, elevated or surface rail, and commuter inter-city rail), light rail, and buses in dedicated rights-of-way.³⁹

High quality: means ~~primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).~~

Housing options: means a range of housing types such as, but not limited to single- detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, ~~multi-residential~~ laneway housing, garden suites, rooming houses, and multi-residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, additional needs housing, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, ~~institutional or~~ educational, or institutional uses, such as long-term care homes.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities.

Institutional use: for the purposes of policy 3-1.55.2.6, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

³⁹ Comparison is to definition in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)

- a) *redevelopment*, including the reuse of [brownfield sites and underutilized shopping malls and plazas](#); ~~*brownfield sites*~~;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

[Large and fast-growing municipalities](#): means municipalities identified in Schedule 1.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the ~~*regional market area*~~[municipality](#); or
- b) ~~in~~[In](#) the case of rental housing, ~~households~~[household](#) with incomes in the lowest 60 percent of the income distribution for renter households for the ~~*regional market area*~~[municipality](#).

Low impact development: ~~means an~~ approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration and detention of stormwater. *Low impact development* can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. ~~*Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case and the specific form may vary considering local conditions and community character.*~~⁴⁰

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation *infrastructure* and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities ~~and~~, corridors [and networks](#) associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes ~~and~~, primary transportation corridors used for the movement of goods [and those identified in provincial transportation plans](#). Approaches that are freight-supportive may be recommended in ~~guidelines developed by the Province~~[provincial guidance](#) or based on municipal approaches that achieve the same objectives.

Major transit station area: [means](#) area including and around any existing or planned *higher order transit* station or stop within a settlement area; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, ~~representing about a 10-minute walk~~⁴¹

Major trip generators: origins and destinations with high population densities or concentrated activities which generate many trips (e.g., ~~*urban strategic growth centres and other downtowns areas*~~, major ~~*office office*~~ and ~~*office office*~~ parks, major retail, *employment areas*, community hubs, large parks and

⁴⁰ Comparison is to definition in *A Place to Grow*

⁴¹ Comparison is to definition in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) recreational destinations, ~~post-secondary institutions and other public service facilities~~, and other mixed-use areas).⁴²

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

Mine hazard: means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g., copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. ~~asbestos~~, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

[Critical minerals are a subset of raw materials that have specific industrial, technological or strategic applications for which there are a few viable substitutes.](#)

Mineral aggregate operation: means

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral aggregate resource conservation:

means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits: means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from

⁴² *ibid*

livestock facilities.

Multimodal transportation system: ~~means a transportation system which may include several forms:~~ means relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, [higher order transit](#), rail (such as ~~commuter and~~ freight), air, and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, ~~including centralized and decentralized systems.~~

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*, ~~including centralized and decentralized systems.~~

Natural heritage features and areas: means features and areas, including *significant wetlands, significant coastal wetlands, other coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat, significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St.

Marys River), *habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system: means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts: means

- a) in regard to policy ~~1-6-6-43.6.4~~ and ~~1-6-6-53.6.5~~, potential risks to human health and safety and degradation to the *quality and quantity of water, sensitive surface water features* and sensitive *ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- ~~b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;~~
- b) ~~e)~~ in regard to *fish habitat*, any ~~permanent~~ **harmful** alteration ~~to~~, **disruption** or destruction of *fish habitat*, except where, ~~in conjunction with the appropriate authorities, it an exemption to the prohibition~~ has been authorized under the *Fisheries Act*; ~~and~~
- c) ~~d)~~ in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.
- d) ~~in regard to policy 4.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; and~~
- e) ~~in regard to policy 3.3.3, any development or site alteration that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.~~

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act*,

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. ~~Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses,~~ and electricity generation facilities and transmission systems, and energy storage systems.

One hundred year flood: for *river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. ~~Mary's~~[Marys](#), St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for *large inland lakes*, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the *one hundred year flood level* is based on the highest known water level and wind setups.

Other water-related hazards: means water- associated phenomena other than *flooding hazards* and *wave uprush effects* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

- a) *municipal sewage services* or *private communal sewage services* combined with *individual on-site water services*; or
- b) *municipal water services* or *private communal water services* combined with *individual on-site sewage services*.

Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas ~~and~~, other hydrocarbons, and compressed air energy storage.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas ~~or~~, other hydrocarbons, or compressed air energy storage.

Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through provincial [transportation](#) plans, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy and Electrification, Ontario Northland,

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) [Ministry of Northern Development and Mines](#) or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing, [or has completed](#), the identification of a corridor.

Approaches for the [identification and](#) protection of *planned corridors* may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas ~~where there is with~~ a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by [a planning authority based on provincial guidance or informed by mapping obtained from](#) the Ontario Ministry of Agriculture ~~and~~, Food [Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries](#) ~~using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.~~

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected heritage property: means property designated under ~~Parts~~[Part](#) IV, ~~V~~ or VI [of the Ontario Heritage Act](#); property included in an area designated as a heritage conservation district under [Part V](#) of the *Ontario Heritage Act*; property subject to a heritage conservation easement [or covenant](#) under ~~Parts~~[Part](#) II or IV of the *Ontario Heritage Act*; property identified by ~~the Province and~~ [a provincial ministry or a prescribed public bodies as provincial heritage body as a property having cultural heritage value or interest](#) under the Standards and Guidelines for [the](#) Conservation of Provincial Heritage Properties; property protected under federal [heritage](#) legislation; ~~;~~ and UNESCO World Heritage Sites.

Protection works standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards, erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

- a) in regard to policy ~~2.1.6~~[4.1.6](#), legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#)

b) in regard to policy [2.1-74.1.7](#), legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

~~Provincial plan: means a provincial plan within the meaning of section 1 of the *Planning Act*.~~

Public service facilities: means land, buildings and structures, [including but not limited to schools, hospitals and community recreation facilities](#), for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, [child care](#) and educational programs, [including elementary, secondary, post-secondary](#), long-term care services, and cultural services.

Public service facilities do not include *infrastructure*.

Quality and quantity of water: is measured by indicators associated with *hydrologic function* such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

~~Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.~~

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Regional market area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system: means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Reserve sewage system capacity: means design or planned capacity in a ~~centralized~~ waste water treatment facility, [within municipal sewage services or private communal sewage services](#), which is not yet committed to existing or approved development. For ~~the purposes of policy 1.6.6.6, reserve capacity for lot creation using private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*,~~ [reserve sewage system capacity includes approved capacity to treat and land-apply, treat and dispose of, or dispose of, hauled sewage in accordance with applicable legislation](#) but not by land-applying untreated, hauled sewage. [Treatment of hauled sewage can include, for example, a sewage treatment plant, anaerobic digestion, composting or other waste processing.](#)

Reserve water system capacity: means design or planned capacity in a ~~centralized~~ water treatment facility which is not yet committed to existing or approved development. [Reserve water system capacity applies to municipal water services or private communal water services, and not individual on-site water services.](#)

Residence surplus to a farming or agricultural operation: means ~~an~~ [one](#) existing habitable ~~farm residence~~ [detached dwelling](#) that ~~is including any associated additional residential units, that are~~ rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one

farm operation).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) ~~development and introduction of new housing options within previously developed areas;~~
- e) ~~the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and~~
- f) ~~the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.~~

River, stream and small inland lake systems:

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Sensitive: in regard to *surface water features* and *ground water features*, means **areas/features** that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) ~~that are:~~ Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.⁴³

Settlement areas are:

- a) built-up areas where development is concentrated and which have a mix of land uses; and
- b) ~~lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.~~

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

- a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant ~~by the Ontario Ministry of Natural Resources and Forestry~~ using evaluation [criteria and](#) procedures established by the Province, as amended from time to time;
- b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species

⁴³ Highlighted language was previously in policy 1.1.3.

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria [and procedures](#) established by the ~~Ontario Ministry of Natural Resources and Forestry~~[Province](#);

- c) in regard to other features and areas in policy ~~2.1.4.1~~[4.1.4.1](#), ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*; [and](#)
- d) in regard to *mineral* potential, an area identified as provincially significant through ~~evaluation procedures developed by the Province, as amended from time to time~~[provincial guidance](#), such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in ~~sections (section c) - (d)~~ are ~~recommended by the Province~~[provided in provincial guidance](#), but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy ~~2.1.4~~[4.1.4.a](#), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy ~~2.1.5~~[4.1.5.a](#).

~~**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to long term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.~~⁴⁴

Special Policy Area: means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria [for designation](#) and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and *site alteration*, if a community has feasible opportunities for *development* outside the *flood plain*.

Specialty crop area: means areas [within the agricultural land base](#) designated ~~using guidelines developed by the Province, as amended from time to time~~[based on provincial guidance](#). In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities

⁴⁴ Moved to definition of "Additional needs housing"

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) and services to produce, store, or process specialty crops.

Strategic growth areas: within *settlement areas*, nodes, corridors, and other areas that have been identified by municipalities ~~or the Province~~ to be the focus for accommodating *intensification* and higher-density mixed uses in a more *compact built form*.

Strategic growth areas include ~~urban-growth-centres, major transit station areas, and other major opportunities~~ existing and emerging downtowns, lands in close proximity to publicly-assisted post-secondary institutions and other areas where growth or development will be focused, that may include infill, ~~redevelopment, brownfield~~ (e.g., underutilized shopping malls and plazas), brownfield sites, the expansion or conversion of existing buildings, or ~~greyfields~~ greyfields. Lands along major roads, arterials, or other areas with existing or planned *frequent transit service* or *higher order transit corridors* may also be identified as *strategic growth areas*.⁴⁵

Surface water feature: means water-related features on the earth's surface, including headwaters, rivers, ~~stream channels~~ permanent and intermittent streams, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Transit service integration: means the coordinated planning or operation of transit service between two or more agencies or services that contributes to the goal of seamless service for riders and could include considerations of service schedules, service routes, information, fare policy, and fare payment.⁴⁶

Transit-supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the *transportation system*.

Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management: means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept: means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

Urban agriculture: means food production in settlement areas, whether it is for personal consumption, commercial sale, education, or therapy. Examples include, but are not limited to, vertical agriculture facilities, community gardens, greenhouses, and rooftop gardens.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water

⁴⁵ Comparison is to definition in *A Place to Grow*

⁴⁶ Definition is the same as in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) flowing through or standing for some period of the year.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed: means an area that is drained by a river and its tributaries.

Watershed planning: means planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, ~~the management of human activities, land, water, aquatic life, and resources~~ including the quality and quantity of water, within a *watershed* and for the assessment of cumulative, cross-jurisdictional, and cross-*watershed* impacts. Watershed planning evaluates and considers the impacts of a changing climate on water resource systems and is undertaken at many scales. It may inform the identification of water resource systems.⁴⁷

Water resource systems: means a system consisting of ground water features and areas, surface water features (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the watershed.

Wave uprush effects: means the rush movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of wave uprush effects is the point of furthest landward rush horizontal movement of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources ~~and Forestry~~ to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to

⁴⁷ Comparison is to definition in *A Place to Grow*

This is an unofficial comparison prepared by [Osler, Hoskin & Harcourt LLP](#) the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".

9: Appendix – Schedule 1: List of Large and Fast Growing Municipalities

[Town of Ajax](#)

[City of Barrie](#)

[City of Brampton](#)

[City of Brantford](#)

[City of Burlington](#)

[Town of Caledon](#)

[City of Cambridge](#)

[Municipality of Clarington](#)

[City of Guelph](#)

[City of Hamilton](#)

[City of Kingston](#)

[City of Kitchener](#)

[City of London](#)

[City of Markham](#)

[Town of Milton](#)

[City of Mississauga](#)

[Town of Newmarket](#)

[City of Niagara Falls](#)

[Town of Oakville](#)

[City of Oshawa](#)

[City of Ottawa](#)

[City of Pickering](#)

[City of Richmond Hill](#)

[City of St. Catharines](#)

[City of Toronto](#)

[City of Vaughan](#)

[City of Waterloo](#)

[Town of Whitby](#)

[City of Windsor](#)

Memorandum

CWCD 2024-163**Subject:** Provincial Planning Statement Transition Regulation ERO Submission**Date:** October 4, 2024**To:** Planning and Economic Development Committee**From:** Lindsey Morin, Senior Planner

As indicated in Memorandum CWCD 2024-140, on August 20, 2024, the Minister of Municipal Affairs and Housing announced the release of the new [Provincial Planning Statement, 2024](https://news.ontario.ca/en/release/1004950/ontario-giving-municipalities-the-tools-they-need-to-get-more-homes-built-faster) (PPS 2024) (<https://news.ontario.ca/en/release/1004950/ontario-giving-municipalities-the-tools-they-need-to-get-more-homes-built-faster>). The PPS 2024 will replace the Provincial Policy Statement, 2020 and a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and will take effect October 20, 2024.

With the release of the new PPS 2024, the Province also launched a consultation on the [Environmental Registry of Ontario \(019-9065\)](https://ero.ontario.ca/notice/019-9065) (<https://ero.ontario.ca/notice/019-9065>) regarding a potential transition regulation under the *Planning Act* to facilitate implementation of the PPS 2024. The authority to make a transition regulation was introduced through Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which received Royal Assent June 8, 2023. Through the consultation, the Province was seeking feedback on whether there are any specific matters or types of matters in process that should be addressed through the transition regulation (e.g. development applications or planning matters under appeal).

Niagara Region's submission (Appendix 1) requests that several in-process planning matters in Niagara be transitioned under the current policy framework. The first is the Glendale Secondary Plan Update, which is a coordinated effort between Niagara Region and the Town of Niagara-on-the-Lake. Draft policies and schedules have been completed and published for public review and consultation. A statutory public meeting is scheduled for October 15, 2024, and it is anticipated that Town Council will consider adoption in November or December this year. Given that this work is nearing completion, Niagara Region and the Town of Niagara-on-the-Lake jointly request that the secondary plan update be transitioned under the current policy framework to avoid further delays and costs associated with revisiting the work completed over the last two (plus) years.

The second matter which Niagara Region requests to be addressed in the transition regulation is three ongoing appeals currently before the Ontario Land Tribunal: one appeal of OPA 63, Smithville Master Community Plan, West Lincoln from JTG Holdings Ltd / Phelps Homes Ltd. (OLT-23-000470) and two appeals of OPA 147, Implementation of the City of Niagara Falls Employment Lands Strategy Niagara Falls from Cytex Canada Inc. & 2610823 Ontario Inc. (OLT-23-000937).

OPA 63 was adopted by West Lincoln Council on August 11, 2022, and modified and approved by the Region on April 20, 2023. Regional Council provided direction on the appeal through Confidential Report PDS 15-2023 and resolution to the appeal has been proceeding through mediation since August 2023. Given that all other aspects of OPA 63 were resolved under the current policy regime, the Niagara Region and Township of West Lincoln jointly request that the remaining elements of OPA 63 also be addressed under the current framework for both consistency and alignment with Council direction.

OPA 147 was adopted by Niagara Falls Council on April 18, 2023, and modified and approved by the Region on April 18, 2023. Regional Council provided direction on the appeals through Confidential Reports PDS 11-2024 and PDS 36-2023. OPA 147 is a complex appeal involving multiple parties and covering distinct parcels of land. Niagara Region and Niagara Falls jointly request that the two OPA 147 appeals be transitioned under the current policy framework to avoid the unnecessary time and cost associated with preparing revised procedural orders and issues lists which would ultimately delay decision-making.

Further, transition of all the above planning matters would enable development to proceed more expeditiously and support the intent of the new PPS 2024 to facilitate the construction of 1.5 million homes by 2031.

Respectfully submitted and signed by

Lindsey Morin, MCIP, RPP
Senior Planner

Appendix 1 – Niagara Region Submission on ERO 019-9065

Sent via e-mail: growthplanning@ontario.ca

October 4, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
13th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Subject: Niagara Region Comments – ERO 019-9065
Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act

Thank you for the opportunity to comment on transitional matters associated with implementation of the new Provincial Planning Statement, 2024 (PPS 2024). The following planning matters have been identified by Niagara Region staff, in consultation with local planning staff, for the Ministry's consideration for inclusion in a transition regulation:

Glendale Secondary Plan Update

Since May 2022, Niagara Region and the Town of Niagara-on-the-Lake have coordinated to prepare an update to the Glendale Secondary Plan, which includes lands bounded by Queenston Road to the north, Concession 7 Road to the east, the Niagara Escarpment to the south and Homer Road to the west within the Town of Niagara-on-the-Lake.

The Niagara Region Official Plan, 2022 identifies this area as a 'strategic growth area' and provides policy direction that supports the creation of a complete, vibrant mixed-use community, including the development of high density residential uses, as well as employment, commercial, and recreational uses.

Several technical studies have been completed to support the Glendale Secondary Plan update, including infrastructure, natural heritage/subwatershed, employment lands, urban design, and financial impact studies. Draft policies and schedules have been completed and published for public review and consultation. A statutory public meeting is scheduled for October 15, 2024, with Town Council adoption anticipated for November or December of this year.

The revised policy regime introduced by the new PPS 2024 would require that the project be delayed further for review and may also incur additional costs for the preparation of revised policies, schedules and background materials. Specifically, the review would need

to include a re-evaluation of the proposed “Industrial/Business Park” designation, which conforms to current policies for “employment areas” within the Niagara Region Official Plan, 2022. Land use permissions for the Industrial/Business Park include a mixture of light industrial, warehousing, office, institutional and limited commercial uses, which are intended to recognize existing employment generating land uses in the area and build upon the accessibility and visibility attributes of these lands in proximity to the Glendale Avenue interchange along the QEW, the Canada/US border and the abutting Niagara College campus.

Without transition regulations in place, the review of these matters may further delay development within this strategic growth area from moving forward.

Planning Matters under Appeal

Niagara Region staff request that ongoing appeals at the Ontario Land Tribunal be transitioned under the current policy framework to avoid further delays to decision making and associated costs to all parties. Councils made decisions on these files and the implementation instruments were adopted prior to the PPS 2024. Transitioning the appeals will enable development to proceed more expeditiously and support the intent of the PPS 2024 to facilitate the construction of 1.5 million homes by 2031.

Specifically, staff request that the following three appeals be transitioned under the current policy framework:

1. Appeal of OPA 63, Smithville Master Community Plan, West Lincoln by JTG Holdings Ltd / Phelps Homes Ltd. (OLT-23-000470)

West Lincoln OPA 63 sets the land use vision for the Smithville Master Community Plan area. OPA 63 was adopted by West Lincoln Council on August 11, 2022, and modified and approved by the Region on April 20, 2023.

The Appellants of OPA 63 own certain lands within the Smithville Master Community Plan area. Two partial settlements have been reached on revised policies, which have resulted in substantial scoping of the appeal to only the natural heritage policies applicable to those lands owned by the Appellants. The second partial settlement also set out a process to adjourn the appeal to allow the Appellants to complete Environmental Impact Study field work. The policies in OPA 63 are now in force, with the exception of the remaining site specific matters.

Resolution to the appeal has been proceeding through mediation since August 2023, and a significant amount of time and effort has been invested by all parties. If the appeal is not transitioned, more time will need to be invested by the parties to

rechart the remaining process established through the second partial settlement. Regional staff request that this file be transitioned, given these foreseen delays and for consistency given that all other aspects of OPA 63 were resolved under the current policy regime.

2. Two Appeals of OPA 147, Implementation of the City of Niagara Falls Employment Lands Strategy Niagara Falls by (1) Cytex Canada Inc. and (2) 2610823 Ontario Inc. (OLT-23-000937)

Niagara Falls OPA 147 updates existing policies and introduces new policies within the City of Niagara Falls Official Plan regarding Employment Areas and employment lands to implement the recommendations of the City of Niagara Falls Employment Lands Strategy and to bring sections of the City's Official Plan that the Amendment affects into conformity with the Niagara Region Official Plan, 2022. OPA 147 was adopted by Niagara Falls Council on April 18, 2023, and modified and approved by Niagara Region Council on August 9, 2023. This is a complex appeal involving multiple parties and covering distinct parcels of land within OPA 147.

The first appeal was filed by Cytex Canada Inc., owners of an industrial facility in the vicinity of Special Policy Area 87 within OPA 147. The Appellants assert that OPA 147 does not conform to Niagara Official Plan policy 4.2.1.4. There is a concurrent appeal of the site-specific Zoning By-law Amendment application filed by the owner of the land within Special Policy Area 87, municipally addressed as 9304 McLeod Road (OLT-23-000906) that the OLT has ordered will be heard concurrent to OPA 147 (<https://www.omb.gov.on.ca/e-decisions/OLT-23-000937-AUG-07-2024.DOCX>). Tribunal matters are ongoing, and a changing policy regime would delay a resolution of the appeal.

The second appeal was filed by 2610823 Ontario Inc., who owns lands municipally addressed as 8970 and 9015 Stanley Avenue, which were designated by OPA 147 as Employment Area in conformity with the policies and mapping of the Niagara Official Plan, 2022. There are concurrent appeals of the site-specific Official Plan and Zoning By-law Amendment applications (OLT-24-000393 and OLT-24-000394) that the OLT has ordered will be heard concurrent to OPA 147 (<https://www.omb.gov.on.ca/e-decisions/OLT-23-000937-AUG-07-2024.DOCX>).

A revised policy regime would require that all parties expend unnecessary time and cost to prepare revised procedural orders, issues lists and/or renegotiate any consensus achieved through mediation. This will result in delayed decision making on the appeals.

Thank you again for the opportunity to comment on this proposal. If you require further details or have any questions about this submission, please contact Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability at Angela.Stea@niagararegion.ca or 905-980-6000 x3518.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A. Stea', is written over a horizontal line.

Signed by Angela Stea on behalf of
Michelle Sergi, MCIP, RPP
Deputy Chief Administrative Officer
Niagara Region