



TOWNSHIP OF WEST LINCOLN
ALL COMMITTEES MEETING (INCLUDING PUBLIC MEETINGS)
AGENDA

MEETING NO. NINETEEN

Monday, December 9, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Pages

1. CHAIR - Mayor Cheryl Ganann

Prior to commencing with the All Committees (Including Public Meetings) meeting agenda, the Mayor will note the following:

1. Comments from the public for a matter that on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either:
 1. emailing jpayscale@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and be part of the public record; OR,
 2. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. Tonight's Council Meeting will be livestreamed as well as recorded and available on the Township's website

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The

Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. PUBLIC MEETING

3.1 1985 Hodgkins Road – Carrie-Jo TeBrake (Niagara Planning Consultants, Jeremy Brown –Agent)

An application for a Zoning Bylaw Amendment has been made to rezone the property legally described as Concession 5, Part Lot 9, 30R3189 PARTS; 5, 6 & 7, in the former Township of Gainsborough now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 1985 Hodgkins Road.

File No.1601-012-24

4. CHANGE IN ORDER OF ITEMS ON AGENDA

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

6. APPOINTMENTS

There are no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Procedural By-law Section 10.13(5) – 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.

8. CONSENT AGENDA ITEMS

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

8.1 CONSENT AGENDA ITEMS:

There are no Consent Agenda Items

9. COMMUNICATIONS

9.1 Councillor William Reilly

Re: A reliable Niagara Region Transit Expansion of Localized Transit Services into the Township of West Lincoln

RECOMMENDATION:

WHEREAS The Township of West Lincoln has secured a recent urban boundary expansion;

WHEREAS The Township of West Lincoln is expecting unprecedented growth;

WHEREAS the population of The Township of West Lincoln is approximately 16,500, and is expected to grow to over 39,000 by 2051;

WHEREAS the largest portion of that growth will be in Urban Centre of Smithville;

WHEREAS The Township of West Lincoln is the largest municipality by geographic area in the Niagara Region;

WHEREAS it was agreed upon by local area municipalities and the Regional Municipality of Niagara, through the Triple Majority process in the establishment of the Niagara Transit Commission and in the adoption of the Niagara Service Standards Strategy, that Niagara Transit would plan for and work towards all local municipalities receiving transit services fairly and equitably;

WHEREAS there is a growing demand from West Lincoln residents for local transit services;

WHEREAS The Township of West Lincoln's growing commercial, industrial, and agricultural industries offer stable and reliable employment opportunities at competitive wages where a reliable and routinely planned transit system could connect job seekers from all across The Region of Niagara.

WHEREAS Small businesses located in West Lincoln including but not limited to; restaurants, shopping centres, leisure & recreation industries, and specialized professional services being the core of every developing community would benefit from a reliable and routinely planned local transit system;

WHEREAS Niagara Region & the Province of Ontario are the economical drivers in our community and they rely on transit to commute;

WHEREAS many of the residents who are moving to West Lincoln are accustomed to utilizing local transit;

THEREFORE, BE IT RESOLVED The Township of West Lincoln Council requests that the Niagara Transit Board provide, through the 2025 Transit Master Plan process, a local transit plan for West Lincoln that includes:

- A plan for local transit for West Lincoln which includes commingled specialty services and/or the addition of networked conventional service based on warrant, demand and ridership;

and

- Notice of any corresponding increase in service hours and the cost for the local municipality through the budget process when and if additional local services are planned; and
- A timeline for the introduction of any local service enhancement; and
- That a copy of the final 2025 Transit Master Plan be brought by Niagara Transit staff to a future local council or committee meeting

10. STAFF REPORTS

10.1 Planning/Building/Environmental Committee

1. Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner Madyson Etzl 1
Re: Recommendation Report PD-56-2024 - Application for Zoning Bylaw Amendment – 1985 Hodgkins Road

RECOMMENDATION:

1. That, Recommendation Report PD-56-2024, titled “Recommendation Report- Application for Zoning Bylaw Amendment- 1985 Hodgkins Road (File No. 1601-011-24)”, dated December 9th 2024, be received; and,
 2. That, the application for Zoning Bylaw Amendment for 1985 Hodgkins Road, be approved in accordance with the attached Zoning By-law Amendment; 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.
2. Acting Director of Planning and Building (Gerrit Boerema) and CAO (Truper McBride) 19
Re: Update Recommendation Report PD45-2024 - Service Level Agreement (SLA) Further Research

RECOMMENDATION:

1. That, Recommendation Report PD-45-2024, titled “ Service Level Agreement (SLA) Further Research”, dated December 9, 2024 be received; and,
 2. That, Council supports the signing of an agreement with the Niagara Regional to assist with the provision of limited professional planning services for not more than two years after the date of proclamation (March 31, 2025); and,
 3. That, the CAO be authorized to sign the two year (maximum) agreement on behalf of the Township following the date of provincial proclamation of the

Region no longer being a planning approval authority, with a one-year notice period to leave the agreement; and,

4. That, Council directs Administration to develop and recommend to Council a service delivery model to support local delivery of planning services currently supported by Region of Niagara, by the end of 2025.
3. Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner (Madyson Ettl) 46
Re: Recommendation Report PD-57-2024 - Recommendation Report – Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road

RECOMMENDATION:

1. That Recommendation Report PD-57-2024, titled “Recommendation Report – Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No. 1601-011-24)” dated December 9th 2024, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That, the application for Zoning By-law Amendment submitted by Upper Canada Consultants be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws.

10.2 Administration/Finance/Fire Committee

1. Director of Legislative Services/Clerk (Justin Paylove) 136
Re: Recommendation Report C-06-2024 - Delegated Authority By-law

RECOMMENDATION:

1. That, Recommendation Report C-06-2024, titled “Delegated Authority By-law” dated December 9, 2024 be received; and,
2. That, a By-law such as the draft By-law attached as Schedule “A” to this report be approved.

2. Director, Corporate Services/CFO (Katelyn Repovs) 143
Re: Recommendation Report T-25-2024 - Consolidated User Fees and Charges By-Law and 2025 User Fees and Charges

RECOMMENDATION:

1. That, Recommendation Report T-25-2024, titled “Consolidated User Fees and Charges By-Law and

2025 User Fees and Charges”, dated December 9, 2024, be received; and,

2. That, Schedule “A”, attached to this Report, outlining the Consolidated Schedule of Fees and Charges, be approved with an effective date of January 1, 2025 (unless otherwise indicated); and,
3. That, Schedule “B”, outlining the Consolidated User Fees and Charges By-Law 2024-82, be approved, with an effective date of January 1, 2025.

3. Acting Fire Chief (Tim Hofsink) 169
Re: Information Report WLFD-15-2024 - Monthly Update – November 2024

RECOMMENDATION:

That, Information Report WLFD-15-2024 titled “Monthly Update – November 2024”

dated December 9th , 2024, be received for information.

10.3 Public Works/Recreation Committee

1. Coordinator of Engineering Services (Jennifer Bernard) and Director of Public Works & Recreation (Mike DiPaola) 173
Re: Recommendation Report PW-29-2024 - Concession 3 Road – Land Transfer Declaration as a Public Highway

RECOMMENDATION:

1. That, Recommendation Report PW-29-2024 titled, “Concession 3 Road – Land Transfer Declaration as a Public Highway”, dated December 9, 2024, be received; and
2. That, a By-law be passed to declare Parts 3, 4, 5 and 6 on Reference Plan No. 30R-16266 on Concession 3 Road as Public Highway.

2. Manager of Operations (Tray Benish) and Director of Public Works and Recreation (Mike DiPaola) 177
Re: Recommendation Report PW-30-2024 - CLI-ECA Update – Operations and Maintenance Manuals Budget Amendment and Delegation of Authority

RECOMMENDATION:

1. That, Recommendation Report PW-30-2024, titled “CLI-ECA Update – Operations and Maintenance Manuals Budget Amendment and Delegation of Authority”, dated December 9th , 2024 be received; and,
2. That, Budget Amendment BA2024-13 for an amount of \$60,000, funded through the Capital Reserve in the amount of \$30,000 and the Sewer Reserve in the amount of \$30,000, be approved by Council; and,

3. That, Council delegates authority to Administration to sign future CLI-ECA applications.
3. Project Manager (Ray Vachon) and Director of Public Works and Recreation (Mike DiPaola) 181
Re: Information Report PW-25-2024 - 2024 Capital Project Completion Update

RECOMMENDATION:

1. That, Information Report PW-25-2024 titled “2024 Capital Project Completion Update”, dated December 9, 2024, be received for information.

11. OTHER BUSINESS

- 11.1 Members of Committee
- 11.2 Members of Council

12. NEW BUSINESS

13. CONFIDENTIAL MATTERS

There are no confidential matters.

14. ADJOURNMENT

DATE: December 9, 2024

REPORT NO: PD-56-2024

SUBJECT: **Recommendation Report- Application for Zoning Bylaw Amendment – 1985 Hodgkins Road (File No. 1601-012-24)**

CONTACT: Gerrit Boerema, Acting Director of Planning & Building
Madyson Etzl, Senior Planner

OVERVIEW:

- A Zoning Bylaw Amendment application for was submitted by Jeremy Brown (Agent) on behalf of Carrie and Dwight TeBrake for the property municipally known as 1985 Hodgkins Road (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 B08/2024WL, which was conditionally approved by the Township’s Committee of Adjustment on September 25th 2024 through Committee of Adjustment [Report COA-35-2024](#).
- The Surplus Farm Dwelling Severance application severed a dwelling and a barn with 0.63 hectares of land from a 21.2-hectare farm parcel.
- As a condition of consent, the severed residential parcel is required to be rezoned from Agricultural to Rural Residential with a site specific provision recognizing an existing accessory barn with an area of 136 square metres where 120 metres is the permitted maximum, and to permit a reduced front yard setback to the accessory barn of 2.89 metres where accessory buildings shall be located in line with or behind the main building on the property, which on this property is a setback of 46.6 metres.
- The retained farmland is also required to be rezoned from Agricultural to Agricultural Purposes Only with a site specific exception to recognize a deficient lot area of 21.2 hectares whereas 39 hectares is the minimum and to recognize a deficient interior side yard setback to an existing agricultural building on the lands of 6.7 metres whereas 15 metres is required.
- 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-56-2024, titled “Recommendation Report- Application for Zoning Bylaw Amendment- 1985 Hodgkins Road (File No. 1601-011-24)”, dated December 9th 2024, be received; and,
2. That, the application for Zoning Bylaw Amendment for 1985 Hodgkins Road, be approved in accordance with the attached Zoning By-law Amendment; 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:

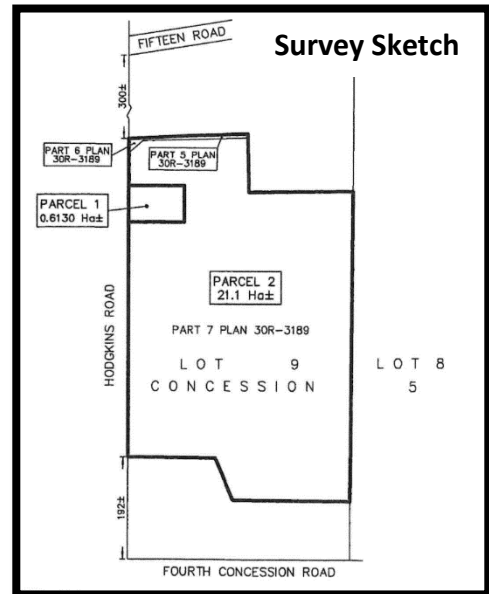
Theme #2 & #3

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

BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Jeremy Brown (Agent of Niagara Planning Consultants) on behalf of Carrie and Dwight TeBrake (Owners) for the property municipally known as 1985 Hodgkins Road, located north of Concession 4 Road and east of Hodgkins Road. (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 B08/2024WL, that was conditionally granted approval by the Committee of Adjustment on September 25th 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-35-2024](#) provides a full planning policy review of the consent application. A full review of the zoning amendment against applicable policies can be found below.



CURRENT SITUATION:

Provincial Policy Statement (2024), Niagara Official Plan & Township Official Plan

The Provincial Planning Statement 2024 (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

The PPS permits 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. The PPS document requires 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.

Both the Niagara Official Plan (NOP) and Township Official Plan (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 and ensure long-term agricultural operations continue on the lands and no new residential uses are established.

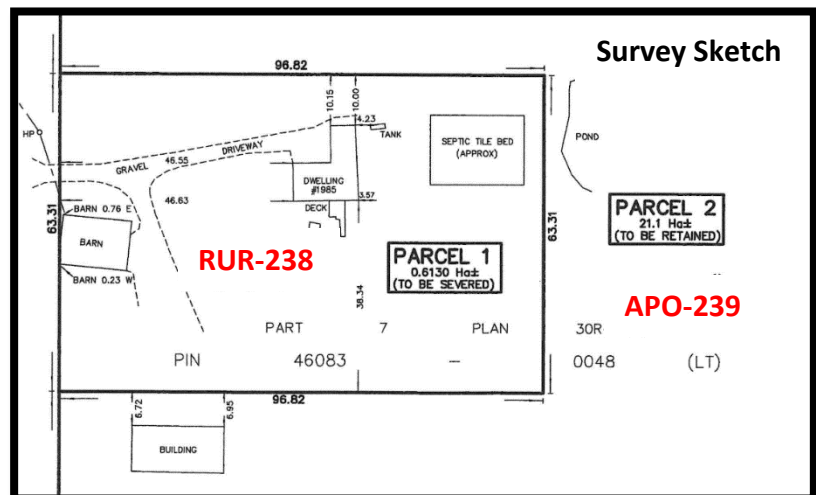
Greenbelt Plan

The subject property is not located within the Greenbelt Plan area and therefore only the Provincial Planning Statement applies.

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 (B08/2024WL), 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 the 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-238' with site specific provisions recognizing an accessory barn being 136 square metres in size whereas 120 is the permitted maximum. The rezoning will also permit a front yard setback to the accessory barn of 2.89 metres where accessory buildings shall be located in line with or behind the main building on the property, which has a setback of 46.6 metres. While the barn is not a designated heritage building, it is over 100 years old and has value to the property owners. The barn is currently located partially on the Township's Right of Way, but is proposed to be moved 3 metres east onto the rural residential lot.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-239', with a site specific provision to recognize the deficient lot size, being approximately 21.1 hectares, whereas Table 12 in

Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. The rezoning will also permit a deficient side yard setback to an existing agricultural building of 6.72 metres whereas 15 metres is required.

Based on Administration staff's review, 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 November 6th 2024, and a notice of the hearing was also posted to the Township's website.

The Niagara Peninsula Conservation Authority provided comments on November 22nd 2024 and state that they have no objections to the proposed application.

The Niagara Region provided comments on November 11th which stated that as per 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.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on November 6th 2024. In addition, a yellow sign was posted on the property on November 7th. 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 1985 Hodgkins Road 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- Application Letter
3. Schedule C- Site Sketch

- 4. Schedule D- Agency Comments
- 5. Schedule E- Bylaw

Prepared & Submitted by:

Madyson Ettl
Senior Planner

Approved by:

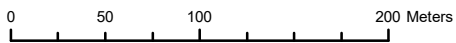
Truper McBride
CAO

Reviewed and Approved by:

Gerrit Boerema, MCIP, RPP
Acting Director of Planning & Building





Location Map
1985 Hodgkins Road



West Lincoln

Your Future Naturally
Page 6 of 191

Legend

-  ZoneBoundary
-  Subject Property

1985 Hodgkins Road - Zoning By-Law Amendment

Owner Information

Owner's Names: Carrie and Dwight teBrake

Owner's Phone Number: 905 899 2424

Owner's Email #1: carriejotb@gmail.com

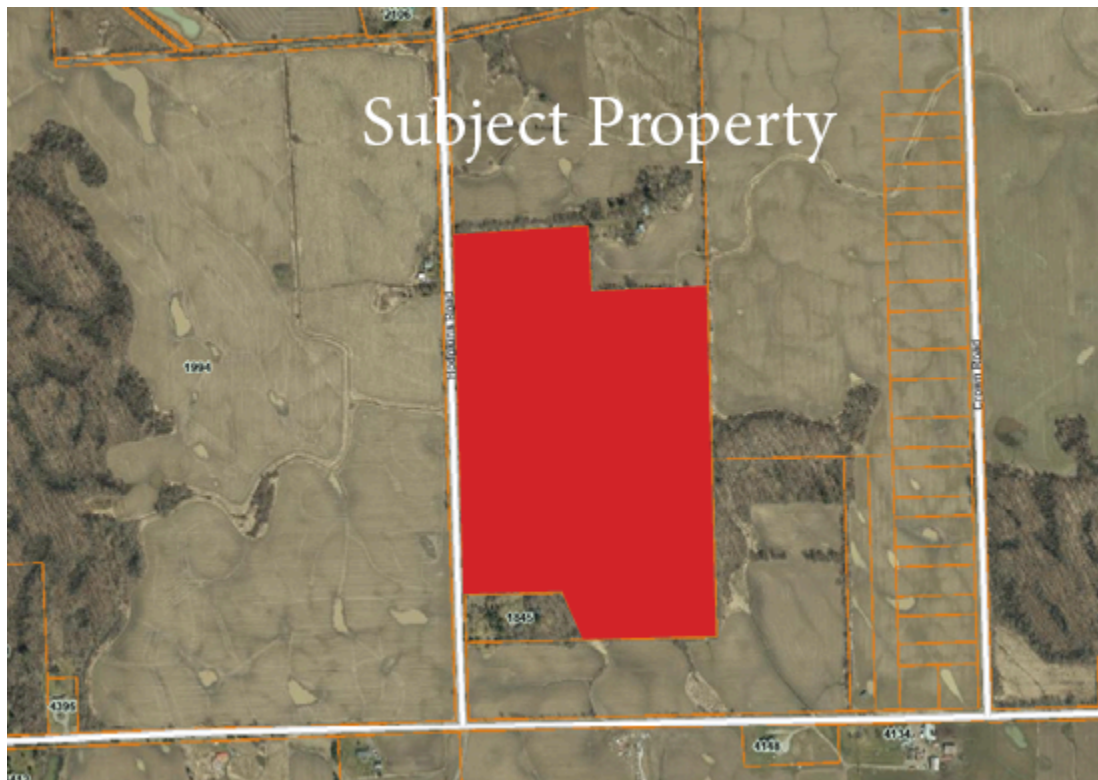
Subject Property Description:

Address: 1985 Hodgkins Road, West Lincoln

ARN: 260202000509400

Legal Description: CON 5 PT LOT 9 30R3189 PARTS;5 6 & 7

Zoning: Agricultural

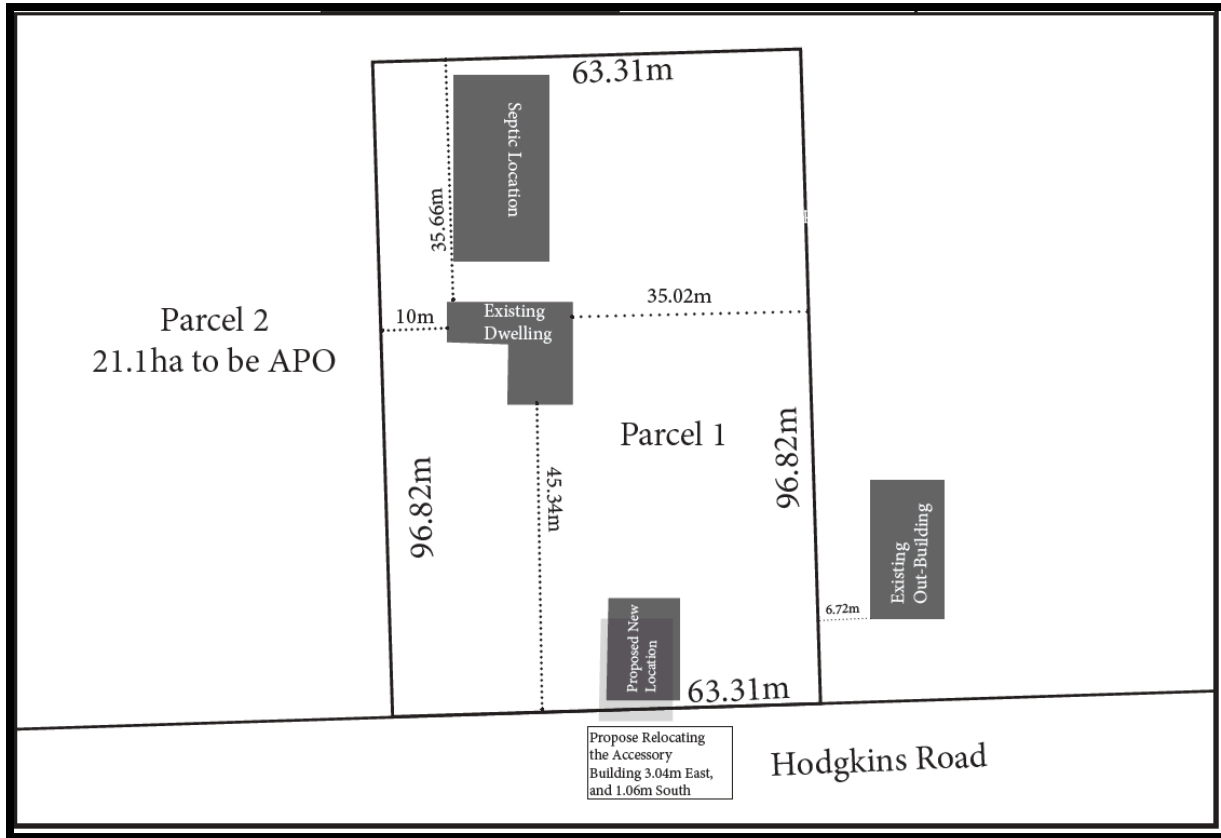


Application Summary

The owners of the subject property are intending to complete a Surplus Farm Dwelling Severance. The proposed 21.1 Hectare farm lot that is to be retained by the owner will be used to further their farm operations, and will be rezoned to “Agricultural Purposes Only”. While the residential lot of 0.613 Hectare (1.51 Acre) residential property will be sold to help offset the cost of purchasing the land. The owners are current members in good standing with the Christian Farmers Federation of Ontario. We are proposing the following Zoning Amendments to the subject property:

1. The current owners are planning to sell the rural residential lot to the current tenants of the dwelling. On September 25th, the Committee of Adjustments approved the Surplus Farm Dwelling Severance as proposed (1.51 Acres), and now as condition of the approval we require the rezoning of the two parcels to align with the West Lincoln Official Plan and Niagara Region Official Plan (the retained Agricultural lands must be designated Agricultural Purposes Only).
 2. Also proposed in the Zoning By-Law Amendment is an amendment to West Lincoln’s Zoning By-Law s.3.1, Table 1.1, Accessory Structure Interior Side Yard Setback on Agricultural Lands. The steel clad building is 6.72m from the newly created Rural Residential Lot line, and a minimum of 7.5m is required. We are requesting a relief of 0.78m for the interior side yard setback of the steel clad building.
 3. Lastly, after the Committee of Adjustment hearing on September 25th to approve the Consent application, through testimony of Benjamin Hage, it was discovered that the existing barn may pre-date the Hodgkins road allowance, and by-law. After the committee hearing, we had a meeting with West Lincoln planning staff where it was decided that the barn would be able to be retained on the newly created Rural Residential lot. With the condition that it be moved off the front lot line, and that the new location be approved in the Zoning By-Law Amendment, with language of the approval stating that the use of the Barn shall only be Residential in nature. We are proposing to move the barn by 3.04m away from the front boundary, which would create a front yard setback of 2.81m from the front boundary.
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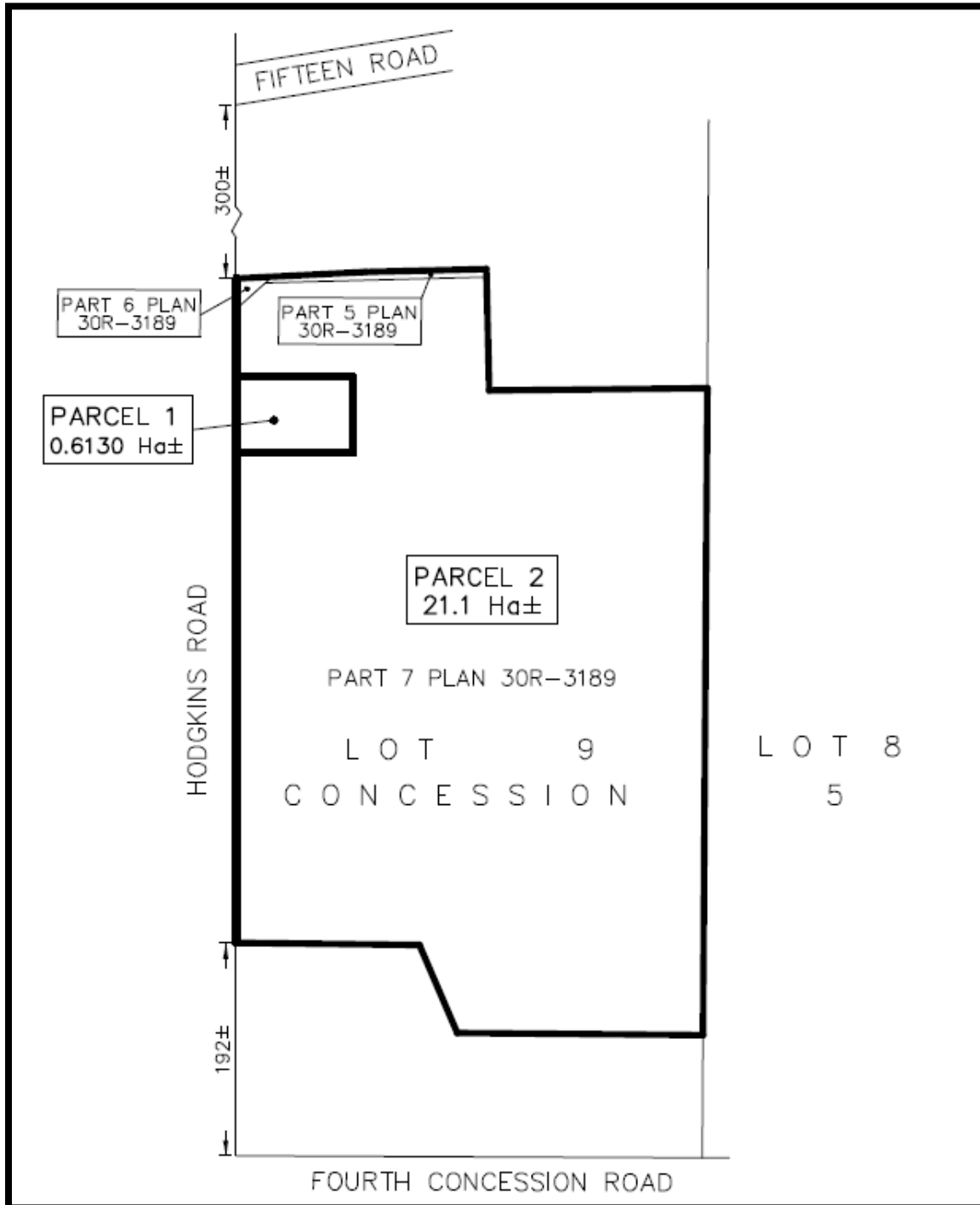
Proposed RuR Zoning - Sketch With Proposed Barn Location



Proposed RuR Zoning - Sketch with Satellite Overlay



Proposed APO Zoning Parcel 2



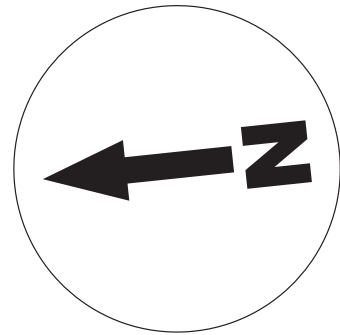
Should you have any questions regarding the contents of this letter, please contact Jeremy Brown at (905)-246-1423.

Jeremy Brown - Owner of Niagara Planning Consultants

Design Review:
Revision 1 - October 18, 2024

SUBJECT PROPERTY:
1985 Hodgkins Road,
West Lincoln, Ontario, L0R 1Y0
CON 5 PT LOT 9 30R3189 P
ARTS;5 6 & 7
ARN: 260202000509400

 NIAGARA
Planning
Consultants
(905)-246-1423 219 St. Catharines St.
info@niagarapc.ca Smithville, ON
L0R 2A0, PO BOX 791

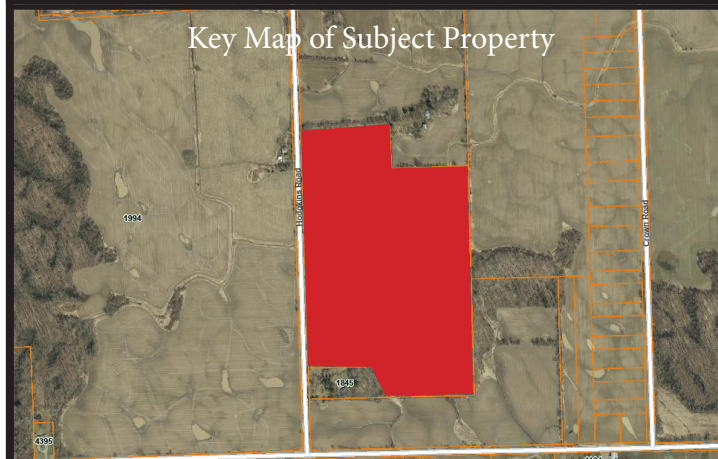
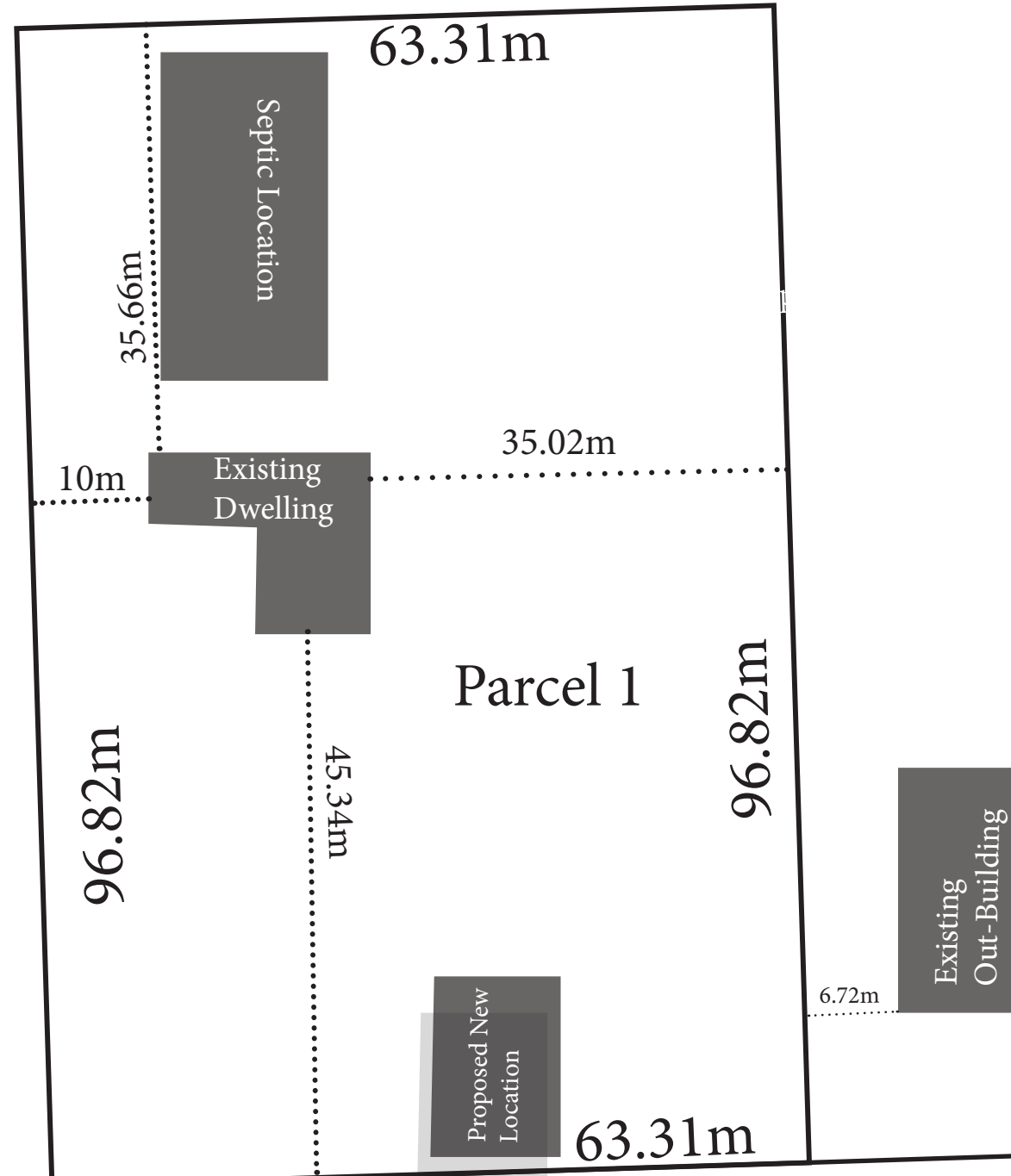


Scale: 1" = 13.7m
Scale to 11x17 Paper

Proposed Sketch of Barn Relocation
for Approval by West Lincoln Council

Subject Property Area: 0.613ha
Existing Zoning: Agricultural
Proposed Zoning: Rural Residential

Parcel 2
21.1ha to be APO



Hodgkins Road

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: November 13, 2024 9:03 AM
To: Madyson Ettl
Subject: RE: Notice of Public Meeting- 1985 Hodgkins Road

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Madyson Ettl <metzl@westlincoln.ca>
Sent: Wednesday, November 6, 2024 1:53 PM
To: ann-marie.norio@niagararegion.ca; clark.euale@ncdsb.com; 'Paige Pearson' <ppearson@npca.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; Notifications <Notifications@enbridge.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; 'Development Planning Applications' <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; consultations@metisnation.org; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; executivedirector@nrnc.ca; ExecutiveDirector@fenfc.org; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; megan.devroes@mncfn.ca; DL-Council Members <DL-CouncilMembers@westlincoln.ca>
Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; Paul Nickerson <pnickerson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Barb Hutchinson <BHutchinson@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Truper McBride <tmcbride@westlincoln.ca>
Subject: [External] Notice of Public Meeting- 1985 Hodgkins Road

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

Please find attached the above mentioned notice for - 1601-012-24- –Zoning Bylaw Amendment – 1985 Hodgkins Road

This public meeting will be held on Monday **December 9th 2024**

Comments would be appreciated by **November 25th 2024**

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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THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024- 71

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 'D9' to Schedule A to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 1985 Hodgkins Road, legally described as Concession 5, Part Lot 9, 30R3189, Part 5, 6 and 7, 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 'D9' 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-238)
3. That, Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

RUR-238

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the RUR zone except:

- a) To recognize an accessory barn to be 136 square metres in size
- b) To recognize a front yard setback of 2.89 metres to the accessory building.

4. That, Map 'D9' 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-239)
5. That, Part 6 of Zoning By-law 17-70, as amended, is hereby amended by adding the following to Part 13.2:

APO-239

Permitted Uses:

As per the parent zone

Regulations

All regulations of the APO zone except

- a) A minimum lot area of 21.2
- b) An interior side yard setback of 6.72 to an existing agricultural barn.

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
9th DAY OF DECEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-71

Location:

This By-law involves a parcel of land legally known as 1985 Hodgkins Road, legally described as Concession 5, Part Lot 9, 30R3189, Part 5, 6 and 7, 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.

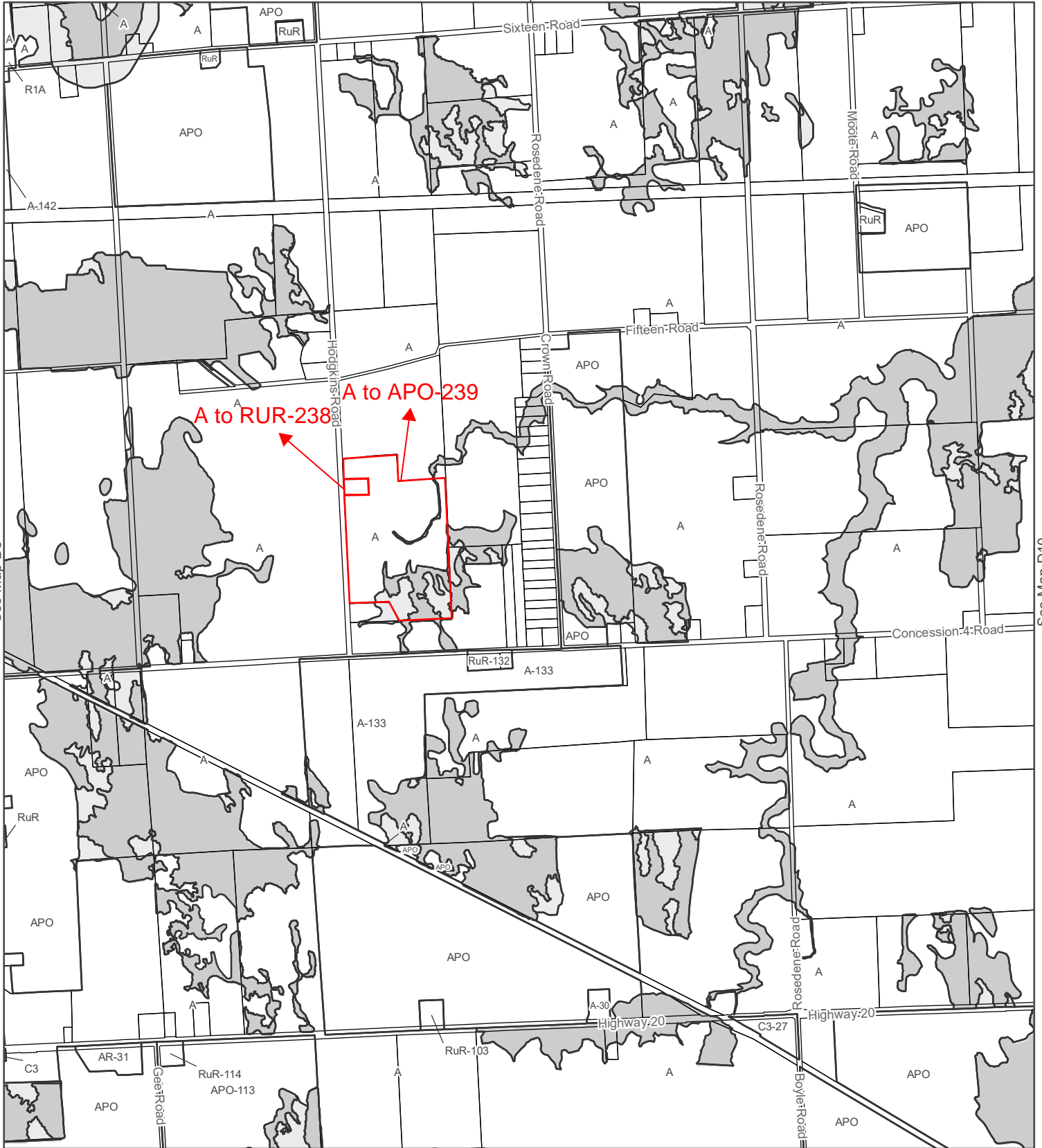
Purpose & Effect:

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural 'A' zone to Rural Residential 'RuR-238' with site specific provisions recognizing an accessory barn larger than what's required at a total size of 136 square metres, and to recognize a deficient front yard setback of 2.89 metres to the accessory building. The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-239, with a site specific provision to recognize the deficient lot size, being approximately 21.02 hectares whereas Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. As well as recognizing a deficient side yard setback to an existing agricultural building of 6.72 metres.

Public Consultation:

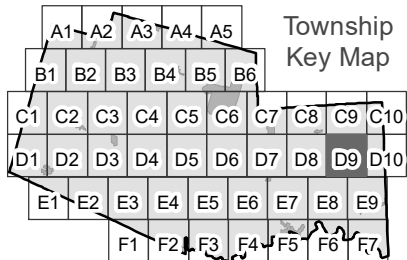
The Public Meeting was held on December 9th 2024. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the amending bylaw.

File: 1601-012-24
Applicant: Tebrake, Jeremy Brown (Agent)

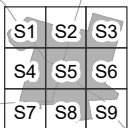


See Map D8

See Map D10



Smithville Key Map



- 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

D9

1:20,000

 0 500 m
 Last Updated: July 2019



DATE: December 9, 2024

REPORT NO: PD-45-2024

SUBJECT: **Service Level Agreement (SLA) with the Niagara Region**

CONTACT: Gerrit Boerema, Acting Director of Planning & Building
Truper McBride, CAO

OVERVIEW:

- In November of 2022 the Province passed Bill 23 which amended various provisions of the Planning Act including the removal of Planning authority from the Niagara Region and downloading that responsibility to the lower municipalities on a future date.
- In early November 2024, the Province notified the Township that the Niagara Region would no longer have planning authority as of March 31st, 2025, however, the Province will continue to work with the Regional Planning Staff through a memorandum of understanding to continue the review of local Official Plan Amendments and updates
- Administration has brought forward a number of reports to Council on the continuation of planning services through a Service Level Agreement with the Region, most recently on August 12, 2024 through [Planning Report PD-36-2024](#).
- This report was referred back to Administration to provide Committee and Council with more information regarding the services the Township requires and the cost of these services compared to retaining professionals from the private sector.
- Based on the current model of planning services, the Township relies on the Region for natural environment and stormwater management review.
- Administration has further reviewed the costs of services of the Region compared to services that could be provided by the private sector, as well as costs to do this work internally for Committee and Council's consideration.
- Based on Administration's review, entering into the Service Level Agreement with the Region for natural environment review is the most cost effective and streamlined approach as they currently provide those services to the Township.
- Administration is recommending to Council that the Service Level Agreement be signed for a period of no more than two years, and at any given time during the two years if Administration or Council are not satisfied with the services being provided, the agreement can be terminated with one year's notice (previously 18 months notice).
- Administration additionally recommends that a long term planning service model be prepared and presented to Committee and Council in late 2025 to provide strategies for natural environment review to be done following the completion of the regional agreement.

RECOMMENDATION:

1. That, Recommendation Report PD-45-2024, titled “Service Level Agreement (SLA) with the Niagara Region”, dated December 9, 2024 be received; and,
2. That, Council supports the signing of an agreement with the Niagara Regional to assist with the provision of limited professional planning services for not more than two years after the date of proclamation (March 31, 2025); and,
3. That, the CAO be authorized to sign the two year (maximum) agreement on behalf of the Township following the date of provincial proclamation of the Region no longer being a planning approval authority, with a one-year notice period to leave the agreement; and,
4. That, Council directs Administration to develop and recommend to Council a service delivery model to support local delivery of planning services currently supported by Region of Niagara, by the end of 2025.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Strategic Responsible Growth**

BACKGROUND:

Planning roles and functions in the Niagara Region has remained very similar over the past two decades with the lower tier municipalities having most planning approvals delegated from the upper tier Regional municipality. The Region has mainly provided additional review as well as Official Plan approvals on behalf of the Province. However, in November 2022 the Province passed Bill 23 which included changes to the Planning Act including removing the planning authority from certain Region municipalities, including the Niagara Region, and download those responsibilities to the lower tier municipalities. The date for the removal of planning authority has recently been announced by the Province and is set for March 31st, 2025.

While the Township Planning Department is capable of delivering most of the planning services that were also provided by the Region, there is one area where the Township does not currently have the expertise to provide planning services, namely, natural environment review. The Township receives approximately 5-10 environmental impact studies per year which are sent to the Region for review and comment.

Administration had prepared and presented two previous reports to Committee and Council on October 10, 2023 being [Planning Report PD-50-2023](#), and more recently on August 12, 2024 being [Planning Report PD-36-2024](#) outlining an option to enter into an agreement with the Region to provide continued planning services. Both reports were referred back to staff to provide additional information including a comparison with services offered by the private sector.

CURRENT SITUATION:

The Township currently relies on the Region to provide comments with respect to natural environment review since they have qualified staff in that area. Specifically the Region provides the Township with assistance through site visits, scoping and review of Environmental Impact Studies, establishment of environmental features and buffers, clarification of provincial environmental policy and mapping for both private development applications and Township initiated projects including our recent urban boundary expansion project (OPA 62 and 63).

In previous reports on the Shared Service Level Agreement, staff indicated the need for stormwater review in addition to natural environment review. The Region has qualified stormwater management experts including a stormwater engineer who currently provides the Township with stormwater management review. This review will continue to happen for development applications as per the Engineering Memorandum of Understanding that was supported by Council in November through [Public Works Report PW-28-2024](#). As such, stormwater management review will continue with the Region and does not need to be considered in the Service Level Agreement.

A full review has now been completed by Administration, comparing four different options for natural environment review:

1. Regional Service Level Agreement
2. Retain Private Sector Consultant
3. Hire new staffing resource
4. Train existing staff

The review included an evaluation of costs for each option. The Region of Niagara Service Level Agreement review fee for environmental services is based on their new 2025 user fee bylaw which is set to go to Regional Council on December 12th for approval. The costs for a third party consultant was an average of two separate environmental consulting firms who have done work in the Niagara Region and who would be willing to provide peer review services to the Township. Cost associated with hiring a new staff member is based on the approximate salaries and benefits of two neighbouring municipalities that have Environmental Planners on staff or have been budgeted for 2025. The costs associated with training existing staff is based on staff receiving a weeklong wetland evaluation training at Nipissing University in North Bay. This training is endorsed by the Ministry of Natural Recourses, but has a long waiting list.

Impacts on staffing, transition and efficiency, benefits and drawbacks have also been provided in the table below:

Evaluation Criteria	Regional Staffing Via SLA	Retain Private Sector Environmental Consultant	Hire Staff	Train Existing Staff
<i>Cost</i>	<ul style="list-style-type: none"> • \$555 Terms of Reference Fee • \$3,000 Total Major EIS Review • \$1,500 Total Minor EIS Review Fee (proposed 2025 fee) • Half Review fee for additional submissions • Applicant pays Region directly for service 	<ul style="list-style-type: none"> • \$1000-2000 Terms of Reference Review • \$2,500-4,500 Simple to Moderate EIS • \$4,500+ Complex EIS • ±1,000 per site visit • Total Costs \$3,500 - \$7,500+ • Fees charged for each submission • Bill back to applicant at no cost to the Township 	<ul style="list-style-type: none"> • ±\$120,000 / year • Offset in part by new Township EIS review fee depending on number of EIS submissions 	<ul style="list-style-type: none"> • ±\$5,000 per staff member • Offset in part by new Township EIS Review Fee depending on number of EIS submissions
<i>Staffing</i>	<ul style="list-style-type: none"> • Aligns with current staffing model with minimal Township staff time 	<ul style="list-style-type: none"> • Some additional administration time required to retain consultant and process bill backs. 	<ul style="list-style-type: none"> • Limited availability for qualified Environmental Planners • Township only processes between 5-10 environmental studies per year which may not currently justify a new full time position 	<ul style="list-style-type: none"> • Training would take approximately 1 year depending on course(s) schedules and availability • Would not be ready by March 31st 2025 • Limited staff time to take on additional work and potential to result in burnout through overtime use
<i>Transition & Efficiency</i>	<ul style="list-style-type: none"> • Review completed within 30 days • Current process therefore seamless transition 	<ul style="list-style-type: none"> • Review completed within 30 days • New process which would involve retaining an environmental 	<ul style="list-style-type: none"> • Providing full planning services in-house would take a number of months to establish, but long term would provide efficient 	<ul style="list-style-type: none"> • Due to course schedule and availability, a long transition period required. Full in-house services would be efficient over the long term,

		consultant and more involvement in bill backs	service delivery	however, there are existing constraints with staff time.
<i>Benefits</i>	<ul style="list-style-type: none"> Existing relationship with Qualified and Experienced Regional Staff Local knowledge and expertise Understanding of Regional and Local environmental Policy 	<ul style="list-style-type: none"> Option to retain multiple consulting firms to provide a quicker service delivery Qualified and experienced professionals 	<ul style="list-style-type: none"> Complete in-house planning services Availability to utilize resource for other environmental/climate change initiatives and projects 	<ul style="list-style-type: none"> Complete in-house planning services Stronger staff understanding of Natural heritage policies to be applied to various planning projects and applications
<i>Draw Backs</i>	<ul style="list-style-type: none"> Depends on number of applications across the Region Staff availability not in Township control 	<ul style="list-style-type: none"> Availability of consultants to complete review in timely fashion 	<ul style="list-style-type: none"> High cost to municipality Challenges with finding and retaining qualified professionals 	<ul style="list-style-type: none"> Current staffing limitations and time to complete training as well as take on additional responsibilities Base course has a long waiting list and only provides training in wetlands and not all areas of natural environment planning.

Based on the review completed, Administration is recommending that Township Council authorize a Service Level Agreement with the Region of Niagara to provide natural environment review to the Township for a period of two years. If the agreement is not working for either party, the agreement can be terminated with notice. The notice in the original agreement presented in previous reports was 18 months, however, staff in discussions with Regional Staff can recommend a shorter notice of 12 months.

Allowing the Region to continue to provide natural environment services to the Township is the least costly option with the smoothest transition following March 31st, 2025. This will allow additional time for Administration to complete a full review of the planning services and offer a long term sustainable model to provide the full set of planning services locally for Township Council consideration.

All other planning services will be done in house by Township Staff.

FINANCIAL IMPLICATIONS:

Administration has reviewed four different options for providing ongoing natural environment review which have varying financial impacts. The Regional Service Level Agreement option is the most financially sustainable in the short term as there are no costs or additional staff time borne by the Township. Costs for services are billed directly by the Region to the applicant saving administrative time on bill backs which would be required if a private sector consultant was retained.

The Region has based their review fees on staff time to provide the service and not any staffing overhead. The Region is also being required by the Province to continue to review local Official Plans and Official Plan Amendments on behalf of the province without compensation. The Region has also entered into Service Level Agreements with a number of municipalities already. Based on this information received by Regional Staff, a reduction to the Regional Planning Budget, which could result in a reduction to the Regional Tax Levy, will not be possible.

If Township Council were to select an alternative option to the one being recommended by Administration, there would be various options available to the Township to offset the additional costs, such as the creation of new user fees, however, there still may be impacts to the operating budget as not all of the additional costs would be funded 100% through user fees.

INTER-DEPARTMENTAL COMMENTS:

Administration has consulted with Regional Planning staff as well as with staff from a number of other local municipalities and private sector environmental consultants.

As of the date of writing this report, Grimsby, St. Catharines, Pelham, Niagara on the Lake and Lincoln have entered into the Service Level Agreement with the Region. The Region is still working with Port Colborne, West Lincoln and Thorold.

Welland, Niagara Falls and Fort Erie have opted out of the agreement with the Region. Those municipalities already have environmental planners on staff, or will be hiring environmental staff, as well as using private consulting firms.

CONCLUSION:

Staff recommend that Council enter into a Service Level Agreement with the Region to provide environmental review services for a period not exceeding two years and that Administration staff provide a further report to Committee and Council in 2025 with a long term planning servicing model following the Service Level Agreement with the Region.

SCHEDULES:

1. Service Level Agreement
2. Appendix to SLA for West Lincoln (Environmental Review only)

Prepared & Submitted by:

Approved by:

**Gerrit Boerema
Acting Director of Planning & Building**

**Truper McBride
CAO**

PLANNING SERVICES AGREEMENT

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA

(hereinafter called the “Region”)

-and-

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

(hereinafter called the “Town”)

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

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

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

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

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

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

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

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

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

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

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

1. PURPOSE AND SCOPE

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

2. TERM

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

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

3. PLANNING SERVICES PROVIDED BY THE REGION

- 3.1. The Region shall provide to the Town the planning services set out in Appendix “A”, which is appended hereto and forms part of this Agreement and shall adhere to all timeframes for service delivery set out therein.
- 3.2. The Town shall circulate all pre-consultation applications to the Region where the application identifies a service to be provided by the Region in accordance with Appendix “A”. Where the Region is able to provide the services identified in the pre-consultation application, the Town shall not receive such services from any other source.
- 3.3. The Region shall charge fees in accordance with the Region’s Fees and Charges By-law for the planning services provided to the Town under paragraph 3.1, which shall be the same rate as is charged by the Region to all of its local municipalities for the services set out in Appendix “A”.
- 3.4. The Region shall provide to the Town the planning services set out in Appendix “B”, which is appended hereto and forms part of this Agreement, upon receipt of a written request by the Town, and shall adhere to all timeframes for service delivery set out therein.
- 3.5. The Region shall charge fees in accordance with the Region’s Fees and Charges By-law for the planning services provided to the Town under paragraph 3.4, which shall be based upon the rates set out in Appendix “B”, and which shall be funded by the fee(s) for the development application to which the services relate.
- 3.6. The Region shall provide to the Town the planning services set out in Appendix “C”, which is appended to and forms part of this Agreement, upon the exchange of a written service request from the Town and a written service and budget proposal from the Region, which shall be agreed to by the Parties before the services are provided.
- 3.7. The Region shall charge fees in accordance with Region’s Fees and Charges By-law for the planning services provided to the Town under paragraph 3.6, which shall be based upon the hourly rates set out in Appendix “C”, and which shall be funded as budgeted for by the Town.

- 3.8. The fees required to be paid by the Town to the Region under this Agreement, shall be collected by the Town and remitted to the Region. The fees shall be invoiced by the Region to the Town on a monthly basis.
- 3.9. Notwithstanding paragraph 3.8, the Region shall be responsible for and reimburse the Town for any fees required to be refunded under sections 34(10.12) and 41 (11.1) of the *Planning Act* if the Region does not meet the timelines set out in Appendix “A” or any timelines applicable to the services set out in Appendix “B” or Appendix “C”, irrespective of the reason(s) for non-compliance.
- 3.10. The Town shall be responsible for and indemnify the Region, if necessary, for any fees required to be refunded by the Region under sections 34(10.12) and 41(11.1) of the *Planning Act* if the Town does not meet the timelines as set out in Appendix “A” or Appendix “C”, irrespective of the reason(s) for non-compliance.
- 3.11. Notwithstanding the foregoing, the Parties may mutually agree to waive reimbursement or indemnification of fees refunded under paragraphs 3.9 and/or 3.10.
- 3.12. The Region will provide planning advice and opinions as necessary and participate in any proceeding including proceedings before the Ontario Land Tribunal in accordance with the provisions and rates set out in this Agreement in accordance with the Region’s Fees and Charges By-law.
- 3.13. The fees charged by the Region under this Agreement may be increased and adjusted annually in accordance with the Consumer Price Index or any applicable fee increases, or adjustments identified in the Region’s Fees and Charges By-law.
- 3.14. The Town will pay all of the Region’s invoices issued under this Agreement within thirty (30) days of the invoice date. ~~Should the Town fail to make payment or portion thereof on invoices issued under this Agreement, the Town shall pay to the Region interest due on the amount in default at the rate of fifteen (15) per cent per annum, accrued monthly, from the due date of the invoice until the payment is made.~~
- 3.15. The fees charged by the Region under this Agreement shall be paid in full by the Town in accordance with the terms of this Agreement and shall not be credited to or set off against any other amounts owing or payable by the Parties pursuant to any other agreement or arrangement between them.
- 3.16. At the end of the first year of the Term, the Parties shall conduct a review of fees charged by the Region under this Agreement and shall determine if any fees require adjustment for one (1) or more subsequent years of the Term.
- 3.17. Planning services provided by the Region under this Agreement shall comply with all applicable professional and industry standards.
- 3.18. At the end of each year of the Term, the Parties may, at the request of either Party, conduct a joint review of all services provided by the Region under this Agreement in the preceding year. The purpose of the review shall be to assess and determine if the

timelines, service requirements and levels of service prescribed by this Agreement have been met. For greater certainty, any such review shall not encompass, address or alter the nature of services to be provided by the Region under this Agreement in subsequent years of the Term.

4. CONFLICT

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

5. INSURANCE AND INDEMNITY

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

6. DISPUTE RESOLUTION

- 6.1. In the event that a dispute arises as to the interpretation, application and/or execution of this Agreement, including but not limited to any Party's rights or obligations under this Agreement and/or an allegation of default or breach, the Party that disputes the other Party's position or conduct shall provide written notice of the dispute.
- 6.2. Where a notice of dispute is received in accordance with paragraph 6.1, the Parties' planning staff shall use best efforts to resolve the dispute for a period of thirty (30) days from the date on which the notice is delivered. The Parties may extend the

negotiation period if they agree that a reasonable extension is likely to resolve the dispute.

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

7. EVENTS OF DEFAULT AND TERMINATION

- 7.1. Any of the following circumstances constitutes a default under this Agreement:
 - (a) if a Party fails to make any payment required under this Agreement and such failure continues for a period of one hundred and eighty (180) days after written notice thereof has been given by the other Party pursuant to the provisions of this Agreement; and/or
 - (b) other than a default under (a) above, if a Party is in default under any of the provisions of this Agreement and such default continues for a period of fourteen (14) days after written notice thereof has been given by the other Party.
- 7.2. Upon an event of default set out in paragraph 7.1, either Party may terminate this Agreement on sixty (60) days' written notice to the other Party.
- 7.3. Notwithstanding sections 7.1 and 7.2, either Party may terminate this Agreement without cause, upon eighteen (12) months' notice.

8. NOTICE

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

If to the Region: THE REGIONAL MUNICIPALITY OF NIAGARA

1815 Sir Isaac Brock Way
 P.O. Box 1042
 Thorold ON L2V 4T7

Attention: INSERT NAME AND EMAIL ADDRESS

If to the Township: THE CORPORATION OF THE TOWNSHIP OF WEST
 LINCOLN
 318 Canborough Street
 Box 400
 Smithville ON, L0R 2A0

Attention: Truper McBride, CAO, TMcBride@westlincoln.ca

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

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

9. GOOD FAITH

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

10. AMENDMENTS

- 10.1. This Agreement may be amended by mutual agreement of the Parties at any time during the Term. Any changes, alterations or amendments to this Agreement shall be made in writing and signed by one or more persons authorized as representatives of

the Region and the Town and who can bind the respective Parties, and shall be appended to this Agreement.

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

11. GENERAL

- 11.1. In this Agreement, words importing a singular number shall include the plural and vice versa, words importing the any gender shall include all genders and words importing persons shall include firms and corporations and vice versa.
- 11.2. Unless the context otherwise requires, the words "Region" and "Town" wherever used in this Agreement shall be construed to include and to mean the successors and/or assigns of the Region and the Town respectively.
- 11.3. This Agreement shall be governed, construed and enforced according to the laws of the Province of Ontario and the laws of Canada applicable therein.
- 11.4. In the event that any of term, condition or provision contained in this Agreement is determined by a court or tribunal of competent jurisdiction to be invalid, unlawful or unenforceable to any extent, such term, condition or provision shall be severed from the remaining terms, conditions and provisions of this Agreement, which shall continue to be valid and enforceable to the fullest extent permitted by law.
- 11.5. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provisions, whether or not similar, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.
- 11.6. Moreover, any delay or failure on the part of a Party to exercise or enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver of same and shall not constitute a waiver of any rights, powers or remedies with respect to any subsequent default or breach.
- 11.7. The Parties acknowledge and agree that nothing in this Agreement shall be deemed to fetter or interfere with either Party's responsibilities and rights as municipal bodies.

- 11.8. This Agreement constitutes the entire agreement between the Parties relating to the matters set out herein. There are no representations, promises, covenants or other terms relating to the content of this Agreement and this Agreement supersedes any prior discussions, understandings or agreements between the Parties in relation to its subject matter.
- 11.9. This Agreement may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

[signature page follows]

DRAFT

IN WITNESS WHEREOF, the Region has on the ____ day of _____, 2024 executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____

Name:

Title:

I have the authority to bind the Regional Corporation

IN WITNESS WHEREOF, the Township has on the ____ day of _____, 2024 executed this Agreement.

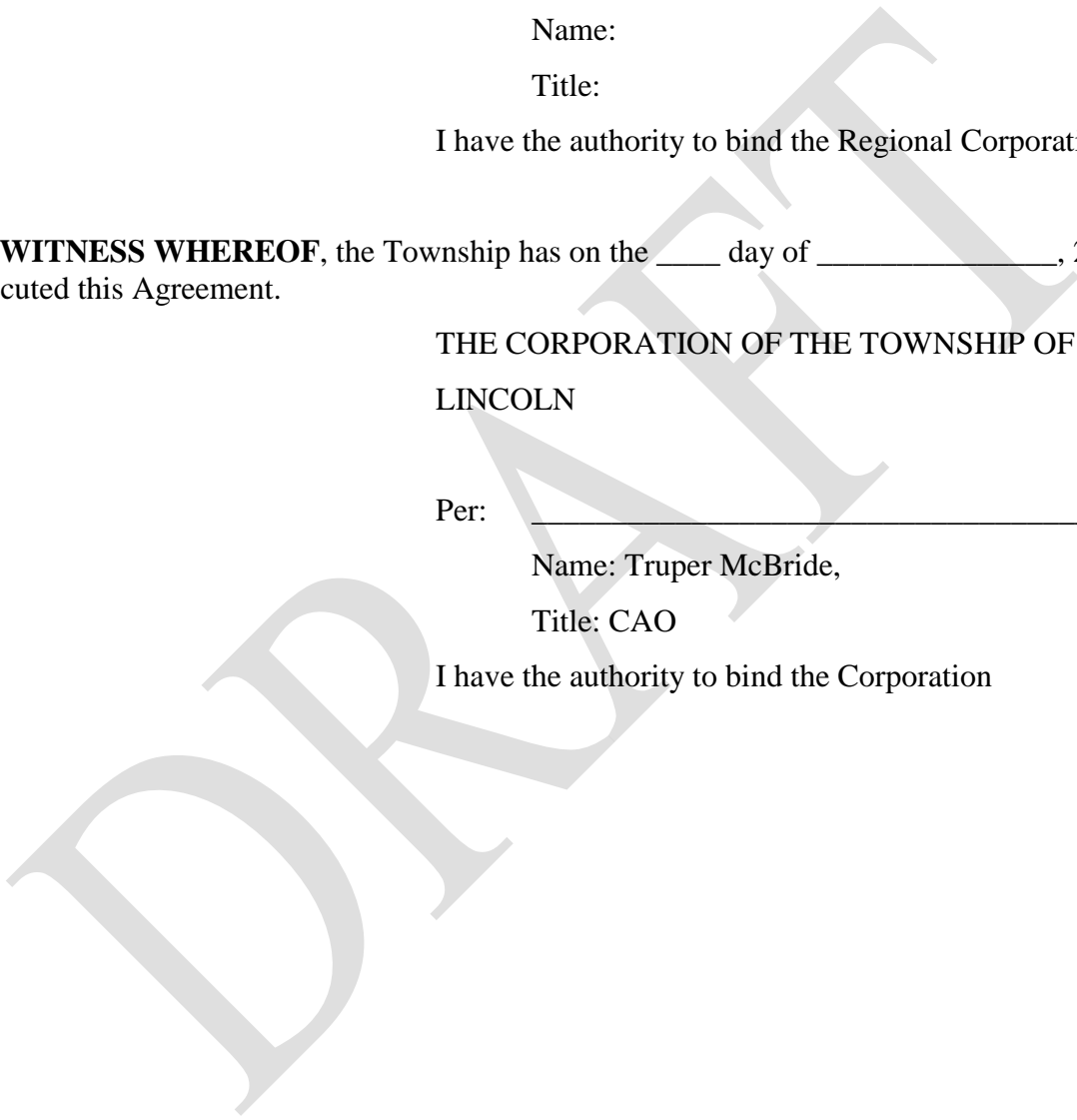
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

Per: _____

Name: Truper McBride,

Title: CAO

I have the authority to bind the Corporation



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

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

- Environmental Review

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
Site specific Regional Official Plan Amendment	Region to receive required information/plans a min. of 10 calendar days prior to pre-consultation. Region to provide comments 12 calendar days After Pre-Consultation meeting. Any peer reviews to be identified at pre-consultation meeting. Recommend meetings in advance of pre-con for complex applications Area Municipality provide Pre-Consultation notes to applicant within 14 calendar days	Region to provide comments within 20 calendar days
Secondary Plan (Local Official Plan Amendment)	<i>Same as above</i>	As determined in consultation with the area municipality

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
Complete Application Review	N/A	Region to provide comments within 20 calendar days
Other Comprehensive Local Official Plan Amendment	Same as above	As determined in consultation with the area municipality
Site specific Local Official Plan Amendment	Same as above	Region to provide comments within 20 calendar days
Combined OPA/Zoning Amendment	Same as above	Region comments within 20calendar days
Comprehensive zoning by-law (initiated by area municipality)	Same as above	As determined in consultation with the area municipality
Site specific zoning by-law amendment (including Holding Provision)	Same as above	Region to provide comments within 20 calendar days
Draft plans of subdivision or condominium	Same as above	Region to provide comments within 35 calendar days
Modifications to Draft Approved Subdivision and Condominium	Same as above	Region to provide comments within 35 calendar days
Consent	Same as above	Region to provide comments within 10 calendar days in urban areas and within 14

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

APPENDIX "B"

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

Appendix B- Niagara Region Planning Fee for Service

Development Planning Review Service:	
Includes Provincial Policy and Regional review for the below listed applications. Depending on then nature of the application the review will include <i>Land Use Compatibility¹, Archaeological assessment, Employment Land Conversion, Former Landfill Sites, Gas and Petroleum Resources, Screening to address Source Water Protection</i>	
<i>*development planning fee only includes planning review</i>	
Service	Fee
Official Plan Amendments	
Regional Official Plan Amendment Review	\$11,205
Regional Official Plan Amendment Application Fee - Urban Boundary Expansion	\$11,205
ROPA to establish or expand and a pit or quarry	\$114,100
Major Official Plan Amendment Review (<i>3 or more types of Provincial/Regional policy review</i>)	\$4,775
Minor Official Plan Review (<i>2 or less types of Provincial/Regional policy review</i>)	\$2,450
Subdivision, Vacant Land or Common Element Condominium Base Fee:	
Draft Plan Review Base Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$1,790
Draft Plan Per Hectare Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$790
Revision to Submission by Applicant (Prior to Draft Approval)	\$1,925

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

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

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

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

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

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

APPENDIX “C”

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

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

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

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

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

- **Sustainability Initiatives**

- **Secondment Requests**

APPENDIX “D”

MOU- Engineering Services (to be developed and updated)

DATE: December 9, 2024

REPORT NO: PD-57-2024

SUBJECT: **Recommendation Report- Application for Zoning Bylaw Amendment- 5357 and 5377 Elcho Road, (File No. 1601-011-24)**

CONTACT: Madyson Ettl, Senior Planner
Gerrit Boerema, Acting Director of Planning & Building

OVERVIEW:

- An application for a zoning bylaw amendment had been applied for by Upper Canada Consultants, agent of the property owners Bradley and Kimberly Killins for the property located at 5357 Elcho Road.
- This application is related to a recent consent application (File No. B09-2024WL) which was conditionally approved by the Committee of Adjustment on October 30th, 2024. The consent severed five acres of farmland to add it to a commercial/agriculturally related property containing a local business called Ontario Agra.
- This zoning bylaw amendment application is required as a condition of consent to change the zoning on the property known as 5377 Elcho Road from Agricultural 'A' to Agricultural Related 'AR-240' and from Service Commercial 'C3' to Service Commercial with a site specific 'C3-241' to amend the zoning to permit a maximum outdoor storage area of 57% of the property, whereas 10% is the permitted maximum.
- This zoning bylaw amendment will also change the zoning on the remnant farmland of 5357 Elcho road from Agricultural 'A' to Agricultural with a site specific provision 'A-242' to recognize a deficient lot area of 30 hectares where 40 hectares is required.
- The boundary adjustment and the related zoning amendment application is to facilitate the expansion of the existing agriculture-related/commercial use that currently operates on the subject property, and to improve the overall appearance of the site through providing more area for outdoor storage.
- After reviewing the application against the applicable policies, Administration can recommend approval of this zoning bylaw amendment application.

RECOMMENDATION:

1. That Recommendation Report PD-57-2024, titled “Recommendation Report – Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No. 1601-011-24)” dated December 9th 2024, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That, the application for Zoning By-law Amendment submitted by Upper Canada Consultants be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws.

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 submitted by Upper Canada Consultants on behalf of the property owners Bradley and Kimberly Killins and NGF Properties to fulfil a condition of consent (File No. B092024WL). The Committee of Adjustment conditionally approved the boundary adjustment to add 5 acres of land to the existing 5 acre site on Wednesday October 30th 2024.

The owner of 5377 Elcho Road is proposing an expansion of their business operations (Ontario Agra, Anthony’s Excavating, Kors Rentals) to the north of the existing business. The developed portion of the property is currently zoned Serviced Commercial ‘C3’ and contains an agriculture-related/commercial use that sell and repair agricultural equipment, field and drainage materials and septic and water systems. Their current outdoor storage yard is no longer adequate to meet the inventory storage needs of the business, therefore the expansion is requested. The Committee of Adjustment Report [COA-37-2024](#) provides a full planning policy review of the consent application.

The zoning bylaw amendment application requests to rezone the severed 5 acres of land from an agricultural zone to an agriculture related zone, and to permit 57% of the property to be used for outdoor storage. The zoning amendment also requests to rezone the retained agricultural lands to recognize a deficient lot area.

A public meeting was held on November 11th to discuss the application and hear from any members of the Public and Council. No public comments were received orally or in writing. Staff additionally presented Planning Report [PD-52-2024](#) which included all of the supplementary reports and studies completed. Members of Planning Committee raised a number of questions regarding the expansion of the business and the proximity to the existing hamlets where the use could be accommodated.

The subject property is located within 1.5 km of the Hamlet Settlement area of Wellandport

and within 3 km from the Hamlet Settlement Area of Bismark. Staff note that these hamlets mainly consist of smaller residential lots and have been mostly built out with no available land for a large scale agriculturally related or commercial use. Commercial and agricultural related business are best located within Hamlet Settlement areas, however, the closest hamlet with available lands is Fulton which is over 22 kilometres away and not in a suitable location for the proposed business expansion.

Staff have completed a review of the application against the applicable planning policy, which can be found below, and can recommend approval of the application.

CURRENT SITUATION:

Provincial Planning Statement 2024

The Provincial Planning Statement (PPS) requires the protection of lands designated as Prime Agricultural Lands for long term agricultural use. The subject lands are designated as Prime Agricultural Lands in the PPS.

Policy 1.1.4.1 states strong rural areas can be achieved by promoting the diversification of the economic base through the permission of on-farm diversification or value-added uses and employment opportunities in the prime agricultural area. However, when developing these uses the PPS notes that it is important to have regard for scale, and impacts on the agricultural community including adjacent uses and servicing. This zoning bylaw amendment and related boundary adjustment would expand an existing agriculturally related use. The operation and expansion of the businesses on this property would provide further benefits for the agricultural community.

The PPS also supports lot adjustments for Agriculturally-Related Uses, provided that any new lot will be limited to a minimum size needed to accommodate the use. The applicants have demonstrated through their Planning Justification Report that an additional 5 acres is the minimum amount of additional land needed to accommodate their Agriculturally Related Use as the use involves the outdoor storage of large tanks and other materials used by the agricultural sector.

Based on the above review the proposed application is aligned with Provincial Policy.

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, including the protection of agricultural lands. The subject lands in alignment with the PPS are located within the Prime Agricultural Area. 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.

Policy 4.1.7.3 of the NOP permits agricultural uses, agriculture-related uses and on-farm diversified uses within prime agricultural areas and the NOP additionally supports lot creation and adjustments for agricultural-related uses provided that the lot area be limited to the minimum size needed to accommodate the use. As mentioned previously in this

report, the Planning Justification Report has demonstrated that the use can be considered Agricultural-Related and that the minimum amount of land (5 acres) is being severed to accommodate the needs of this growing business.

Township of West Lincoln Official Plan (OP)

The subject properties are designated as Good General Agriculture and Natural Environment in the Township's Official Plan. The Township's Official Plan outlines the general objectives for Agricultural Areas which include the protection of the viable agricultural industry, the promotion of small scale secondary uses and agriculturally related uses which do not hinder surrounding agricultural operations.

Based on the preliminary review of the application, the retained farmland remains of a sufficient size for continued agricultural use. Additionally, private septic and water services are already provided for the business, and a stormwater plan has been submitted for review as part of the site plan approval process. No additional entrances are proposed and the expanded site will mainly be used for outdoor storage. Adequate parking is already provided on the existing business site. Additionally, site plan approval is required as a condition of consent.

This application is aligned with the Township's Official Plan.

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

The properties are zoned as Agricultural 'A', Environmental Protection 'EP', Environmental Conservation 'EC' and Service Commercial 'C3' in the Townships Zoning Bylaw.

The retained agriculturally zoned lands located at 5357 Elcho Road will be required to be rezoned to Agricultural with a site specific exception 'AR-241' to recognize a minimum lot area of 30.65 hectares where 40 hectares is required, as the property size is being reduced by 5 acres.

A zoning amendment is also required to zone the severed lands that are to be merged onto the Service Commercial 'C3' parcel of land through the consent application (5377 Elcho Road). The application requested a commercial zone with an increased allowance on outdoor storage, however, based on the provincial and local planning policy, boundary adjustments at this scale are only permitted for agriculturally related uses. Therefore the Committee of Adjustment required that the additional lands be zoned to an Agricultural-Related Zone to ensure that the expansion is only used for agricultural related uses.

The Agricultural Related zoning for the merged parcel of land will require a site specific zoning (AR-240) to permit 57% of the lot area to be used for outdoor storage whereas 10% is the permitted maximum in the Zoning Bylaw. The Service Commercial zoning on the remainder of the existing property where the building is located, will also be zoned to permit the higher lot coverage. The intent of the landowners is to redistribute the materials stored on site over the additional 5 acres to improve the appearance of the site, as currently the site is at its storage capacity.

All other zoning regulations are proposed to be met on both the retained agricultural lands and the expanded agriculturally related/commercial property.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on November 6th 2023, and the notice was also posted to the Township's website.

Building Services Division

The Township Building and Septic Department have reviewed the proposed application and have no comments or objections.

Regional Staff of the Growth Strategy and Economic Development Department and Environmental Planning

The Niagara Region has provided comments which state that they do not object to the proposal provided the zoning of the expansion area will not permit new non-agricultural uses. The Region recommends that the agricultural lands being conveyed be zoned to Agriculture-Related (AR) Zone in order to limit the use of the land for agricultural-related commercial uses.

A daylight triangle of 15 metres by 15 metres is required at the corner of Elcho Road and Wellandport Road to meet the NOP requirements. This will be taken at the future Site Plan application.

The Niagara Peninsula Conservation Authority (NPCA)

The NPCA has reviewed the Zoning Bylaw Amendment and states that the subject property contains NPCA Regulated Features however, the proposal does not encroach on regulated areas. As such the NPCA has no objections to the proposed application.

Public Works Department

The Township Public Works Department has reviewed the proposed application and has no comments or objections.

PUBLIC COMMENTS:

A public meeting was held on November 11th 2024 to discuss the application and hear from any members of the Public and Council. No public comments were received orally or in writing.

CONCLUSION:

An application has been submitted by Brad and Kimberly Killins and NGF Properties to rezone the parcels of land to permit the expansion of an existing agricultural related/commercial use that currently operates on the subject property.

Based on the planning policy review completed, this application can be recommended for

support.

ATTACHMENTS:

- Schedule A –Consent Sketch
- Schedule B - Planning Justification Report
- Schedule C - Site Plan
- Schedule D- Bylaw

Prepared & Submitted by:

Approved by:

**Gerrit Boerema
Acting Director of Planning & Building**

**Truper McBride
CAO**

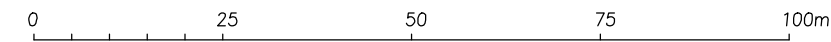
**Madyson Ettl
Senior Planner**

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

SKETCH FOR PLANNING ACT APPLICATION
5357 & 5377 ELCHO ROAD
TOWNSHIP OF WEST LINCOLN

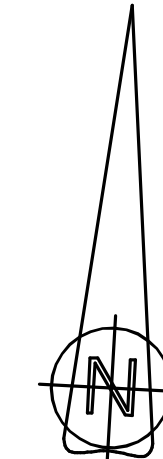


SCALE 1: 1000
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 ONTARIO LAND SURVEYORS
 © COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2023

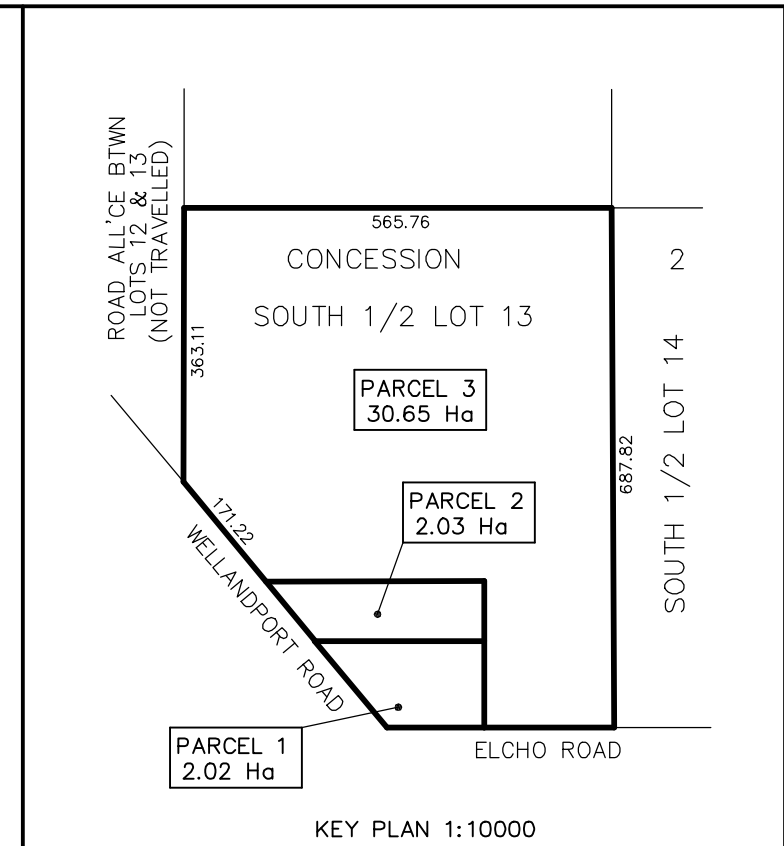
PARCEL 3
 30.65 Ha
 (TO BE RETAINED)

PARCEL 2
 2.03 Ha
 (TO BE SEVERED AND ADDED TO PARCEL 1)

PARCEL 1
 2.02 Ha



PART 1 PLAN 30R-2450
 SUBJECT TO R-0-W AS IN R0395283
 (WIDTH EXAGGERATED FOR CLARITY)
 (0.30 WIDE)
 PIN 46080-0098 (LT)



LEGEND & NOTES

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

**BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
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BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS, PLAN 30R-1646, PLAN 30R-2450 AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF THE SOUTH 1/2 OF LOT 13, CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
 TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA
 PIN 46080-0041 (LT) AND PIN 46080-0042 (LT)

METRIC NOTE

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

APRIL 27, 2023
 DATE

Harold D. Hyde
 HAROLD D. HYDE
 ONTARIO LAND SURVEYOR

PIN 46080 - 0071 (LT)
 ROAD ALLOWANCE BETWEEN
 CONCESSIONS 1 AND 2, GAINSBOROUGH
 ALSO KNOWN AS ELCHO ROAD

RASCH + HYDE LTD.
 Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
 DUNNVILLE, ONT, N1A 2X1
 905-774-7188
 (FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
 FORT ERIE, ONT, L2A 5Y1
 905-871-9757
 (FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 1000

SURVEY : 22-048

DRWN BY : T. Matheson

Planning Justification Report

5357 & 5377 Elcho Road

Expansion of Agriculture-Related Commercial Use

West Lincoln, ON

August 2024

Upper Canada Consultants

30 Hannover Drive

St. Catharines, ON L2W 1A3



UCC FILE NO. 2189

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Appendix I – Preliminary Site Plan prepared by Upper Canada Consultants

Appendix II – Pre-consultation Meeting Notes

Appendix III – Draft Zoning By-law Amendment

Appendix IV – Preliminary Consent Sketch

Appendix V – Preliminary Grading Plan

PREFACE

Upper Canada Consultants has been retained by NGF Property Inc. to prepare a Planning Justification Report pertaining to applications for Zoning By-law Amendment and Consent to Sever related to lands known municipally as 5357 and 5377 Elcho Road in the Township of West Lincoln, within the Regional Municipality of Niagara.

The owner of 5377 Elcho Road is proposing the expansion of their business operations northward onto a portion of 5357 Elcho Road which is currently used for agriculture cultivation. The developed portion of the property is zoned Service Commercial (C3) and contains agriculture-related commercial uses that sell and repair agricultural equipment, field and drainage materials and septic and water systems. Their current outdoor storage yard is no longer adequate to meet the temporary inventory storage needs of the business and an expansion is required. The total area to be added to the use is 2.03 hectares (5.01 acres) which would be added to the property through a Consent (boundary adjustment) application.

To facilitate the severance and permit the expansion of the existing agriculture-related commercial use, a portion of the zoning on 5357 Elcho Road is proposed to be amended from Agricultural (A) to Service Commercial (C3), consistent with the Zoning of the existing businesses located at 5377 Elcho Road. A site-specific provision for outdoor storage will be applied to the entirety of the consolidated agricultural related commercial property.

This report evaluates how the required Zoning By-law Amendment and Consent applications satisfy the applicable requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the relevant policies of the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and West Lincoln Official Plan (2015).

This Report should be read in conjunction with the following reports and materials:

- Preliminary Site Plan prepared by Upper Canada Consultants
- Preliminary Grading and Drainage Plan prepared by Upper Canada Consultants
- Preliminary Severance Sketch prepared by Rasch and Hyde Land Surveyors
- Draft Zoning By-law Amendment prepared by Upper Canada Consultants
- Stage 1 and Stage 2 Archeological Assessments prepared by Detritus Consulting

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The Zoning By-law Amendment application pertains to lands known municipally as 5357 Elcho Road in the Township of West Lincoln, within the Regional Municipality of Niagara. The subject lands are legally described as PT S1/2 LT 13 Con 2 Gainsborough Pt 2 30R2450 T/W RO395283; West Lincoln. A context map showing the location of the property and portion to be rezoned is provided below in **Figure 1**.

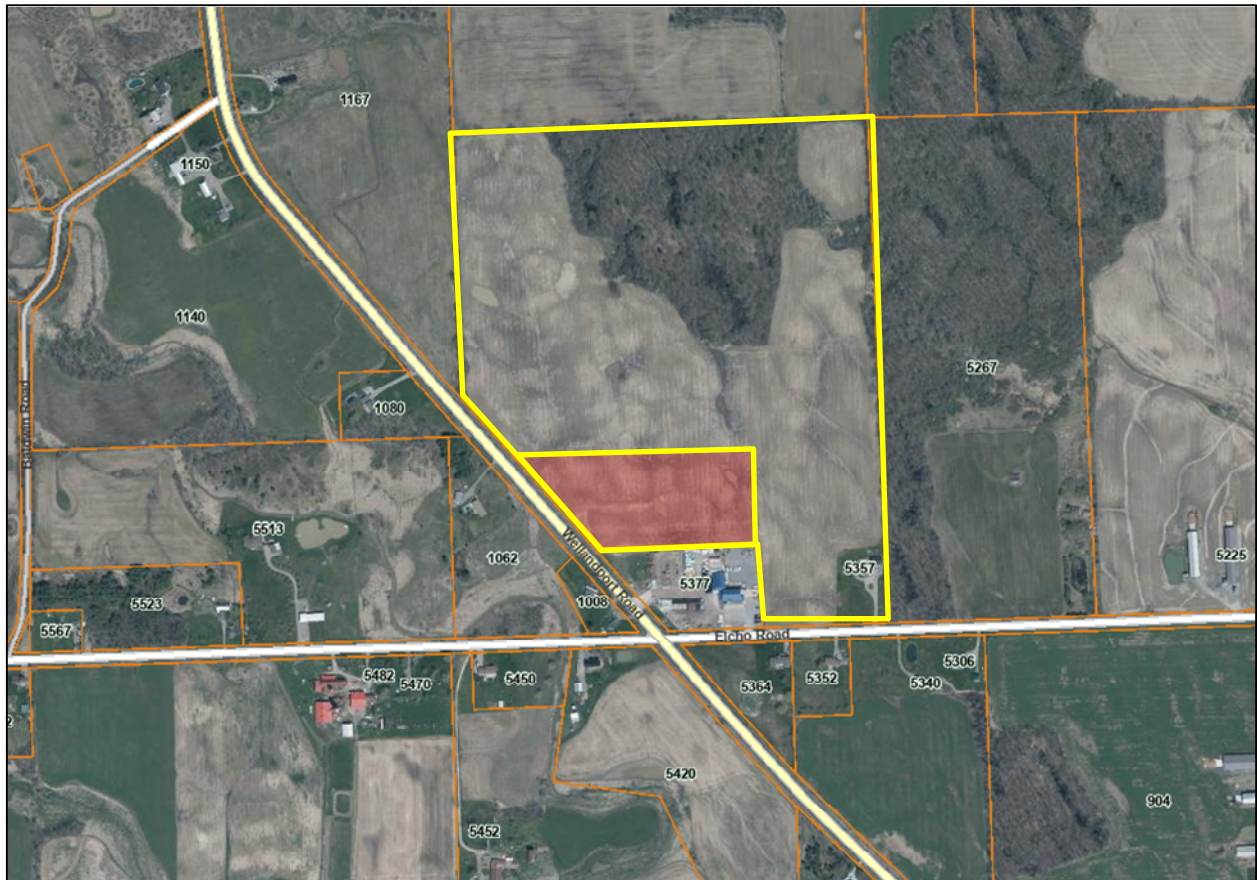


Figure 1 - Context Map – 5357 Elcho Road, West Lincoln – Cropped from Niagara Navigator

The subject lands are approximately 32.69 hectares in area and have approximately 171.64 metres of frontage along Elcho Road. The portion of the property to be severed and have the zoning amended measures 2.03 hectares in area. The portion of the subject lands to be conveyed to 5377 Elcho Road has historically been used for agricultural purposes and does not contain any structures or any municipal or private services.

Existing Uses

5357 Elcho Road

The property known municipally as 5357 Elcho Road currently contains a single detached dwelling and detached garage on the southeast corner of the property. The balance of the lot contains manicured lawn, agricultural fields and a wooded area containing a provincially significant wetland.

5377 Elcho Road

The property known municipally as 5377 Elcho Road is currently used for commercial purposes and is zoned "Service Commercial" (C3). The following businesses operate from the site:

- Excavation Company (Anthony's Excavating)
- Ontario Agra Piping (Agricultural Pipe and Tile vendor)
- Kor Rentals (Farm Equipment Rental and Repairs)
- Enercon (Green Energy Maintenance for Windmills)

The expansion lands are intended to be utilized by Ontario Agra Piping and Kor Rentals, which require additional lands for temporary material and equipment storage prior to being sent to site for installation.

Adjacent Land Uses

Adjacent land uses include the following:

North: Agricultural Lands, Provincially Significant Wetland

West: Regional Road 27 (Wellandport Road), Agricultural Lands, Residential Dwellings

South: Existing Commercial Operation, Residential Dwellings, Agricultural Lands

East: Residential Dwellings, Agricultural lands

Land Use Designations and Zoning

The subject lands are located within the Prime Agricultural Area and are therefore subject to relevant policies within the 2020 Provincial Policy Statement, 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and 2015 Township of West Lincoln Official Plan.

The subject lands are not located within the Greenbelt Plan Area or the Niagara Escarpment Plan boundary and therefore those plans and policies do not apply to the applications.

The subject lands are designated as Prime Agricultural Lands on Schedule F – Agricultural Land Base of the 2022 Niagara Official Plan.

Schedule B1 of the Township of West Lincoln Official Plan designates both 5357 and 5377 Elcho Road as Good General Agricultural.

Zoning By-law 2017-70 delineates 5357 Elcho Road as being Zoned Agricultural (A), Environmental Protection (EP) and Environmental Conservation (EC), and 5377 Elcho Road as Service Commercial (C3).

Natural Heritage Features

As shown on the Niagara Region’s online Natural Heritage Mapping Viewer, 5357 Elcho Road contains a mix of natural heritage features at the northern end of the property. These features include a provincially significant wetland, significant woodland, watercourse and potential natural heritage corridors.

The proposed expansion is for the commercial business is located at the southern end of the property and greater than 120 metres from these features.

Site Photographs

Pictures of both properties are provided in **Figures 2 to 7** on the following pages for additional site context.



Figure 2 - Existing Office and Retail Space (5377 Elcho Road)



Figure 3 - Outdoor Storage of Pipes and Landscape Materials



Figure 4 - Outdoor Storage of Tanks



Figure 5 - Equipment Parking



Figure 6 - Expansion Lands with Crops, looking North



Figure 7 - Existing Access to 5377 Elcho Road from Wellandport Road

THE PROPOSED DEVELOPMENT

NGF Property Inc. is proposing to expand the existing commercial operation located at 5377 Elcho Road by adding 2.03 hectare contiguous to the northern limit of the existing property from 5357 Elcho Road. The expansion area will be utilized for the storage of agricultural materials and equipment. No structures are proposed within the expansion area, just graded lands for storage and a portion of lands for a Stormwater Management Facility.

The existing land uses at 5377 Elcho Road will remain in operation. No new buildings are proposed.

As shown in **Figure 8** on the following page, and **Appendix IV**, the provisional severance sketch prepared by Rasch and Hyde shows the existing commercial business at 5377 Elcho Road as Part 1, the proposed expansion lands as Part 2 and the remnant lands of 5377 Elcho Road as Part 3.

Figure 9, being the preliminary Grading Plan, shows the proposed stormwater management pond and initial grading concept.

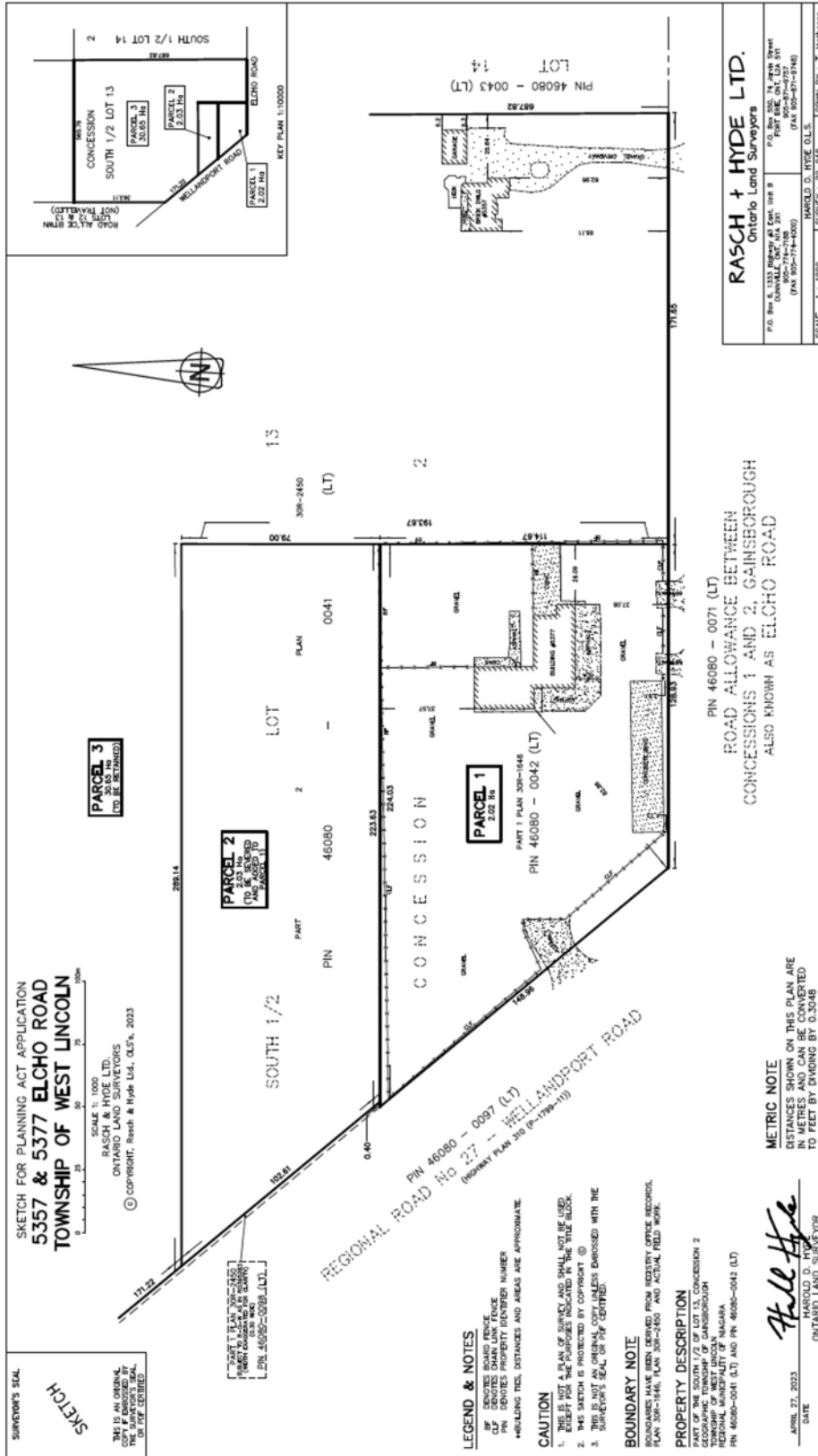


Figure 8 - Preliminary Severance Sketch

REQUIRED APPLICATIONS

Pre-consultation meetings pertaining to the applications were held on April 16, 2020 and May 3, 2023. As per Township staff, applications for Zoning By-law Amendment, Consent to Sever, and Site Plan Approval are required to facilitate the expansion of the commercial use as envisioned by the applicant.

As outlined by the review agencies (Township of West Lincoln, Niagara Region, and Niagara Peninsula Conservation Authority), complete application submission requirements include:

- Planning Justification Report
- Minimum Distance Separation Calculation
- Private Servicing Plans
- Preliminary Site Plan

Copies of the noted Pre-consultation Agreements are provided within **Appendix II** to this report.

Zoning By-law Amendment

To facilitate the expansion of the existing agriculture-related commercial uses, a Zoning By-law Amendment is required to zone a portion of the subject lands from Agricultural (A) to Service Commercial (C3).

A copy of the Draft Zoning By-law Amendment is included as **Appendix III** to this report.

Consent to Sever

Subject to Zoning Approval, the applicant will then be required to apply for a severance to add the lands from 5357 Elcho Road to 5377 Elcho Road. The Zoning By-law Amendment is required to establish the minimum required Lot Area for the remnant parcel.

Site Plan Approval

Site Plan approval will be required after the severance and zoning have been approved. This process will evaluate the proposed expansion, site engineering and other matters.

REQUIRED STUDIES AND REPORTS

Stage 1 Archeological Assessment

As required by Niagara Region, a Stage 1 Archeological Assessment was prepared for the subject lands by Detritus Consulting in 2024.

Based on the assessment of the property contained within the Stage 1 Report provided with the applications, the consultant has advised that the subject lands exhibit a moderate to high potential for the discovery of archaeological resources. Accordingly, a Stage 2 Assessment has been recommended.

The Stage 2 Assessment was completed in May of 2024. No archeological resources were encountered through the Stage 2 Assessment. The report has been forwarded to the Ministry of Tourism, Culture and Sport for review and inclusion in the Ontario Public Register of Archeological Reports.

Stormwater Management Plan

A Stormwater Management Study has been prepared by Upper Canada Consultants that provides an overview of the existing and proposed stormwater management methods utilized on the subject lands

As outlined in the report, stormwater collected on 5377 Elcho Road is currently directed to roadside ditches along Elcho Road or Wellandport Road over grade or by swale. These flows then proceed under Wellandport Road westward towards Parker's Creek.

The portion of 5357 Elcho Road to be added to 5377 Elcho Road is used for agricultural purposes and also conveys stormwater flows to Wellandport Road.

The proposed stormwater management method for this merged property will be to continue to convey stormwater drainage overland. The flows will be captured through perimeter swales and directed to the proposed stormwater management wet pond facility. The pond will provide quality and quantity controls prior to outletting to the roadside ditch.

PROVINCIAL PLANS

Development applications within this area of the Township of West Lincoln are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and the 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest concerning land use planning and the necessary procedures to be followed when making applications for development.

Section 2 of the Planning Act outlines matters of Provincial interest that the Planning Authority must have regard for when considering applications for development. These matters of Provincial interest include:

- 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. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

The applications have regard for clauses a), b), d), k) and p) of Section 2 of the Planning Act.

- a) the protection of ecological systems, including natural areas, features and functions;*

The proposed expansion area is contiguous to 5377 Elcho Road, on the north side. The northern property limit (i.e. development) will be located greater than 120 metres from mapped natural heritage features on the northern end of 5357 Elcho Road. This distance serves as a general screening area under provincial policies, and as development is proposed outside of this distance, the need for natural heritage assessment has been waived.

There are no anticipated impacts to these features that would be generated by these applications. The use of lands adjacent to the features will continue to be agricultural, which is permitted.

- b) the protection of the agricultural resources of the Province;*

The existing use of 5377 Elcho Road is an agriculture-related commercial use. Agriculture-related uses are permitted in Prime Agricultural Areas as they support farm operations and agriculture, and therefore contribute to the protection of the Province's agricultural resources.

The expansion of the existing agriculture-related commercial operations is desirable and will ensure the long-term sustainability of the business and will ensure that necessary

agricultural products are available close to market for agricultural producers and the rural community.

- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

Stage 1-2 Archeological Assessments have been completed on the subject lands. The lands were not found to contain any archeological resources.

- k) the adequate provision of employment opportunities;

The existing commercial operation at 5377 Elcho Road currently provides local employment opportunities and supports local rural businesses such as farmers, servicing contractors and equipment operators. The expansion of this existing use is necessary to support long term economic resiliency, which in turn will result in stable and/or new employment opportunities in the community.

- p) the appropriate location of growth and development;

The location of the proposed expansion is considered the most appropriate area. Expansion northward will retain existing separation between the commercial use and residential dwelling to the east. Furthermore, the expansion will not encroach within any areas of influence associated with natural heritage features to the north.

This small expansion is preferable to a relocation of the existing business, which benefits from its current location amongst other rural lands uses and in close proximity to regional roadways.

Section 34 – Zoning By-laws and Amendments

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments are permitted to municipal by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

Section 53 – Consents

Applications for Consent are governed under Section 53 of the Planning Act. Section 53(12) states that an Approval Authority when considering an application for Consent, must have regard for the matters under Section 51(24) which apply to Plans of Subdivision. An evaluation of how the proposed consents satisfy this criteria is provided below:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy Section 2, clauses a), b), d), k) and p) of Section 2 of the Planning Act.

- b) whether the proposed subdivision is premature or in the public interest;

The proposed consent application will be advanced after the consideration and approval of the extension of Commercial Zoning onto Part 2. The related Zoning By-law Amendment is required to establish minimum lot area for the retained parcel (Part 3).

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The application conforms to the Township of West Lincoln Official Plan.

A detailed overview of specific conformity with relevant policies of Official Plan policies is provided further on in this report.

- d) the suitability of the land for the purposes for which it is to be subdivided;

Part 2 is suitable for severance as it is contiguous to the existing commercial operation.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Residential development is not proposed. This provision is not applicable.

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

5357 Elcho Road has existing access provided from Elcho Road, which is a Township owned and maintained road.

*5377 Elcho Road has existing access from Wellandport Road (Regional Road 27) and Elcho Road. An additional access to Elcho Road is proposed from the expansion parcel (Part 2), as shown on the preliminary grading plan included as **Appendix V** to this report.*

- f) the dimensions and shapes of the proposed lots;

The proposed expansion area (Part 2) measures 2.03 hectares in area. This Part has 102.61 metres of frontage along Wellandport Road and 289.14 metres of lot depth along the northern limit.

Once merged, Part 1 and 2 will cumulative measure 4.05 hectares and will have 128.93 metres of frontage on Elcho Road, 251.57 metres of flankage along Wellandport Road. The eastern lot line depth will increase to 193.67 metres.

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions to development on the portion of 5357 Elcho Road to be added to 5377 Elcho Road.

- h) the adequacy of utilities and municipal services;

The subject lands are currently supported by private services.

Both parcels will remain unaffected by the applications, and no new physical development is proposed, except for a required stormwater management facility.

- i) the adequacy of school sites;

The proposed severance will have no impact on local school enrollments.

- j) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There are no lands, exclusive of highways, to be conveyed for public purposes. The provision of cash-in-lieu of parkland will be required as a condition of severance.

- k) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

No physical development is proposed that would require energy inputs.

- l) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

If the zoning and consent applications are approved, the commercial expansion will be subject to a Site Plan approval process.

2020 PROVINCIAL POLICY STATEMENT

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The subject lands are located within the Prime Agricultural Area, north of the Wellandport Settlement Area Boundary within the Township of West Lincoln.

Prime Agricultural Areas are defined by the PPS as:

“...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 a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food 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.”

The subject lands are located within the Provincially defined “Rural Area”. The PPS denotes that Rural Areas are those lands that may include rural settlement area, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. These areas are to be leveraged for their unique character and ability to contribute to a strong rural economy.

As set out in Policy 1.1.4.1 of the PPS, strong rural areas can be achieved by promoting the diversification of the economic base through the permission of on-farm diversification or value-added uses and employment opportunities in the prime agricultural area. However, when developing such uses, the PPS notes that it is important to have regard for scale, impacts on the agricultural community including adjacent uses and servicing.

The Zoning By-law Amendment will expand existing Service Commercial zoning onto a 2.03 hectare portion of 5357 Elcho Road to facilitate the physical expansion of established agriculture-related uses operating from 5377 Elcho Road. The continued operation and expansion of these business will have a positive economic benefit on the agricultural community and support the long-term preservation of agriculture in the surrounding area.

Infrastructure and Public Service Facilities (PPS 1.6)

Section 1.6 of the PPS pertains to servicing (water, sanitary), stormwater management, transportation and infrastructure corridors and waste management. As the subject lands are located outside of a Settlement Area, the policies pertaining to private services and stormwater management are applicable. The subject lands do not contain and are not adjacent to major transportation systems or infrastructure corridors.

Sewage, Water and Stormwater (Section 1.6.6.)

Overall, municipal servicing methods are required and preferred to support development, however, the PPS acknowledged that there are some circumstances where such services are not available or appropriate to provide. Policy 1.6.6.1 e) of the PPS outlines the preferred hierarchy of servicing and permits the consideration of the use of private servicing options set out in Policies 1.6.6.3, 1.6.6.4 and 1.6.6.5. Policy 1.6.6.4 of the PPS is relevant to these applications as there are no available municipal services in place or available to connect to in this area.

Policy 1.6.6.4 states that *“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.”*

The existing dwelling at 5357 Elcho Road is currently supported by a cistern and septic system. The existing businesses at 5377 Elcho Road are also supported by cistern and septic. These existing servicing methods are permitted and therefore consistent with the directions of the PPS. As no new buildings are being proposed as a result of these applications, there will be no further burden on the septic or potable water supplies.

Policy direction pertaining to Stormwater Management best practices is provided in Policy 1.6.6.7 of the PPS. Currently, on-site stormwater is conveyed through swales and grading to roadside ditches. The expansion of the agriculture-related commercial uses will add additional land area and flat surface to 5377 Elcho Road, which will generate greater stormwater flows than the current agriculture use. As outlined in the Stormwater Management Report prepared by Upper Canada Consultants, stormwater will require both quality and quantity controls.

The proposed stormwater management method outlined in the report is consistent with the PPS as it will protect human health, property and the environment and provide appropriate treatment before being released into the natural environment.

Long-Term Economic Prosperity (PPS 1.7)

Section 1.7 outlines various manners in which economic prosperity should be supported in Ontario communities. Policy 1.7.1 i) denotes that “*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 agrifood network*” is desirable.

The Zoning By-law Amendment will expand existing Service Commercial (C3) zoning onto a 2.03 hectare portion of 5357 Elcho Road to facilitate the physical expansion of established agriculture-related commercial uses operating from 5377 Elcho Road.

The continued operation and expansion of these business will have a positive economic benefit on the agricultural community and support the long-term preservation of agriculture in the surrounding area, consistent with the directions on the PPS.

Natural Heritage (PPS 2.1)

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. This protective policy framework is also applicable to natural heritage features on adjacent lands.

Through preliminary review by Niagara Region and the NPCA, the site has been confirmed to contain and be adjacent to natural heritage features as defined in Section 2.1 of the PPS that include a Provincially Significant Wetland and Significant Woodland.

Per Policy 2.1.5 of the PPS, development and site alteration shall not be permitted in significant wetlands or significant woodlands in Ecoregions 6E and 7E, which includes Niagara, unless it has been demonstrated that there will be no negative impacts on the features or their natural functions. Similarly, Policy 2.1.8 of the PPS restricts development on adjacent lands to the features unless it can be similarly demonstrated that there will be no negative impacts to the features.

The proposed lot creation boundary and limit of Commercial (C3) Zoning will be located greater than 120 metres from the noted features. Given this separation distance, the review agencies have waived the requirement for an Environmental Impact Study to be submitted with the applications.

As the proposed development will occur greater than 120 metres from identified natural heritage features, there are no significant negative impacts that would be generated by the proposed expansion. Therefore, the applications are considered to be consistent with the policies of Section 2.1 of the PPS.

Agriculture (PPS 2.3)

The subject lands are within the Rural Area, as defined by the PPS. More specifically, the subject lands are within a Prime Agricultural Area.

Policy 2.3.1 of the PPS directs that Prime Agricultural Areas are to be protected for the long-term use for agriculture. The subject lands are currently vacant and are used for seasonal cash crop production (i.e. soy, winter wheat). The lands not being conveyed through the severance (i.e. Part 3) will continue to be used for agricultural purposes.

Policy 2.3.4.1 pertains to lot creation in prime agricultural areas. More specifically, policy 2.3.4.1. b) states that “Lot creation in Prime Agricultural Area is discouraged and may only be permitted for agricultural-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.

The proposed size of Part 2 is 2.03 hectares, which has been identified as the minimum area required to facilitate the needs of the existing business. This expansion area will not include any structures and will have a negligible impact on existing water and septic systems. A small portion of Part 2 will be utilized for a new stormwater management facility to ensure there are no negative stormwater impacts generated by the increase in impervious area.

Cultural Heritage and Archaeology (PPS 2.3)

Policy 2.6.2 of the PPS states that *“development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved”*.

Through pre-consultation in 2023 the subject lands were identified as exhibiting archaeological potential by Niagara Region. Accordingly, Niagara Region has requested the completion and

submission of a Stage 1 Archaeological Assessment, at minimum, with the Zoning By-law Amendment application.

The applicant retained Detritus Consulting Ltd. to prepare the required Stage 1 Archaeological Assessment of the property. This report was prepared in 2024 and confirms that the subject lands exhibit archaeological potential.

Accordingly a Stage 2 assessment was completed in May of 2024. No archeological resources were encountered during the Stage 2 Assessment.

The Stage 1 and 2 Reports have been filed with the Ministry of Tourism, Culture and Sport for review and acceptance into the public registrar. A letter of concurrence has not yet been issued.

PROVINCIAL GUIDELINES FOR PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS

As noted previously in this report, some of the existing commercial uses operating at 5377 Elcho Road in West Lincoln are considered agriculture-related uses due to their direction relationship with the rural and agricultural community. It is these uses that require the land expansion.

Per Policy 2.3.3.1 of the PPS, agriculture-related uses are permitted in Prime Agricultural Areas and are to be compatible with and not hinder surrounding agricultural operations.

Criteria for their establishment is inferred to be provided in Provincial Guidelines which, in this case, is the document entitled "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851).

Section 2.2 of the Guidelines pertains to agriculture-related uses and outlines six (6) criteria to be considered and met when proposing agriculture-related uses in the Prime Agricultural Area. An overview of conformity with these guidelines is provided in the following section.

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

The Guidelines indicate that farm-related commercial uses include retailing of agriculture-related products, livestock assembly yards and farm equipment repair shops.

The existing commercial operation contains two companies that sell agricultural field materials (tiles, piping) and repairs and rents agricultural equipment. These services are integral to the farm community.

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

Immediate adjacent agricultural operations only include the lands to be rezoned (5357 Elcho Road) which bounds the site to the north and east. Other adjacent agricultural operations are located on the west side of Wellandport Road (Regional Road 27) but are limited in scale. The predominant adjacent land uses to the subject properties are rural residential.

The willingness of the adjacent landowner to provide additional lands to the existing commercial uses demonstrates that they have no concern about the expansion hindering their active agricultural operation.

3. Directly related to farm operations in the area.

The products and services of the subject agriculture-related use are integral to any farming community, and are therefore integral to the immediately surrounding farming operations.

4. Supports agriculture.

The supply of agricultural drainage and liquid storage materials, and the repair and rental of agricultural equipment are vital services for agricultural operators.

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

Both Ontario Agra Piping and Kor Rentals provide materials and equipment to the agricultural community as a primary activity.

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

The proposed expansion is logically proposed next to the existing uses. The subject lands are located central to the surrounding agricultural community in West Lincoln, Wainfleet, Pelham, Lincoln and Haldimand County. This proximity allows for convenient access for farmers and limited travel for delivery of equipment and materials without the need for accessing large highways.

Enercon, which is an energy related group, also utilizes a portion of the existing site for the parking of work vehicles and has a small office space. Enercon provides technical repair and support services for the wind energy projects in west Niagara that exist on agricultural properties. Ensuring their continued availability to operate on site supports these energy projects which are typically utilized by the agricultural community to supplement revenue and due to setback and locational restrictions.

Based on the analysis provided, the applications and development proposal are considered to meet the requirements for agriculture-related uses set forth in the Provincial Guidelines.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Rural Areas (PTG 2.2.9)

Rural Areas are not defined or identified within the Growth Plan, but can be interpreted using the definition found in the Provincial Policy Statement (2020) which includes rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Section 2.2.9.3 of the Growth Plan states that development outside of settlement areas may be permitted on rural lands for a variety of cultural and economic opportunities, the management of resources, resource based recreational uses, or other rural uses that are not appropriate in settlement areas, subject to criteria pertaining to compatibility, serviceability and impacts on the agricultural community.

The submitted applications will facilitate the expansion of existing agriculture-related commercial land uses that directly service the surrounding rural and agricultural community. Although the existing uses could be considered appropriate and compatible to locate within a settlement area, the current location is long-established, conveniently accessible for the intended and existing client base and is adequately separated from sensitive uses that may be impacted by dust or noise associated with day to day operations.

The applications will facilitate a development expansion that is compatible with the rural landscape, and surrounding land uses, can be sustained by existing rural services and will not adversely affect the protection of agricultural uses.

Natural Heritage System (PTG 4.2.2)

Lands outside of a Settlement Areas may be subject to the provincial natural heritage system policies if they contain key natural features or key hydrologic features.

Per Policy 4.2.2.3 of the Growth Plan, applications for development and/or site alteration must demonstrate there will be no negative impacts to key natural heritage features or key hydrologic features, that connectivity between features is maintained, and that there will be no unnecessary removal of features. In cases where vegetation or feature removal must occur, 30 percent of the total developable area of a property must remain vegetated or be returned to a state of natural self-sustaining vegetation.

The property known as 5357 Elcho Road contains natural heritage features at the northern end of the property which include a provincially significant wetland, significant woodland, watercourse and environmental corridor. These features are located approximately 190 metres

from the northern limit of Part 2, which is the environmental impact study threshold for impacts per policy 4.2.4.1 of the Growth Plan.

The expansion of the C3 Zoning onto Part 2 is not expected to result in any negative impacts on the noted key natural heritage and key hydrologic features due to the physical separation distance and that existing agricultural cultivation activities will continue to occur within the intermediary lands on Part 3.

Agricultural System (PTG 4.2.6)

As directed by the Growth Plan, the Province has identified the Agricultural System for the Greater Golden Horseshoe. Such agricultural lands are to be designated in accordance with Provincial mapping and protected for the long-term for agricultural purposes.

The applications conform with the overall policy direction of the Growth Plan by proposing the development of a small portion of agricultural land to support the expansion of agriculture-related commercial uses. Such uses are permitted and encouraged by the Province as a means to support the long-term viability of agriculture in Ontario communities.

Cultural Heritage Resources (PTG 4.2.7)

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans as tools to use in the consideration of development applications.

In the absence of a Township archaeological master plan, the Regional Municipality of Niagara is the Planning authority with delegated responsibility for identifying archaeological potential and requesting studies in accordance with the Ontario Ministry of Citizenship and Multiculturalism protocols.

As requested by Niagara Region, a Stage 1 Archeological Assessment was completed by Detritus Consulting Ltd. in 2024. This report concludes that the subject lands exhibit archaeological potential and will require a Stage 2 assessment inclusive of test pitting. Subsequently, a Stage 2 Assessment of the subject lands was completed, which did not result in the identification of archeological resources.

The Stage 1 and Stage 2 Reports have been submitted to the Ministry of Tourism, Culture and Sport for review and acceptance into the Provincial registrar of archeological reports.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (2022) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051. This plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022.



Figure 10 - Schedule F of the Niagara Official Plan (2022)

The location of the subject lands is identified in **Figure 10**, which shows both 5357 and 5377 Elcho Road as being designated as Prime Agricultural Area on Schedule F – Agricultural Land Base of the Niagara Official Plan.

Applicable agricultural policies are contained within Chapter 4 of the NOP, entitled “Competitive Region”.

Chapter 4 – Competitive Region

4.1.1 Region’s Agricultural Land Base

Policy 4.1.1.2 of the NOP requires that prime agricultural areas, as shown on Schedule F, shall be protected for the long term use of agriculture.

The remnant portions of Part 3 will continue to be actively cultivated, thus upholding the long term use of the property for agriculture uses as encouraged in the NOP.

The lands to be added to 5377 Elcho Road will be utilized for an expansion of an existing commercially based agricultural-related use. Such uses are desirable, as they support the farming community and rural communities.

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

Section 4.1.2 of the NOP contains the land use policies which apply to Prime Agricultural Areas within Niagara.

Policy 4.1.2.3 requires that “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.”

As outlined previously in this report, the existing commercial operations are agriculture-related and support the surrounding rural community. Accordingly, the expansion of this use should be promoted to achieve greater agricultural goals.

4.1.3 Minimize Conflicts of Non-Agricultural Uses

Non-agricultural uses within the agricultural areas have the potential to generate adverse or significant impacts on the agricultural community depending on their nature. In some cases, non-agricultural uses may be appropriate based on need or condition. Many non-agricultural land uses within the agricultural area are long standing.

Policy 4.1.3.1 requires that “Non-agricultural uses should not be located in specialty crop areas or prime agricultural areas.” The applications do not offend this policy as the existing commercial use can be considered as an agriculturally-related use. It is not a “non-agricultural use” due to its direct relationship with the agricultural community. Accordingly, the balance of the policies of Section 4.1.3 should not apply.

4.1.4 Lot Creation and Related Development within the Agricultural System

Similar to the policy direction of the 2020 PPS, lot creation is discouraged in Prime Agricultural Area.

In such scenarios where lot creation is proposed for non-residential purposes, development must be supported by sustainable on-site private water and sanitary services.

The existing development at 5377 Elcho Road is supported by private sewage (septic bed) and water services. The proposed boundary adjustment does not include new development and therefore does not increase demand for the existing services.

The existing dwelling that is located on the remnant lands (5357 Elcho Road) is also serviced with private sewage and water systems. These systems will not be impacted by the proposed boundary adjustment.

4.1.6 Lot Creation in Prime Agricultural Areas

The lot creation policy framework of the NOP is clear and contains a set of specific requirements that must be satisfied. These tests are divided into three application streams being 1) agricultural lot creation, 2) agriculturally related lot creation, 3) residential surplus dwelling severances and 4) legal or technical severances.

As the application is seeking to sever and add additional land to facilitate the expansion of an agriculturally-related use, Policy 4.1.6.1 b. (agriculturally-related lot creation) apply. These requirements are evaluated below:

- i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and*

As noted, the subject lands contain several agriculture-related businesses on one property. This enables the lands to be used more efficiently than if each business was on a separate property as only one parking area, septic system and stormwater management pond are currently required to support all of the businesses.

The businesses have outgrown the current property and wish to expand onto the adjacent lands. Part 2 on the severance sketch represents the required amount of land needed by the owners of 5377 Elcho Road to facilitate the expansion of the existing businesses.

The expansion of the existing agriculture-related businesses onto the adjacent lands is desirable as it maintains the existing land use efficiencies and therefore limits the amount of agriculture lands being developed than if an entirely new property was required to be established to enable the expansion.

The proposed land area to be added is 2.03 hectare or approximately 5 acres. The lands will be primarily used for the temporary outdoor storage of agricultural materials received from manufacturers prior to being taken to site for installation.

The existing private water and sanitary systems are considered to remain adequate for the commercial use as no new buildings or water consuming fixtures are being proposed. The small decrease in the lot area of 5357 Elcho Road will not result in any impacts on their existing septic system.

- ii. any new lot shall be zoned to preclude residential uses in perpetuity.*

The subject lands do not currently contain any existing residential uses.

The concurrent Zoning By-law amendment will Zone Part 2 as Service Commercial (C3), which is the same zoning in place on 5377 Elcho Road. The C3 Zone does not permit new residential land uses to be developed. Accordingly, the proposed zoning category will ensure that no new residential land uses occur on the property, in conformity with Policy 4.1.6.1 b..

4.1.7 A Resilient Agricultural Economy

Policy 4.1.7.3 of the NOP permits agricultural uses, agriculture-related uses and on-farm diversified uses within prime agricultural areas. Table 4-1 of the NOP outlines these types of uses in greater detail, as shown in **Figure 11** below:

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
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. <i>agri-tourism uses</i> b. pick-your-own operation c. home occupations

Figure 11 - Table 4-1 of the Niagara Official Plan

As demonstrated previously, the existing uses occurring at 5377 Elcho Road are agriculture-related uses that align with the examples contains in Table 4-1.

Section 4.1.7.8 provides the criteria that are to be considered when reviewing applications for proposed agriculture-related uses. The noted criteria are applicable to the establishment of new agriculture-related use. As the applications will facilitate the expansion of existing agriculture-related uses, it is still deemed appropriate to consider how the expansion conforms with these polices.

- a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;

The applications apply to the expansion of an existing legally-established agriculture-related use. The proposed expansion is logical and contiguous with the existing area that has been established for this use and the location is therefore considered to be appropriate.

- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;

As previously established, the proposed use is agriculture-related. Its location in proximity to farming operations is a benefit to the agricultural uses which it supports, as well as to the businesses themselves.

- c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;

The existing use does not interfere with surrounding farming operations. The proposed expansion is for storage, and similarly does not create impacts that would interfere with farming operations.

- d. whether the scale of the activity is appropriate to the site and farming operation;

The proposed expansion is intended to be used as temporary materials storage. This is a passive use and does not create negative impacts on surrounding farming operations. Equipment and materials storage are also common practices on agricultural farms.

- e. whether the use is consistent with and maintains the character of the agricultural area;

The proposed expansion represents the expansion of an existing legally established agriculture-related use and does not significantly alter the character of the area.

- f. the use does not generate potentially conflicting off-site impacts;

As noted, the proposed expansion is intended to be utilized for storage which is a passive use. No off-site impacts are anticipated.

- g. the activity does not include a new residential use;

No new development, including residential development is proposed. The lands subject to the boundary adjustment are proposed to be zoned as Service Commercial (C3) which does not permit residential development.

- h. the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems; i. the use does not require significant improvements to infrastructure; and

The existing agriculture-related businesses are supported by private water and sewage systems. The proposed expansion does not increase the demand for these services.

- i. the use complies with all other applicable provisions of this Plan.

Conformity to the other applicable policies in the NOP is evaluated in this report.

4.1.10 – Non-Conforming Uses in the Agricultural System

Section 4.1.10 of the NOP contains the policies related to the continuation and expansion of legally established, non-conforming uses in the Agricultural System. These policies are not applicable as the existing uses were legally established, and are agriculture-related uses, which are permitted within Prime Agricultural Areas.

Chapter 3 – Sustainable Region

Figure 12 has been generated by Niagara Region’s online natural heritage mapping viewer and shows mapped natural heritage features on, and adjacent to the subject lands. These features include provincially significant wetlands (hatched area), significant woodlands (green), watercourses (blue lines) and environmental corridors/linkages (purple).

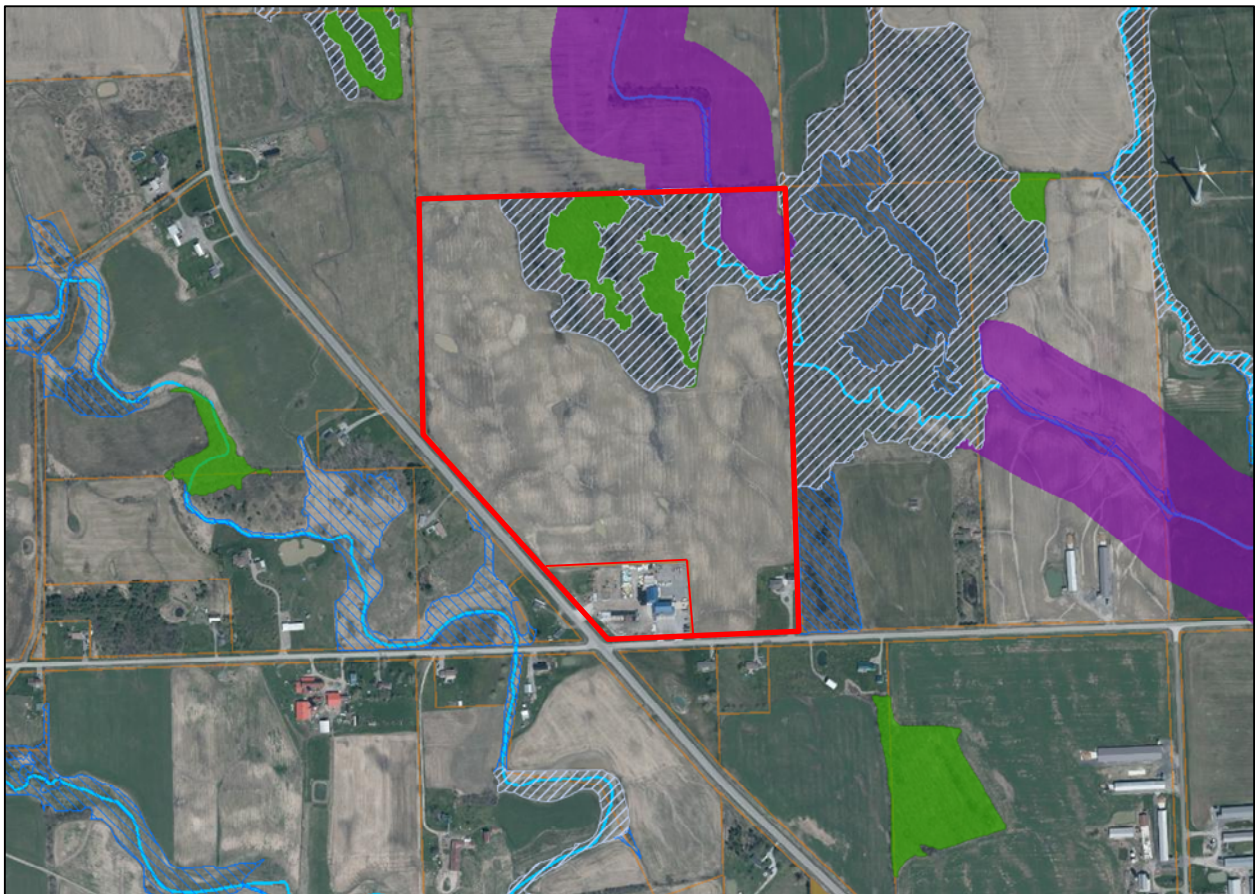


Figure 12 - Niagara Region Mapped Natural Heritage Features

Given the location of these features and their proposed separation distance between the expansion lands no assessment of natural heritage impacts through professional study was requested. Accordingly, the applications do not conflict with the Natural Heritage policies of the NOP.

TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The subject lands are designated as Good General Agricultural and Natural Heritage System on Schedule B-1 – Land Use Gainsborough within the Township of West Lincoln Official Plan, as shown in **Figure 13**. The subject lands are located north of the Wellandport Settlement Area.

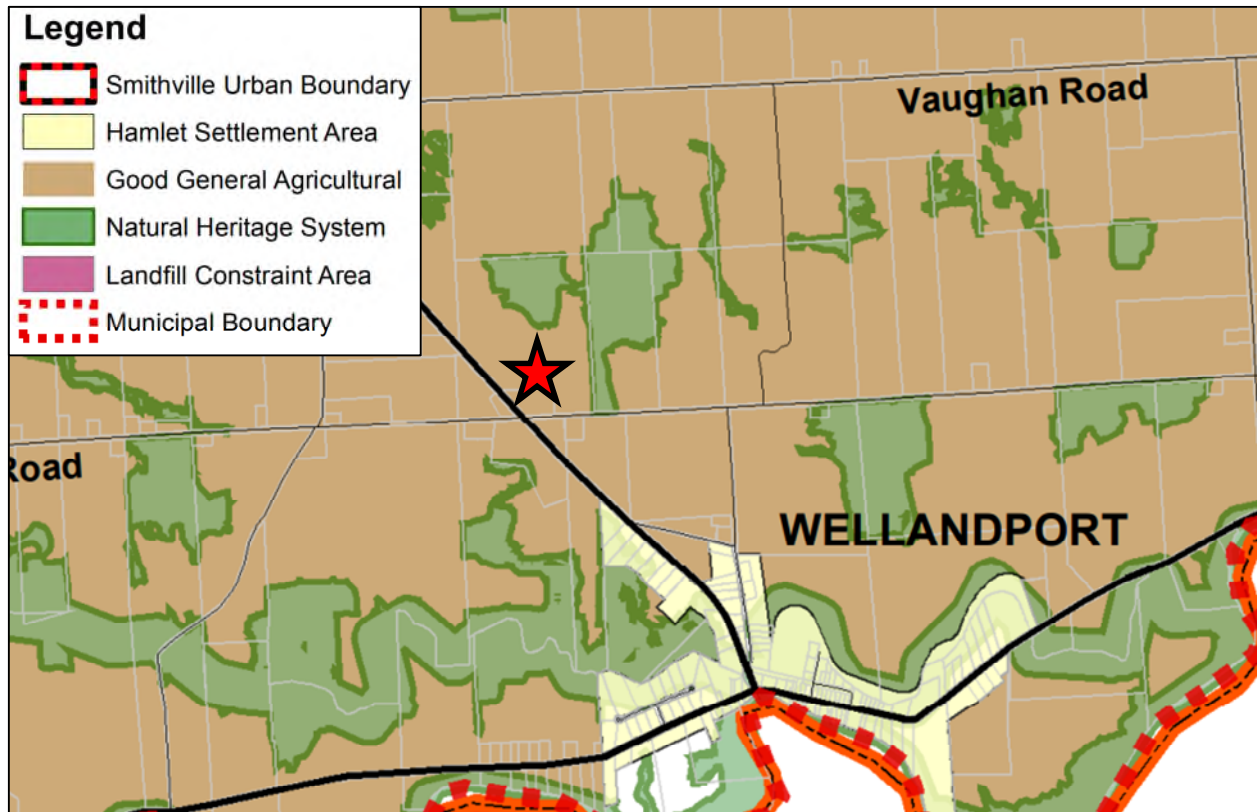


Figure 13 - Schedule A1 of Lincoln Official Plan (Cropped)

Section 4 – Agricultural Land Use Policies

As the subject lands are located within the Agricultural Area, the policies of Section 4 of the Official Plan are applicable. Per Policy 4.1, the agricultural area represents a mix of well diversified uses that will help to ensure the sustainability and viability of the Township’s agricultural industry. The applications pertain to agriculture-related uses provide materials and equipment which support agricultural uses. The applications are therefore consistent with the overall vision for the agricultural area as established in the Official Plan.

4.2 Objectives for all Agricultural Areas

Section 4.2 of the Township’s Official Plan outlines the general Objectives for Agricultural Areas. The proposal implements, or has regard for the following objectives:

- 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.
- c) To promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.
- e) To promote, where feasible, opportunities for agricultural related value added activities to support, promote, and develop the agricultural areas.

4.2.1 General Agricultural Policies

Section 4.2.1 contains the general policies that apply to all of the Township's Agricultural Policies. Within Section 4.2.1, policies a), c), d) and f) are relevant. These policies are evaluated in the following section.

Policy 4.2.1 a) outlines all permitted uses within all agricultural areas in West Lincoln, as well as general policies to guide the form and processes associated with development. These uses include:

- 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.
- ii. Small scale agriculturally related uses related directly to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of this plan.
- iii. Agricultural-related residential uses including help houses.
- 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.
- v. Linear infrastructure facilities, and associated equipment, that are to serve the Township and Region including, but not limited, to: water supply and sewage treatment facilities, communication/telecommunication facilities and transportation networks. New infrastructure facilities will be of a size and nature to serve both the existing and future needs of Township residents and shall minimize the effects on surrounding farm operations. Proposals for new infrastructure facilities shall be in accordance with all provincial and regional requirements.
- vi. Passive open space and recreational uses such as trails in the Good General Agricultural Areas.

Policy 4.2.1.a) ii) pertains to the proposed use, which is considered to be agriculture-related.

Policy 4.2.1 c) requires the completion of Minimum Distance Separation Distance calculations for new or expanding livestock operations or new or expanding non-farm uses. Within the surrounding area, the land uses are comprised of largely rural residential or open field agricultural uses (i.e. cash crops), as well as the existing agriculture-related commercial uses at 5377 Elcho Road.

Based on a review of aerial photography, the closest existing livestock operations are found at 904 Collver Road and 5225 Elcho Road, to the southeast and east, respectively.

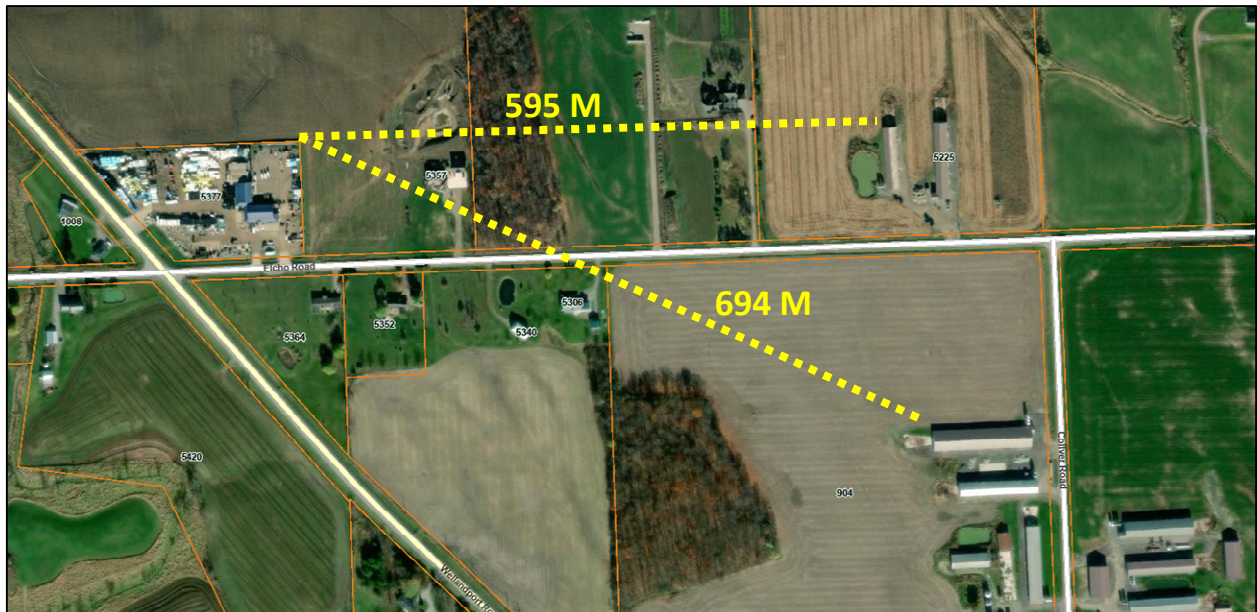


Figure 14 - MDS Setbacks

As shown in **Figure 14**, the closet point of the expansion lands will be no closer than 595.6 metres, which is the already established distance from the livestock operation at 5225 Elcho Road. As the proposed expansion will occur no closer than the existing development limits, no additional impacts or encumbrances on these existing operations are expected.

Policy 4.2.1 d) requires that “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.”

The applications conform with this policy as the existing dwelling at 5357 Elcho Road and commercial building at 5377 Elcho Road are both supported by private water and sanitary services (i.e. septic). The applications do not contemplate any new buildings or require increased servicing capacities and therefore the existing services are considered to be adequate and provided in conformity with the Official Plan.

Policy 4.2.1 f) requires that applications for consent within the Agricultural Areas shall be subject to the policies of Section 17.13 of the Official Plan. This Section is now numbered as Section 18.13 due to changes in the plan effected by Official Plan Amendment 147.

The severance application has been evaluated against the policies of Section 18.13 of the Official Plan further on in this report and is deemed to conform.

4.4 Good General Agriculture Areas

The subject lands are located within the Good General Agricultural Area and are subject to the policies and objectives of Section 4.4 of the West Lincoln Official Plan.

The Objectives for Good General Agricultural Areas are contained in section 4.4.1, and include:

- 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.
- c) To promote the consolidation of larger agricultural holdings to strengthen the economic strength of the agricultural land base of the Township of West Lincoln.

The applications assist in the satisfaction of these objectives by preserving the balance of Part 3 for continued agricultural cultivation and utilization a small portion of the property that is contiguous to 5377 Elcho Road to support the expansion of established agriculture-related uses.

The Policies for Good General Agricultural Area are contained in Section 4.4.2 of the Official Plan. Each of the policies within this Section of the Official Plan are outlined and evaluated in the context of the applications below.

- 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.

This requirement is acknowledged. The subject lands are designated as Good General Agricultural lands on Schedule B1 of the Official Plan and will continue to be utilized for agricultural and agriculture-related use.

- 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.

The remnant agricultural lands will be 30.65 hectares in area which is a sufficient size to support a viable farm operation.

- c) The consolidation of existing agricultural holdings into larger agricultural holding shall be generally supported. The consolidation of agricultural holdings through the consent process shall be subject to the policies of Section 17.13: (Land Severances) of this plan.

No farm consolidation is proposed as part of these applications.

- d) The location of greenhouses within the Good General Agricultural Area shall take into consideration the proximity of adjacent residential and non-farm uses. Specific standards for greenhouse operations shall be contained within the Township's Zoning By-law.

No greenhouses are proposed through these applications.

- e) Small Scale Commercial and Industrial Uses which do not require close proximity to agricultural operations shall be located in appropriately designated commercial or industrial areas within designated Settlement Areas. Small Scale Commercial and

Industrial Uses that are required to support the agricultural community shall be located so that they minimize the impact on the viability of existing and future agricultural operations. These uses shall be carefully regulated through a Zoning By-law Amendment as to their location, size and traffic generation in order to minimize potential disturbances and to ensure that private sewage disposal systems can accommodate the increase sewage loading to the satisfaction of the Township of West Lincoln.

The existing agriculture-related commercial uses are permitted uses within the C3 Zone. These operating agriculture-related commercial uses are considered to be in closer conformity with the intent and purpose of the official plan than other permitted uses and have benefitted greatly from their location within the agricultural area over the long term.

The proposed size of the expansion lands (Part 2) is considered adequate and appropriate given the needs of the existing operations and scale of materials stored on site. No new buildings are required to be developed as part of the applications. Subsequently there will be no impact on the existing septic and water systems on the subject lands.

Provisionally, an additional entrance is proposed to Wellandport Road however no study of this access was requested by Niagara Region. At this time there are no significant traffic impacts expected.

- f) 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.

The subject lands are not located within the “Landfill Area of Possible Influence” cited in Section 16 of the Township of West Lincoln Official Plan.

- g) Within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township’s Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township’s Official Plan and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required.

The uses to be expanded are agriculture-related commercial uses, which are permitted under the Official Plan.

4.6 Agriculture-Related Uses and On-farm Diversified Uses

As noted throughout this report, the existing use of 5377 Elcho Road is agriculture-related. While no new agriculture-related commercial uses are contemplated, the physical expansion of these uses onto agriculture lands warrants an evaluation of the policies within Section 4.6 of the Official Plan to confirm the appropriateness of the expansion.

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.

The proposed expansion is contiguous to the existing agriculture-related use and is of a regular shape.

- b) An adequate and potable water supply is available.

The property has an existing private water supply. The proposed expansion does not significantly increase demand for this service.

- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.

The commercial uses are supported by an existing private sewage (septic) system. As the proposed expansion is for storage, no significant additional demand on this system is anticipated.

- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.

A stormwater management pond is proposed to manage stormwater runoff. The future development will be subject to Site Plan approval through which the details of the stormwater management plan are reviewed.

- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.

The proposed expansion does not result in the establishment of new entrances or exits.

- f) Adequate off-street loading, parking spaces and access points will be provided.

The required amount of parking spaces for the commercial uses is accommodated.

- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.

The proposed expansion does not alter the existing parking layout.

- h) Outside storage may be limited.

The requested zoning amendment seeks an increase in the amount of outdoor storage permitted on the site. The nature of the existing commercial uses requires significant outdoor storage area. The visual impact of outdoor storage can be mitigated through fencing or landscaping, as determined through the site plan approval process.

- i) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.

The commercial uses operate within normal business hours.

- j) The lands will be appropriately zoned and, where necessary, a development agreement will be required.

As required by this policy, a Zoning By-law Amendment has been applied for to zone the expansion area Service Commercial (C3), consistent with the existing zoning at 5377 Elcho Road. The expansion will also be subject to Site Plan control.

- k) Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.

The expansion does not impact any natural areas described in this policy.

- l) Development may be subject to site plan control.

The policy further requires that Agriculture-related uses and on-farm diversified uses involving development over 500 square metres shall be subject to a zoning by-law amendment. Such amendments are to address the following matters:

- a) Whether the use is more appropriately located in a nearby settlement area;

The application pertains to the expansion of an existing agriculture-related use. Relocation of the use is not practical.

- b) Whether the use is required on or in close proximity to the agricultural operation to support and complement the agricultural activity;

The proposed use is agriculture-related. Its location in proximity to farming operations is a benefit to the agricultural uses which it supports, as well as to the businesses themselves.

- c) Whether the use is compatible with the existing farming operation and/or surrounding farming operations; and

The existing use does not interfere with surrounding farming operations. The proposed expansion is for storage, and similarly does not create impacts that would interfere with farming operations.

- d) Whether the use complies with all other applicable provisions of this Plan and the Regional Official Plan. Lot creation to accommodate agriculture-related or on-farm diversified uses is not permitted.

The proposed boundary adjustment is permitted under the Niagara Official Plan and conforms with the applicable policies of the Township's Official Plan as demonstrated in this report. The application does not propose the creation of a new lot, but rather the expansion of an existing lot. The application therefore does not conflict with this policy.

4.6.1. Agriculture-related uses

The Township's Official Plan requires that agriculture-related uses are small in scale, are directly related to, and required to be in close proximity to farm operations.

Section 8 – Heritage Conservation

As outlined in Section 8 of the Official Plan, Cultural Heritage resources include built heritage (i.e. heritage buildings), natural and human-made landscapes and archaeological resources.

The subject lands do not contain, and are not adjacent to any identified cultural heritage buildings or landscapes. However, the subject lands do exhibit archaeological potential and are required to be evaluated prior to the commencement of any development or site alteration.

Subsection 8.3.5 of the Official Plan pertains to archaeological resources. Specifically, policy 8.3.5. d) requires that:

“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.”

In conformity with this policy direction, a Stage 1 Archaeological assessment was completed for the subject lands by Detritus Consulting Ltd.

Section 10 – Natural Environment

Section 10 of the Township of West Lincoln Official plan pertains to the natural environment.

As outlined previously in this report, 5357 Elcho Road contains a Provincially Significant Wetland, Significant Woodland, Watercourse and Environmental Corridor at the northern end of the property.

The proposed northern boundary of the expansion is located approximately 190 metres from the closest point of these features, which is greater than the typical 120 metre screening area limit used to determine the need for environmental impact studies.

As the affected lands are located outside of this area of influence, and that the interceding agricultural use will continue on the balance of 5357 Elcho Road, there is no anticipated negative impact on natural heritage features on or adjacent to the subject lands. Accordingly, the applications are considered to conform with the policies of Section 10 of the Official Plan.

Section 14 – Infrastructure and Transportation

14.4 Stormwater Management

As required by Policy 14.4.1 a), the applications have been submitted with a stormwater management plan that has been prepared by Upper Canada Consultants.

The provided report outlined the current manner in which surface drainage occurs and proposes a stormwater management solution to capture, treat and control generated flows.

The provision of this plan satisfies the requirements of the Official Plan. Detailed comments on the functionality of the system will be provided for consideration during the review process.

14.5 Roads

Both properties related to this application have frontage and access provided from Elcho Road. The commercially zoned property (5377 Elcho Road) has an additional driveway access from Wellandport Road, being Regional Road 27. No additional or reconfigured accesses from Elcho Road are proposed to necessitated by these applications, however, the provisional site grading plan shows a new access to the expansion lands from Wellandport Road.

Per Section 14.5.2 of the West Lincoln Official Plan, considerations for access and design matters affecting Regional Roadways is not under the jurisdiction of the Township Plan. Niagara Region will be responsible for providing comments and requirements related to this proposed access.

Section 18 – Implementation

Section 18.13 (Formerly 17.13) of the Township Official Plan contains policies that are applicable to Consent applications within the township. Specifically, Section 18.13.1 contains general policies applicable to all Consent applications, and Section 18.13.2 pertains to severances in the Agricultural Area. Both policy subsets are outlined and evaluated below.

18.13.1 General Policies for Consents

- a) Development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning By-law.

The subject lands are designated as “Good General Agricultural” on Schedule B1 of the Official Plan.

The Good General Agricultural land use designation permits a range of agricultural and agriculture-related land uses. The expansion of the existing agriculture-related commercial uses is permitted by the Official Plan and is appropriately accommodated through the expansion of the Service Commercial Zone.

- b) Any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.

The remnant Parcel, being Part 3 (5357 Elcho Road) will retain x metres of frontage on Elcho Road and x metres along Wellandport Road (Regional Road 27)

- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.

Consideration of a potential driveway access to Wellandport Road will be considered through the Site Plan process.

- d) Access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.

Consideration of a potential driveway access to Wellandport Road will be considered through the Site Plan process.

- e) Consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight lines on curbs or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.

Existing accesses are present for 5357 and 5377 Elcho Road. No concerns with their current locations or functions have been identified.

- f) Consent will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.

No additional private servicing infrastructure will be required to support the expansion of 5377 Elcho Road.

A Functional Servicing Report prepared by Upper Canada Consultants outlines the proposed method for managing stormwater on Parts 1 and 2.

- g) Consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.

This policy applies to urban consents, and is not applicable to these applications.

- h) No land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.

There are no slope features on the subject lands. This policy is not applicable.

- i) No land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.

A provisional site grading design prepared by Upper Canada Consultants has been provided with the application. This Plan demonstrates that through the utilization of a wet pond facility that the expansion lands and retained parcel will continue to drain appropriately to the roadside ditches with no impact on adjacent properties or downstream area.

- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.

The required Zoning By-law Amendment is proceeding for consideration prior to the Consent Application. This Amendment will establish the necessary zoning provisions to support the intended use of the lands.

- k) Where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.

This policy is acknowledged. The application is deemed to conform with the Official Plan and Zoning By-law, as proposed.

- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.

This policy is not applicable to development proposal.

18.13.2 Agriculture Consent Policies

Agricultural Consent policies pertain to any land division application within any of the subsequent agricultural designations (Good General Agricultural, Unique Agricultural Areas).

An assessment of the policies is provided below. Please note policies 18.13.2 c), e), g) and h) are not applicable to the consent application.

- a) Where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and the retained parcels respect the need for long term

agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:

- i. Agriculture must be the intended use of the lands being retained and severed;
- ii. Smaller lot severances for greenhouses can be permitted subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for greenhouse operations be of sufficient size so that these ample room for future purposes.

The retained land will continue to be used for agricultural purposes. The resultant lot area is considered to be adequate for regular farming practices.

- b) Where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in proximity to farms, a consent may be granted subject to the agriculture policies of this plan as they apply to Agriculture Commercial and Industrial Uses.

The proposed Zoning By-law Amendment and Consent application both seek to facilitate the expansion of existing agriculture-related commercial land uses. As demonstrated throughout this report, the applications conform to the relevant policies of the Official Plan.

- d) Where the land being conveyed is to be added to an abutting, existing nonfarm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons.

The proposed boundary addition will add 2.03 hectares of agricultural land to 5377 Elcho Road, which contains non-farm uses. Based on the large-scale nature of the materials and products on the site (i.e. equipment, pipe, drains, cisterns, septic tanks), the proposed expansion area is the minimum land area that the businesses will require to support their needs.

- f) Where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

The severance is a boundary adjustment application that does not result in the creation of a new lot. The technical nature of the consent is the reasonable expansion of existing agriculture-related commercial uses within the agricultural area.

TOWNSHIP OF WEST LINCOLN ZONING BY-LAW (By-law No. 2017-70)

Map E7 of Schedule A of Township of West Lincoln Zoning By-law 2017-70 (**Figure 15**) shows 5357 Elcho Road zoned as “Agricultural” (A), “Environmental Protection Area” (EP), and “Environmental Conservation Area” (EC).

The adjacent property known as 5377 Elcho Road is zoned as “Service Commercial” (C3).

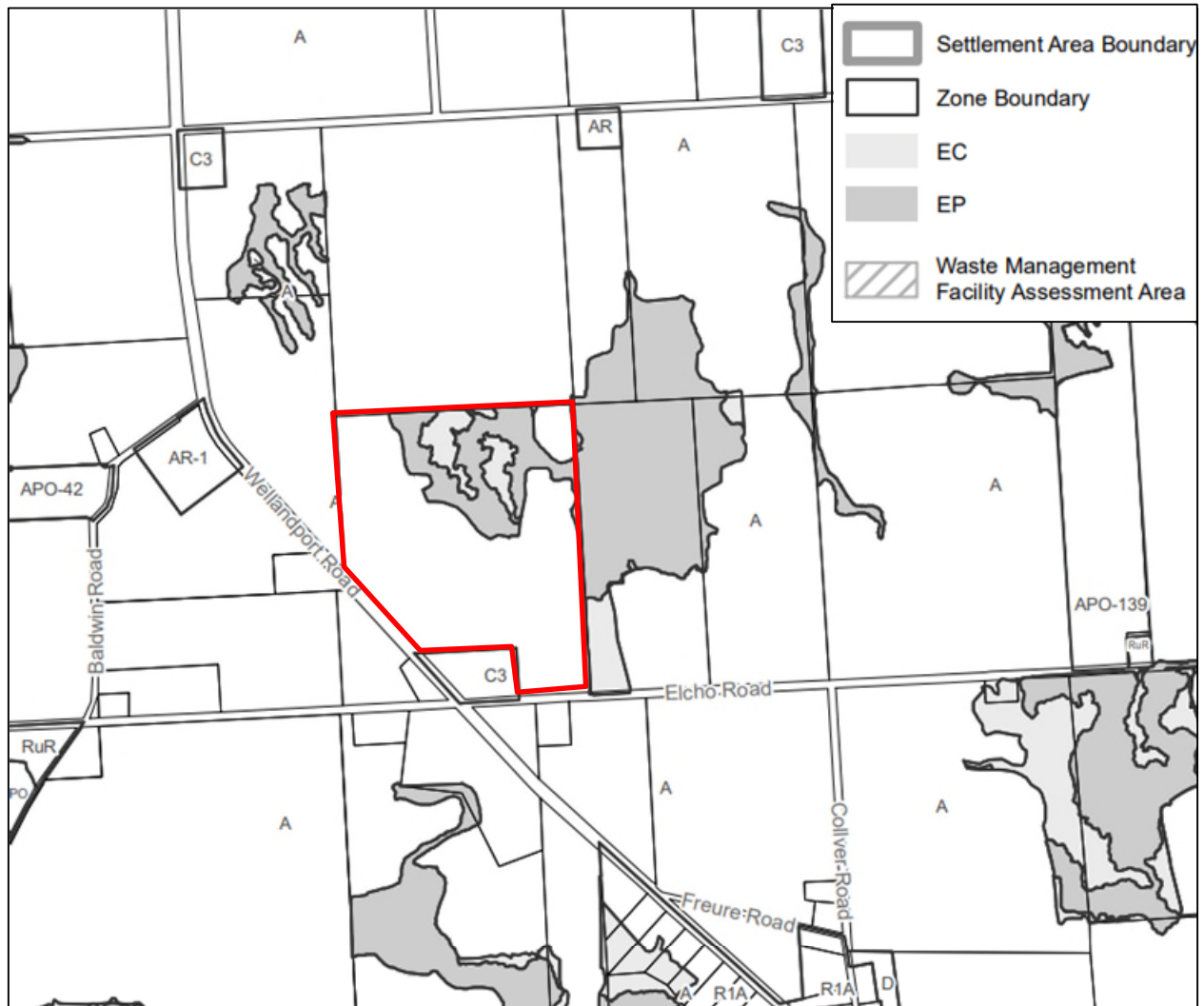


Figure 15 – Schedule A, Map E7 of Zoning By-law 2017-70

The Agricultural (A) Zone that is currently applicable to the expansion lands (Part 2) permits agricultural uses, single detached dwellings, wayside pits and quarries and accessory uses. The subject lands are operating in conformity with the Zoning By-law, as the lands are partially farmed and contain a lawfully established single detached dwelling.

As noted, the introduction of any commercial use, requires a Zoning By-law Amendment. The property known municipally as 5377 Elcho Road is zoned Service Commercial (C3). As shown in Table 1, the C3 zone permits a wide variety of commercial uses. An expansion of this zone and subsequent permissions and provisions is proposed for Part 2, which is 2.03 hectares in area. When merged, the C3 Zoning will apply to 4.03 hectares of land, being the entire consolidated property.

Site Specific Provision for Part 3 (A-X Zone)

The remnant Parcel (Part 3, 5357 Elcho Road) will require a site-specific provision to be added to the applicable Agricultural (A) Zone to permit a minimum lot area that is less than that required Table 12 of Section 5.3 of the Zoning By-law which is 40 hectares.

It is noted that 5357 Elcho Road is already undersized under the requirements of the Zoning By-law, being 32.68 hectares in size rather than the required 40 hectares.

As shown on the provided severance sketch, the resultant lot area after severance will be 30.65 hectares. This minor reduction in lot area is not anticipated to have any significant impact on the ability of the land owner to continue to farm their property.

The proposed Zoning Matrices are reflective of the state of the properties after severance and merger.

Outside Storage

The primary reason for the lot adjustment is due to the need for more storage space for inventory at 5377 Elcho Road. The existing property is currently exceeding the 5% maximum storage provision.

In keeping with the direction of the Zoning By-law, screening can and will be provided along the western exterior side yard flankage. The material and type are able to be determined through detailed site design and may include fencing, berms or landscape – or a mix of all forms.

The preliminary Site Plan shows the general area used for inventory storage on the subject lands, which equates to 56.4%. This area and percentage have been proposed through the zoning amendment.

Table 1: Zoning Compliance Table – Service Commercial (C3) Zone – 5377 Elcho Road (After Merged)

Provision	Required	Proposed
<p>7.2 Permitted Uses</p>	<p>Commercial Kennel Commercial School Communications Establishment Contractors Establishment Drive Through Facility Dry Cleaning / Laundry Depot Financial Institution Funeral Home Garden Centre Hotel/Motel Motor Vehicle Dealership Motor Vehicle Gasoline Bar Motor Vehicle Repair Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment Office, Including Medical Office Personal Service Shop Pet Care Establishment Place of Entertainment Private Club Recreation Facility Restaurant Retail Store Service Shop Studio Veterinary Clinic Wayside Pit or quarry Accessory Buildings and Structures Outside Display and Sales Area</p>	<p>Contractors Establishment, Service Shop, Outdoor Storage</p>

Provision	Required	Proposed
	Outside Storage Renewable Energy System	
7.3 Regulations	Required	Proposed
Minimum Lot Area	750 m ²	40,300 m ²
Minimum Lot Frontage	25 metres	128.93m
Minimum Front Yard (Elcho Road)	9 metres	36.63m
Minimum Exterior Side Yard (Wellandport Road)	6 metres	83.13m
Minimum Interior Side Yard	6 metres	23.84m
Minimum Rear Yard	6 metres	116.27m
Maximum Lot Coverage	50%	2.2%
Maximum Height	10 Metres	8.5 metres (existing buildings)
Minimum Landscaped Open Space	10%	17.6%
Maximum Outdoor Storage	5% of Lot Area (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.)	56.4%
Maximum Gross Leasable Floor Area	50%	2.28%
Section 7.1	Required	Proposed

Provision	Required	Proposed
Parking Requirements		
Commercial Retail Use	1 Space per 30 square metres of gross floor area. = 32 spaces required	37 spaces

Table 2: Zoning Compliance Table – Agricultural (A) Zone – 5357 Elcho Road (Dwelling and Farm)

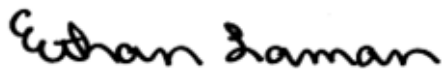
Provision	Required	Proposed
5.2 Permitted Uses	Agricultural Use Single Detached Dwelling Wayside Pit or Quarry	Agricultural Use and Single Detached Dwelling
5.3 Regulations	Required	Proposed
Minimum Lot Area	40 ha	30.65
Minimum Lot Frontage	100 m	171.65 m
Minimum Front Yard (Dwelling)	15 m	62.96 m
Minimum Exterior Side Yard (Dwelling)	15 m	N/A
Minimum Interior Side Yard (Dwelling)	5 m	25.64 m
Minimum Rear Yard (Dwelling)	15 m	±600 m
Maximum Lot Coverage	50%	±0.18%
Maximum Height	15 m	As existing
Minimum Landscaped Open Space	No Minimum	N/A
Maximum Outdoor Storage	5% of Lot Area	None
Section 7.1 Parking Requirements	Required	Proposed
Detached Dwelling	2 Parking Spaces per Dwelling Unit	+ 2 spaces

PLANNING POSITION

Based on the analysis provided within this report the proposed amendment is consistent with the 2020 Provincial Policy Statement and conforms to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and Town of West Lincoln Official Plan, as amended.

It is my professional opinion that the applications are representative of good land use planning, are in the public interest, and should be supported by the Township.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ethan Laman". The signature is written in a cursive, slightly slanted style.

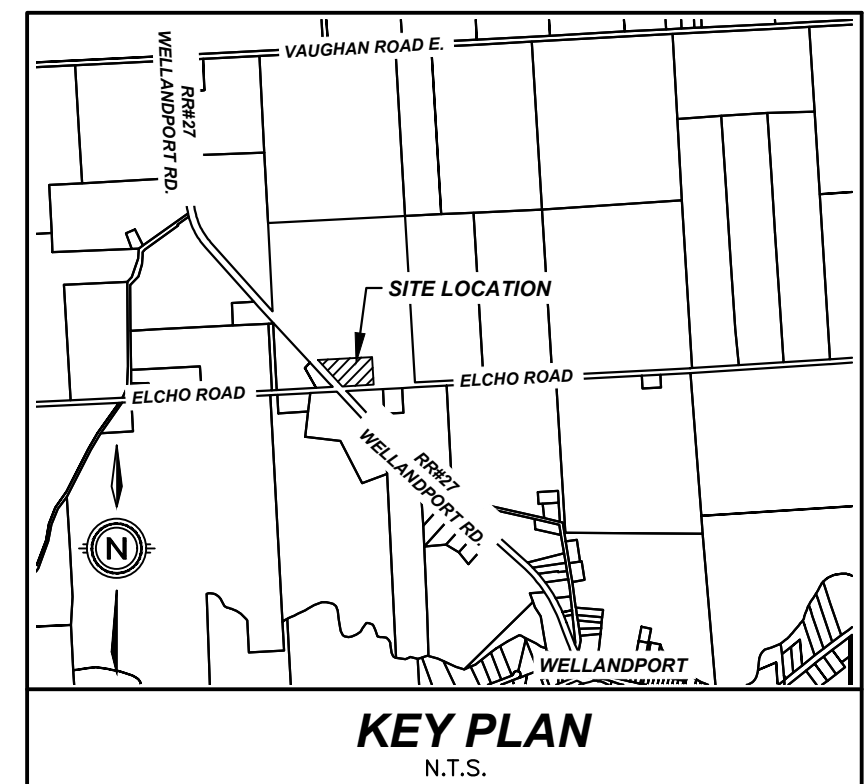
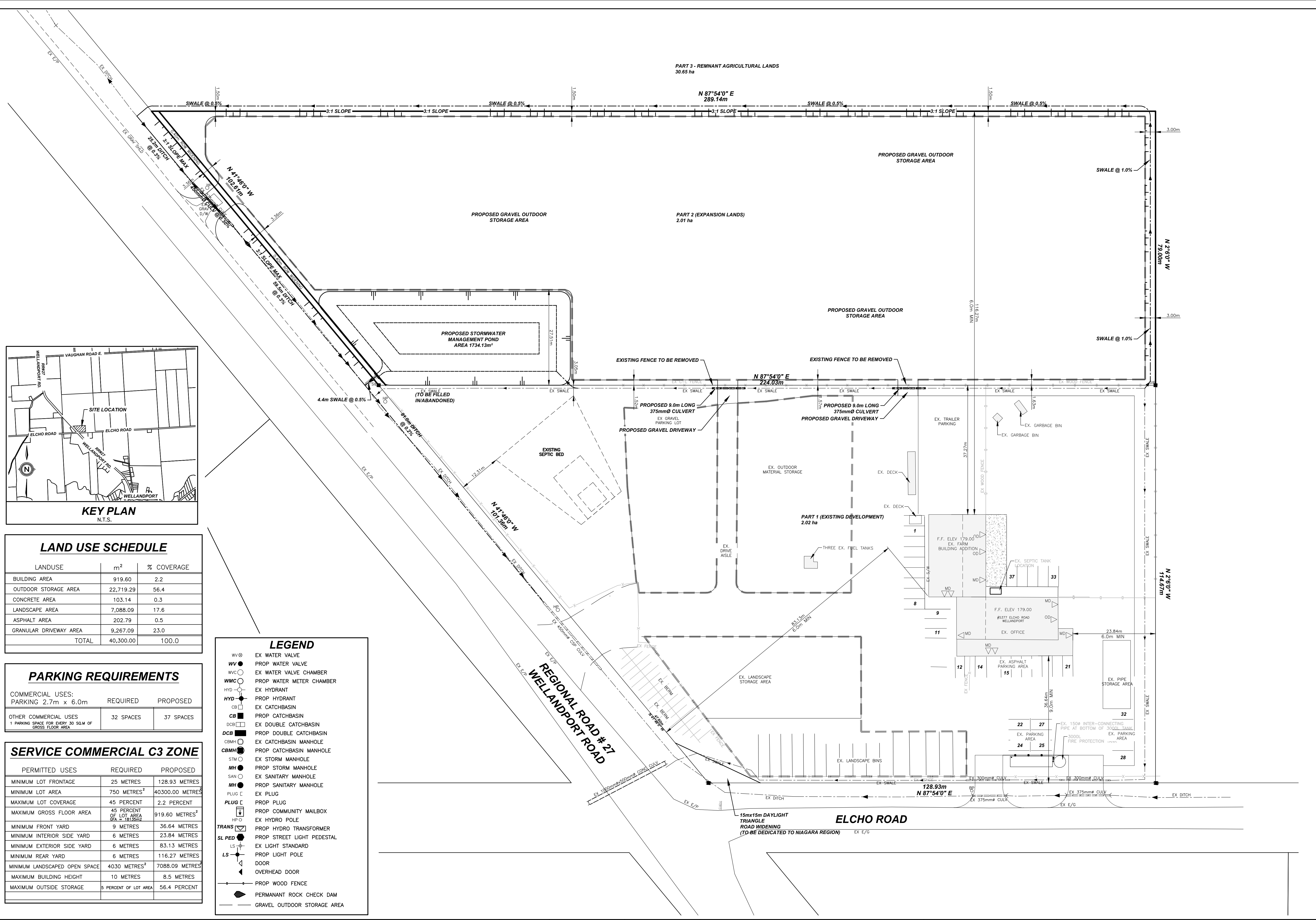
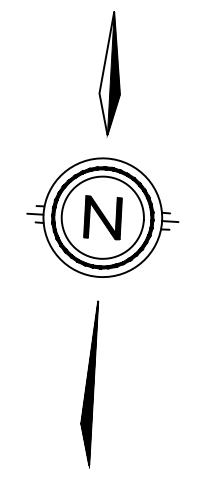
Ethan Laman, MCIP, RPP

Planner

Upper Canada Consultants

Appendix I
Site Plan





LAND USE SCHEDULE

LANDUSE	m ²	% COVERAGE
BUILDING AREA	919.60	2.2
OUTDOOR STORAGE AREA	22,719.29	56.4
CONCRETE AREA	103.14	0.3
LANDSCAPE AREA	7,088.09	17.6
ASPHALT AREA	202.79	0.5
GRANULAR DRIVEWAY AREA	9,267.09	23.0
TOTAL	40,300.00	100.0

PARKING REQUIREMENTS

COMMERCIAL USES:	REQUIRED	PROPOSED
PARKING 2.7m x 6.0m		
OTHER COMMERCIAL USES	32 SPACES	37 SPACES

1 PARKING SPACE FOR EVERY 30 SQ.M OF GROSS FLOOR AREA

SERVICE COMMERCIAL C3 ZONE

PERMITTED USES	REQUIRED	PROPOSED
MINIMUM LOT FRONTAGE	25 METRES	128.93 METRES
MINIMUM LOT AREA	750 METRES ²	40300.00 METRES ²
MAXIMUM LOT COVERAGE	45 PERCENT OF LOT AREA	2.2 PERCENT
MAXIMUM GROSS FLOOR AREA	45 PERCENT OF LOT AREA (GFA = 18150m ²)	919.60 METRES ²
MINIMUM FRONT YARD	9 METRES	36.64 METRES
MINIMUM INTERIOR SIDE YARD	6 METRES	23.84 METRES
MINIMUM EXTERIOR SIDE YARD	6 METRES	83.13 METRES
MINIMUM REAR YARD	6 METRES	116.27 METRES
MINIMUM LANDSCAPED OPEN SPACE	4030 METRES ²	7088.09 METRES ²
MAXIMUM BUILDING HEIGHT	10 METRES	8.5 METRES
MAXIMUM OUTSIDE STORAGE	5 PERCENT OF LOT AREA	56.4 PERCENT

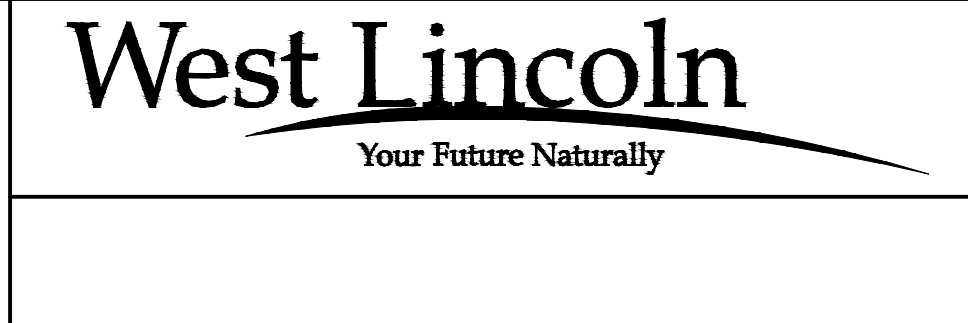
LEGEND

- WV ● EX WATER VALVE
- WV ● PROP WATER VALVE
- WC ○ EX WATER VALVE CHAMBER
- WMC ○ PROP WATER METER CHAMBER
- HYD ○ EX HYDRANT
- HYD ● PROP HYDRANT
- CB □ EX CATCHBASIN
- CB ■ PROP CATCHBASIN
- DCB □ EX DOUBLE CATCHBASIN
- DCB ■ PROP DOUBLE CATCHBASIN
- CBMH ○ EX CATCHBASIN MANHOLE
- CBMH ● PROP CATCHBASIN MANHOLE
- STM ○ EX STORM MANHOLE
- STM ● PROP STORM MANHOLE
- SAN ○ EX SANITARY MANHOLE
- SAN ● PROP SANITARY MANHOLE
- PLUG E EX PLUG
- PLUG ● PROP PLUG
- HP ○ EX HYDRO POLE
- HP ● PROP HYDRO POLE
- TRANS ○ EX TRANSFORMER
- TRANS ● PROP TRANSFORMER
- SL PED ○ EX STREET LIGHT PEDESTAL
- LS ○ EX LIGHT STANDARD
- LS ● PROP LIGHT STANDARD
- LS ○ EX LIGHT POLE
- LS ● PROP LIGHT POLE
- DOOR ○ EX DOOR
- DOOR ● PROP DOOR
- OVERHEAD DOOR ○ EX OVERHEAD DOOR
- OVERHEAD DOOR ● PROP OVERHEAD DOOR
- PROP WOOD FENCE
- PERMANENT ROCK CHECK DAM
- GRAVEL OUTDOOR STORAGE AREA

NOTES:

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
- PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD, TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	



OWNER
NGF PROPERTY INC.
 5377 ELCHO ROAD
 WEST LINCOLN, ON

**#5377 ELCHO ROAD
 WELLANDPORT
 SITE PLAN**

CONSULTANT FILE No.	2089
DATE	2024-04-04
PRINTED	2024-04-04
SCALE	1:400 m
REF No.	
DWG No.	2189-SP
REV	0

Appendix II
Pre-consultation Notes

Pre-consultation Meeting Form

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

Pre-Consultation Meeting Date: May 3, 2023

Site Address: 5357 & 5377 Elcho Road **Approximate Land Area (metric):** 2 hectares and 32.7 hectares

Site Legal Description: Concession 2, Part Lot 13, RP 30R2450 Part 2

Owner Contact Information:

Name of Owner: Brad and Kimberly Killins & NGF Property Inc.

Phone Number: _____ Email: _____

Principal Contact: Craig Rohe – Upper Canada Consulting

Phone Number: _____ Email: _____

Application Type:

- Official Plan Amendment (OPA)
- Zoning Bylaw Amendment (ZBA)
- Combined OPA/ZBA
- Consent – Severance to Create New Lot Boundary Adjustment Consent – Easement
- Minor Variance
- Site Plan
- Draft Plan of Subdivision
- Draft Plan of Condominium – Standard Vacant Land Common Element

Local Municipal Contact: Gerrit Boerema **Phone:** 905-957-5133 **Email:** gboerema@westlincoln.ca

1. Brief description of proposed development:

The owners of 5357 and 5377 Elcho Road are requesting a consent/boundary to sever 5 acres of farmland from 5357 Elcho Road and add it to 5377 Elcho Road, a 5 acre commercially zoned lot which contains an agricultural service and supply establishment.

2. Check All Applicable: Brownfield Greenfield Built-up Greenbelt Local CIP Area

3. Development Charges: Regional By-law 62-2012, Local By-law 2009-63

4. Existing Regional Policy Plan Designation: Prime Agricultural Lands

Conformity with Regional Policy Plan land use designations and policies? : Yes No

If 'No', what is the nature of the amendment needed? _____

5. Existing Local Official Plan Designation: Good General Agriculture

Conformity with Official Plan land use designations and policies? Yes No

If 'No', what is the nature of the amendment needed? See TWP Planning Comments below.

6. Existing Zoning: Agricultural 'A' (proposed severed parcel) and Commercial 'C3' (receiving parcel)

Conformity with existing zoning?: Yes No

If 'No', what is the proposed zoning: Remaining agricultural lands will not meet the minimum lot area and severed lot will need to be rezoned to permit additional uses.

7. Urban Design Guideline Applicable? Yes No

8. Is Site Plan approval required? Yes No

9. Open House Required? Yes No

10. Fees Required at time of Submission of the Application

Application	Township Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$4,820.00	\$1,395.00		
Plan of subdivision				
Plan of Condominium				
Consent	\$1,480.00	\$940.00		
Site Plan Control or Amendment	\$8,470.00	\$570 + 675.00		
Other				
Pre-con fee deposit	- \$310.00*			
TOTAL				

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.
- In addition to all application fees set out above, the applicant shall pay to the Township prior to final approval, all peer review fees, engineering review costs and legal fees incurred by the Township in reviewing the application.
- *\$255 to be taken off of one application fee if applied for within one year.

11. Development Charges (if applicable)

	Township Fee Rate	Region of Niagara Fee Rate	Notes
Building Permit Fee			
Conditional Permit (if applicable)			
Municipal Development Charge			
Site Specific Development Charge - Sanitary			
Site Specific Development Charge - Storm			
Site Specific Development Charge - Water			
Development Charge Credits			
Other			
TOTAL			

12. Additional Agencies to be contacted:

- HYDRO PIPELINES OTHER _____

13. Additional Comments:

TOWNSHIP PLANNING The subject lands are within the Good General Agricultural Designation. The Good General Agricultural policies can be found in Section 4 of the Township's Official Plan and severance policies can be found in Section 18 of the Official Plan. Township staff note the specific application of Policies 4.4.2 b), e) and g), namely ensuring that agricultural lots remain of a large enough size to ensure flexibility for future agricultural operations, ensuring that small scale commercial and industrial uses remain small in scale to minimize the impact on existing and future agricultural operations and that changes to existing non-agricultural uses shall require additional approvals such as zoning amendments and site plan approval. The Township further provides policies in Section 1813.2 a), b) and d). In summary, the policy can support farm land being added to a non-farm use if the minimum amount of productive agricultural farmland is taken out of production. Additionally, boundary adjustments are permitted for legal and technical reasons, including minor boundary adjustments. Staff are concerned that a doubling of the existing lot is not minor, and consumes a large amount of agricultural land, which may have impacts on future farming flexibility of the remaining farm land and may impact surrounding agricultural lands. Staff will need a planning justification report to support the consent, but would be in a better position to support a consent if the land being added was lessened by half. This would reduce the amount of farmland being taken out of production and help keep the business smaller in scale and help the boundary adjustment be considered minor. Staff additionally note the Niagara Official Plan policy 4.1.10 Non Conforming Uses in the Agricultural System. This policy allows for expansions of non-conforming uses provided it meets a number of criteria. Township Planning staff would be looking for justification on this policy as well. In summary, Planning Staff are requesting that:

- The area be reduced
- Planning Justification be provided on applicable policies mentioned above
- Detailed description of the current and proposed use(s) and how, if it does, relates to agriculture
- Impact on future flexibility of farm property

The subject property is also zoned Agricultural 'A'. A zoning amendment or variance will be required as the lot will become further deficient of the minimum lot area of 40 hectares. The severed lands will also need to be rezoned to allow for the proposed use. Planning staff prefer a zoning of Agricultural Related, however, split zonings do pose issues with respect to enforcement. The zoning should also address outdoor storage limitations as most of the property is being used for outdoor storage.

As the proposal is for a commercial/ag related use, the site plan will need to be updated to reflect the new boundaries. The site plan should also consider features to increase compatibility with surrounding agricultural lands, such as fencing and vegetation planning.

REGION OF NIAGARA

Planning Comments

- An agricultural system has been identified in which all types, sizes and in intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. In addition, agriculture-related uses and on-farm diversified uses are permitted within the Prime Agricultural Area.
- NOP Policy 4.1.10.1 does not prohibit the continued operation of legally established commercial uses. The proposed expansion would require agricultural land from the adjacent property (5357 Elcho Road) be added to the commercial property at 5377 Elcho Road. NOP Policy 4.1.10.2 outlines that expansions to existing buildings and structures, accessory structures and existing uses in the Agricultural System are permitted subject to the following:
 - new municipal services are not required;
 - the proposal does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
 - the proposal does not result in the intrusion of new incompatible uses; and

- the proposed use is in accordance with the *minimum distance separation formulae*.
- NOP Policy 4.1.3.7 identifies that where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of expanding non-agricultural uses, as appropriate, within the area being developed.
- To facilitate the expansion, a lot boundary adjustment is proposed. Policy 4.1.6.1 d) in the NOP allows for lot adjustments for legal or technical reasons, which includes minor boundary adjustments that do not result in the creation of a new lot.
- Staff are concerned with the size of the proposed expansion (doubling the commercial property). Staff recommend the proposal be scaled back in order to be considered 'minor' in alignment with PPS and NOP lot creation policies.
- For the proposed expansion of the legally existing commercial business staff require a Planning Justification Report prepared by a Registered Professional Planner to justify how the proposal aligns with relevant Regional and Provincial policies as detailed above. This should include analysis of how land use compatibility between the commercial expansion and surrounding agricultural operations/lands can be achieved.

Archaeological Potential

- 5357 Elcho Road is mapped as an area of Archaeological Potential on Schedule K of the NOP. Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.
- As such, staff will require a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for the proposed expansion into 5357 Elcho Road. The assessment must be accepted by the Ministry of Citizenship and Multiculturalism (MCM) with a copy shared to Niagara Region. Note, according to Policy 6.4.2.6, lands located outside a *settlement area* boundary where *site alteration* or *development* will not affect the entire property, may be scoped by the licensed archaeologist in consultation with the Province.

Environmental Comments

- The subject property is impacted by the Region's Natural Environment System (NES), consisting of Provincially significant wetland (PSW), significant woodland, other wetlands, permanent or intermittent watercourse and a linkage. Wetlands and watercourses are considered Key Hydrologic Features (KHF) outside of settlement areas.
- Niagara Official Plan (NOP) policies requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHFs/Significant Woodland and within 30 m of a linkage.
- The proposed development is outside of the above-noted setbacks. As such, staff offer no requirements.

Transportation / Roads

- Elcho Road – Local
- Wellandport Road (RR #27) - Regional

Road Widening

- The current width of Regional Road #27 (Wellandport Road) is approximately 30.5 m. This exceeds the Policy Width of 26.2 m. Therefore, no additional widening would be required.
- A 15m x 15 m daylight triangle is required at the corner of Wellandport Road and Elcho Road.



Regional Permit Requirements

- Regional transportation planning and operations staff are okay with the conceptual regrading proposed, if swales along the perimeter are not on the subject property. The owner shall provide consent from adjacent owners for the proposed works. Detailed comments will be provided at the site plan stage
- The Owner is to confirm that the existing and proposed culverts will be sufficiently sized to accommodate the proposed flows.
- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Wellandport Road
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>

Restoration is to be to Regional standards: <https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Servicing Comments

- Water: Private
- Sanitary: Private
 - Private servicing requirements under jurisdiction of Township
- Storm: Roadside Ditches

Stormwater Management Comments

- At the time of future Planning Act Application (i.e. Draft Plan and/or Site Plan), the Region will require a stormwater management plan be reviewed. The following comments are provided for information to assist the applicant with the preparation of a detailed site plan:
 - a) The Niagara Region will require that stormwater runoff from a 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the erosion impacts to the downstream watercourse
 - b) The Niagara Region will require that stormwater runoff from the development be captured and treated to enhance protection (i.e. 80% long-term suspended solids removal) prior to discharge from the site.
 - c) The Niagara Region will require Wellandport Road (Regional Road 27) not be negatively affected as a result of the development. The Region normally requires post-development flows be controlled to pre-development level for all storms (2-year up to and including the 100-year storm) if a development will discharge onto a Regional Road.
 - d) The Niagara Region will require that a stormwater management report (and the associated fee) be submitted to this office indicating in details how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of SWM measures for the future owner.
 - e) Prior to construction, the Niagara Region will require that detailed grading, servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

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 met:

5357 Elcho Road (Residential)

- Blue/grey – no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit (bi-weekly)
- Curbside collection only
- Collection to remain as is.

5377 Elcho Road (Commercial)

- Blue/grey – max. 8 blue/grey carts (weekly)
- Green – unlimited green bins / max. 8 green carts (weekly)
- Waste – 8 bag/can limit (bi-weekly)
- Curbside collection only
- Collection to remain as is.

Required Studies for Regional Review

- Planning Justification Report (with Zoning/Consent)
- Stage 1 Archeological Assessment Report and MCM acknowledgement letter (with Zoning/Consent)
- Stormwater Management Report (Site Plan)

Required Fees

The Region's 2023 Fee Schedule is available at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

<u>Development Application Review Type</u>	<u>Fee Amount</u>
<u>Zoning By-law Amendment Review</u>	<u>\$1,395</u>
<u>Consent Review - Rural / Outside Urban Areas</u>	<u>\$940</u>
<u>Site Plan Review</u>	<u>\$570</u>
<u>Stormwater Review less than 5 ha</u>	<u>\$675 (with Site Plan fee)</u>

NPCA

The subject parcel is outside the NPCA Regulated Area. However, the Agricultural parcel to the north does contain Provincially Significant Wetland (PSW) associated with the Beaver Creek West Lincoln Wetland Complex and is traversed by a section of Beaver Creek which poses a potential flood concern.

Provided the proposed lot addition is greater than 120 metres from the wetland impacting the site, the NPCA is satisfied that an Environmental Impact Study, associated Water Balance Assessment and floodplain mapping requirement can be waived.

TOWNSHIP PUBLIC WORKS

No comments at this time. Will review the site plan application when received.

TOWNSHIP BUILDING

The site should be supplied with adequate water for firefighting.

14. **Site Visit:** _____

15. Incentive Programs:

16. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Digital	Paper	
✓			Planning Justification Report	✓	5	
✓			Conceptual Site Plan	✓	5	
✓			Survey Sketch	✓	5	
			Draft Regional Policy Plan Amendment			
✓			Draft Local Zoning Amendment Bylaw	✓	5	
			Land Use/Market Needs*			
			Urban Design/Landscape Plans			
	✓		Archaeology Assessment	✓	5	
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical			
			Environmental Site Assessment			
			Air Quality/Noise & Vibration Study*			
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
✓			Minimum Distance Separation I & II	✓	5	
			Mineral Aggregate Resources			
			Municipal Servicing Study			
			Phasing Plan			
			Sensitive Land Use Report			
			Slope Stability Report			
✓			Stormwater Management Plan	✓	5	
			Transportation Impact Study/Parking Impact Analysis			
			Hydrogeological Study and Private Servicing Plans*			
			Soil report			
			Financial Impact Assessment*			
			Shadow Analysis			
			Risk Management Study			
✓			Gas Well Study/Gas Migration Study	✓	5	Confirmation of existing gas/water wells
			Wind Study*			
✓			Cistern for Fire Purposes under OBC	✓	5	
			Other*			

Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.

4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. It is hereby understood that during the review of the application additional applications, studies or information may be required as a result of issues arising during the processing of the application.
11. There may also be financial requirements arising from the application, including, but not limited to, parkland dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, cost for lifting 0.3 metres reserves, and reimbursement for road widening acquisition or road improvements.
12. Engineering review done in association with an application will be billed to the applicant.

Signatures:

<u>Gerrit Boerema</u> Township Planning Staff	_____	_____
	Township Planning Staff (signature)	Date
_____	_____	_____
Township Public Works Staff	Township Public Works (signature)	Date
_____	_____	_____
Township Building Staff	Township CBO (signature)	Date
<u>Katie Young</u> Regional Staff	_____	_____
	Regional Staff (signature)	Date
_____	_____	_____
Regional Staff	Regional Staff (signature)	Date
_____	_____	_____
NPCA Staff	Conservation Staff (signature)	Date
<u>Craig Rohe</u> Agent	_____	_____
	Agent (signature)	Date
_____	_____	_____
Owner	Owner (signature)	Date
_____	_____	_____
Other	Other (signature)	Date

Appendix III
Draft Zoning By-law Amendment

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 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 Schedule 'A' Map 'E7', as amended, is hereby amended by changing the zoning on the lands municipally known as 5357 and 5377 Elcho Road, 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; and,
2. That Map 'E7' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is further amended by changing shown on Schedule 'A', attached hereto and forming part of this By-law as follows:
 - Part 1 – From Service Commercial Zone (C3) Zone to Service Commercial Site-specific (C3-XX) Zone
 - Part 2 – From Agricultural (A) Zone to Service Commercial Site-specific (C3-XX) Zone
 - Part 3 – From Agricultural (A) Zone to Agricultural Site-specific (A-XX) Zone
3. That Parts 5 and 7 of Zoning By-Law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-XX

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the A zone except:

- a) Minimum lot area of no less than 30.6 hectares

C3-XX

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the C3 zone except:

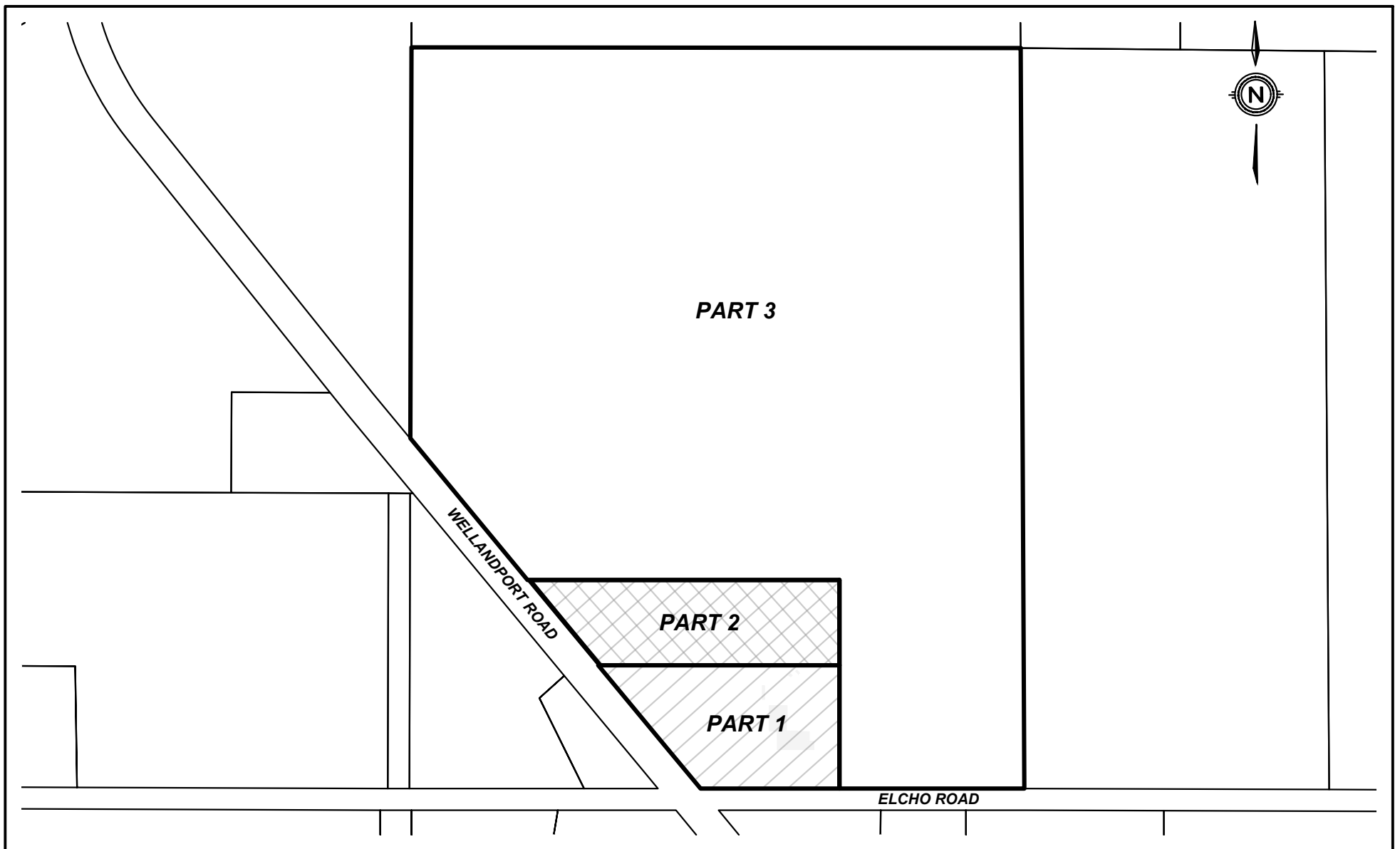
a) Maximum Outdoor Storage – 57% of the lot area

4. That all other provisions of By-law 2017-70 continue to apply; and,
5. 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 24 DAY OF JUNE,
2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK



LEGEND

-  PART 1 - FROM SERVICE COMMERCIAL (C3) ZONE TO SERVICE COMMERCIAL (C3-X) SITE SPECIFIC ZONE
-  PART 2 - FROM AGRICULTURAL (A) ZONE TO SERVICE COMMERCIAL (C3-X) SITE SPECIFIC ZONE
-  PART 3 - TO REMAIN AGRICULTURAL (A) ZONE

#5377 ELCHO ROAD
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____
 CLERK: _____



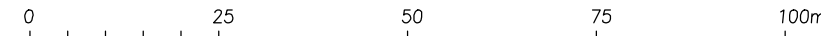
Appendix IV
Preliminary Consent Sketch

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

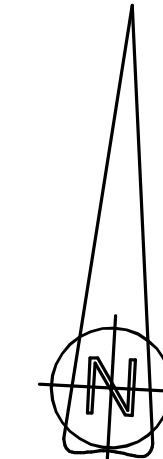
SKETCH FOR PLANNING ACT APPLICATION 5357 & 5377 ELCHO ROAD TOWNSHIP OF WEST LINCOLN



SCALE 1: 1000
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2023

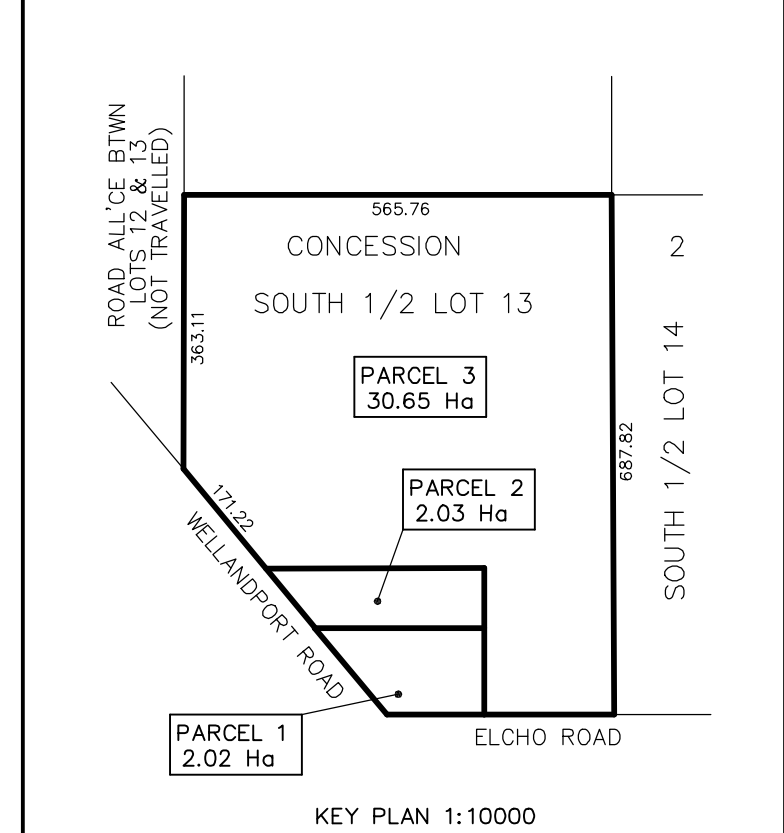
PARCEL 3
30.65 Ha
(TO BE RETAINED)



PART 1 PLAN 30R-2450
SUBJECT TO R-0-W AS IN R0395283
(WIDTH EXAGGERATED FOR CLARITY)
(0.30 WIDE)
PIN 46080-0098 (LT)

PARCEL 2
2.03 Ha
(TO BE SEVERED
AND ADDED TO
PARCEL 1)

PARCEL 1
2.02 Ha



KEY PLAN 1:10000

LEGEND & NOTES

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

**BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©
- THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS, PLAN 30R-1646, PLAN 30R-2450 AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF THE SOUTH 1/2 OF LOT 13, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46080-0041 (LT) AND PIN 46080-0042 (LT)

METRIC NOTE

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

APRIL 27, 2023

DATE

Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

PIN 46080 - 0071 (LT)
ROAD ALLOWANCE BETWEEN
CONCESSIONS 1 AND 2, GAINSBOROUGH
ALSO KNOWN AS ELCHO ROAD

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
905-774-7188
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
FORT ERIE, ONT, L2A 5Y1
905-871-9757
(FAX 905-871-9748)

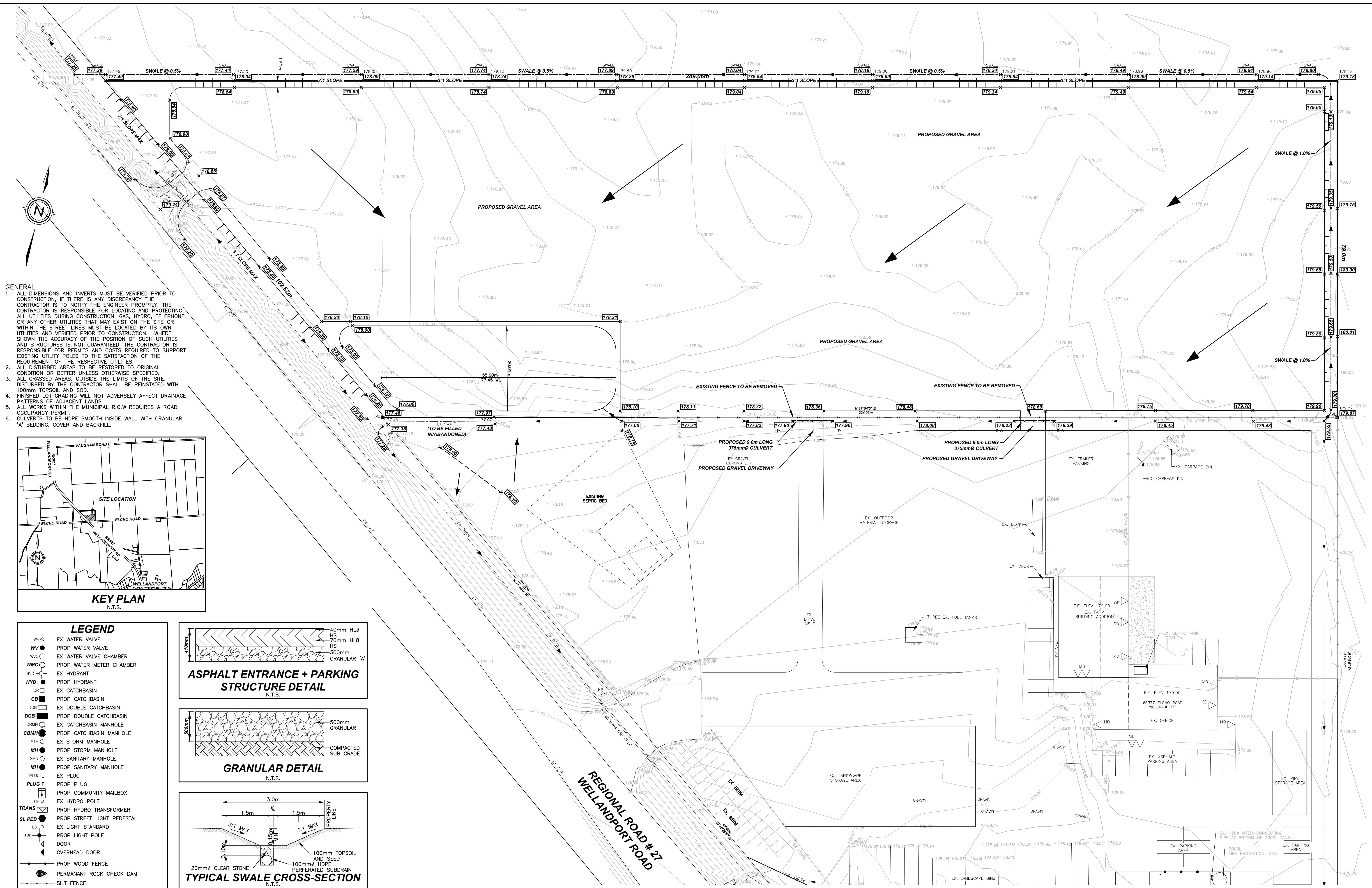
HAROLD D. HYDE O.L.S.

SCALE 1 : 1000

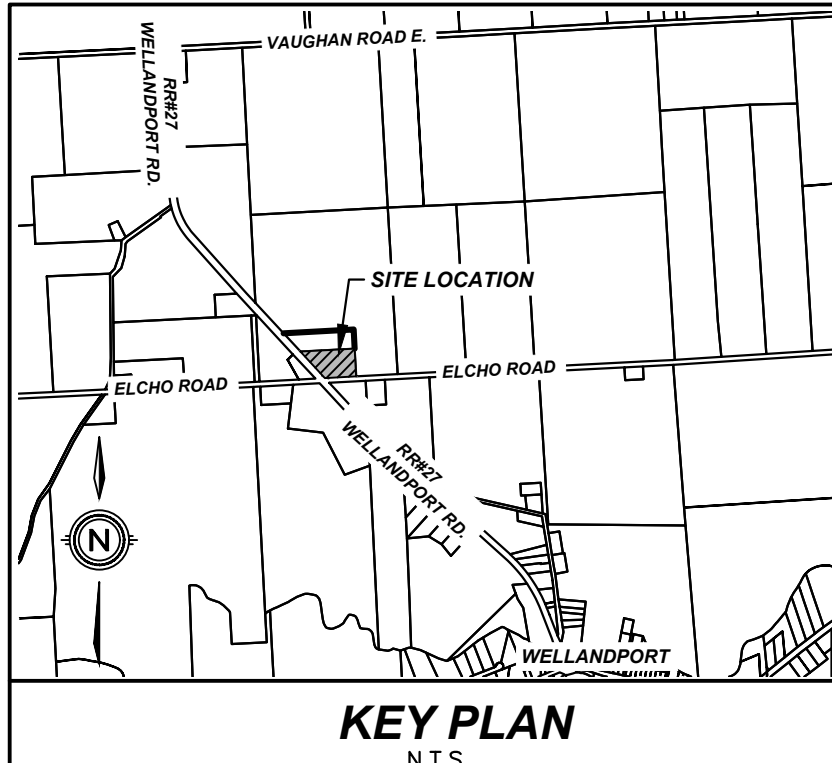
SURVEY : 22-048

DRWN BY : T. Matheson

Appendix V
Preliminary Grading Plan

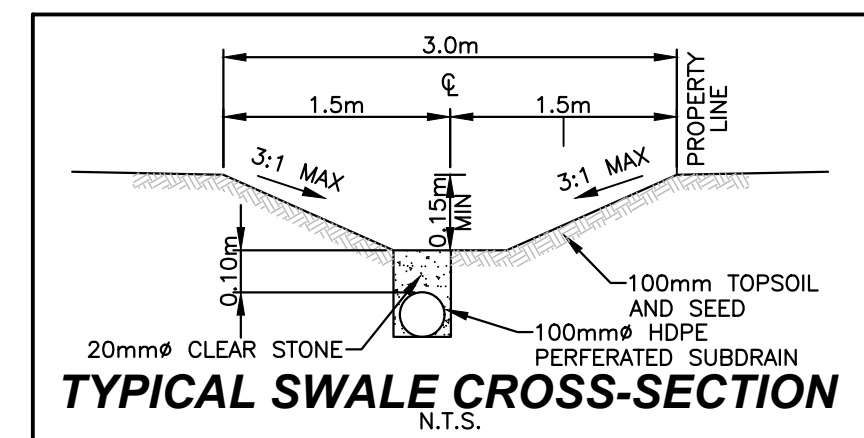
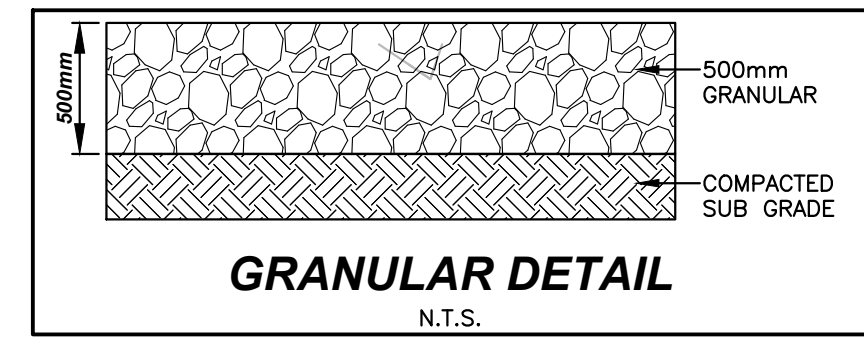
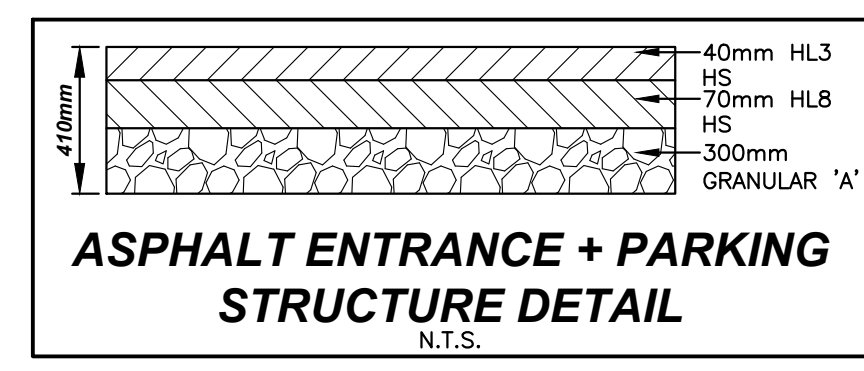


- GENERAL**
1. ALL DIMENSIONS AND INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION. IF THERE IS ANY DISCREPANCY THE CONTRACTOR IS TO NOTIFY THE ENGINEER PROMPTLY. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES DURING CONSTRUCTION. GAS, HYDRO, TELEPHONE OR ANY OTHER UTILITIES THAT MAY EXIST ON THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY ITS OWN UTILITIES AND VERIFIED PRIOR TO CONSTRUCTION. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR PERMITS AND COSTS REQUIRED TO SUPPORT EXISTING UTILITY POLES TO THE SATISFACTION OF THE REQUIREMENT OF THE RESPECTIVE UTILITIES.
 2. ALL DISTURBED AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER UNLESS OTHERWISE SPECIFIED.
 3. ALL GRASSED AREAS, OUTSIDE THE LIMITS OF THE SITE, DISTURBED BY THE CONTRACTOR SHALL BE REINSTATED WITH 100mm TOPSOIL AND SO2.
 4. FINISHED LOT GRADING WILL NOT ADVERSELY AFFECT DRAINAGE PATTERNS OF ADJACENT LANDS.
 5. ALL WORKS WITHIN THE MUNICIPAL R.O.W REQUIRES A ROAD OCCUPANCY PERMIT.
 6. CULVERTS TO BE HDPE SMOOTH INSIDE WALL WITH GRANULAR 'A' BEDDING, COVER AND BACKFILL.



LEGEND

WV ⊙	EX WATER VALVE
WV ●	PROP WATER VALVE
WVC ○	EX WATER VALVE CHAMBER
WMC ○	PROP WATER METER CHAMBER
HYD ○	EX HYDRANT
HYD ●	PROP HYDRANT
CB □	EX CATCHBASIN
CB ■	PROP CATCHBASIN
DCB □	EX DOUBLE CATCHBASIN
DCB ■	PROP DOUBLE CATCHBASIN
CBMH ○	EX CATCHBASIN MANHOLE
CBMH ●	PROP CATCHBASIN MANHOLE
STM ○	EX STORM MANHOLE
MH ○	PROP STORM MANHOLE
SAN ○	EX SANITARY MANHOLE
MH ●	PROP SANITARY MANHOLE
PLUG ⊔	EX PLUG
PLUG ⊔	PROP PLUG
HP ⊔	PROP COMMUNITY MAILBOX
TRANS ⊔	EX HYDRO POLE
TRANS ⊔	PROP HYDRO TRANSFORMER
SL PED ⊔	PROP STREET LIGHT PEDESTAL
LS ⊔	EX LIGHT STANDARD
LS ⊔	PROP LIGHT POLE
DOOR ⊔	EX DOOR
DOOR ⊔	PROP OVERHEAD DOOR
PROP WOOD FENCE	PROP WOOD FENCE
PERMANENT ROCK CHECK DAM	PERMANENT ROCK CHECK DAM
SILT FENCE	SILT FENCE



NOTES:

1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	

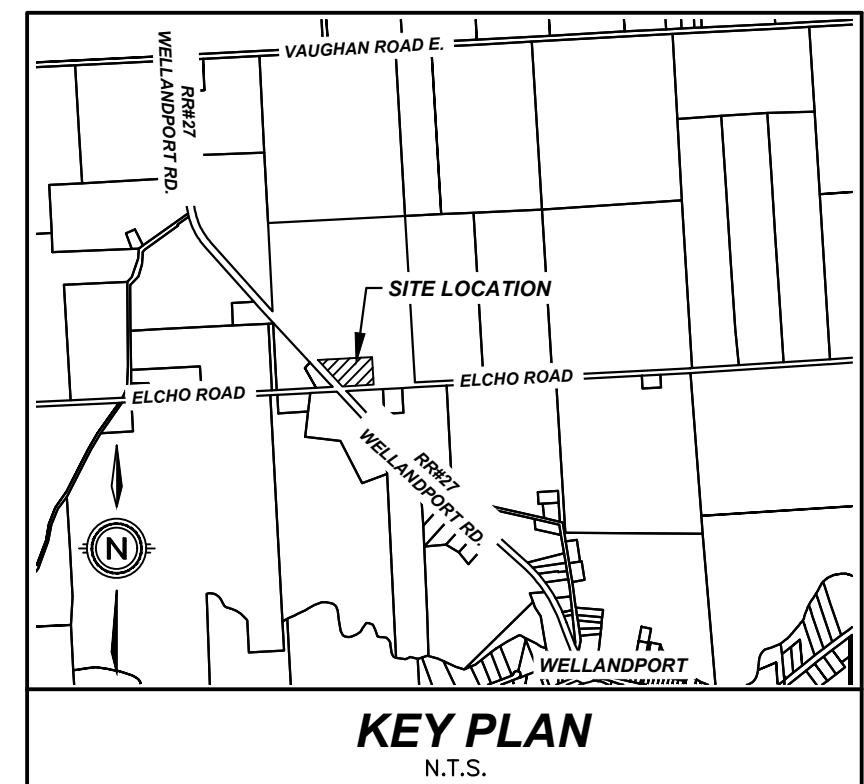
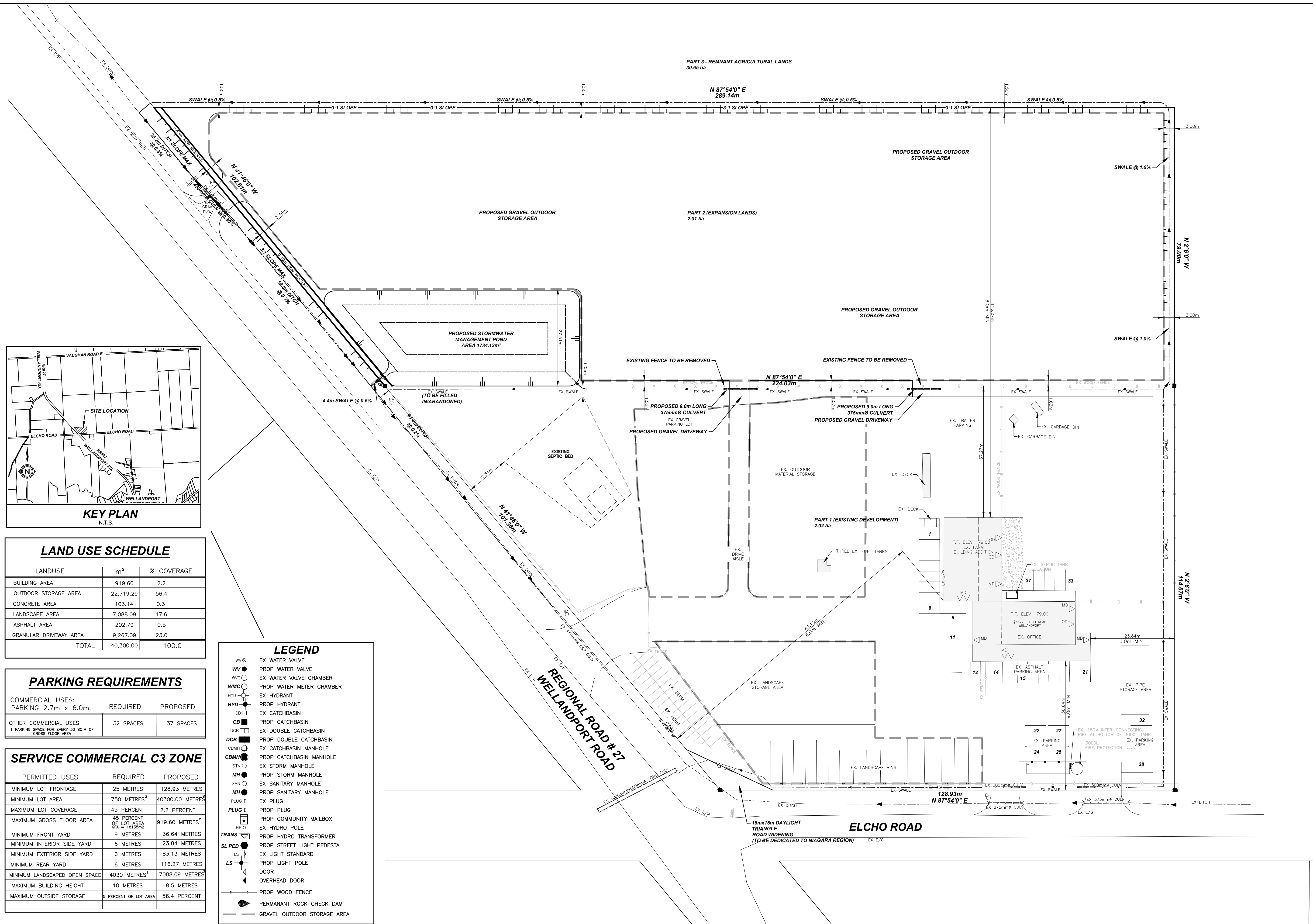
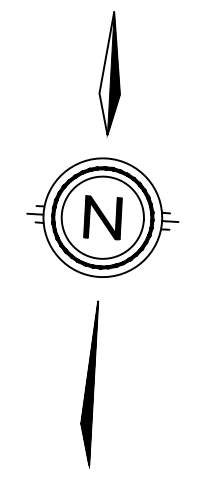
West Lincoln
Your Future Naturally

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

OWNER
ANTHONY AANTJES
5377 ELCHO ROAD
WEST LINCOLN, ON

#5377 ELCHO ROAD (PHASE 2)
WELLANDPORT
GRADING PLAN

CONSULTANT FILE No.	1736
DATE	2022-12-07
PRINTED	2022-12-07
SCALE	1:400 m
REF No.	
DWG No.	2189-GP
REV	0



LAND USE SCHEDULE

LANDUSE	m ²	% COVERAGE
BUILDING AREA	919.60	2.2
OUTDOOR STORAGE AREA	22,719.29	56.4
CONCRETE AREA	103.14	0.3
LANDSCAPE AREA	7,088.09	17.6
ASPHALT AREA	202.79	0.5
GRANULAR DRIVEWAY AREA	9,267.09	23.0
TOTAL	40,300.00	100.0

PARKING REQUIREMENTS

COMMERCIAL USES:	REQUIRED	PROPOSED
PARKING 2.7m x 6.0m		
OTHER COMMERCIAL USES	32 SPACES	37 SPACES

1 PARKING SPACE FOR EVERY 30 SQ.M OF GROSS FLOOR AREA

SERVICE COMMERCIAL C3 ZONE

PERMITTED USES	REQUIRED	PROPOSED
MINIMUM LOT FRONTAGE	25 METRES	128.93 METRES
MINIMUM LOT AREA	750 METRES ²	40300.00 METRES ²
MAXIMUM LOT COVERAGE	45 PERCENT	2.2 PERCENT
MAXIMUM GROSS FLOOR AREA	45 PERCENT OF LOT AREA (GFA = 18150m ²)	919.60 METRES ²
MINIMUM FRONT YARD	9 METRES	36.64 METRES
MINIMUM INTERIOR SIDE YARD	6 METRES	23.84 METRES
MINIMUM EXTERIOR SIDE YARD	6 METRES	83.13 METRES
MINIMUM REAR YARD	6 METRES	116.27 METRES
MINIMUM LANDSCAPED OPEN SPACE	4030 METRES ²	7088.09 METRES ²
MAXIMUM BUILDING HEIGHT	10 METRES	8.5 METRES
MAXIMUM OUTSIDE STORAGE	5 PERCENT OF LOT AREA	56.4 PERCENT

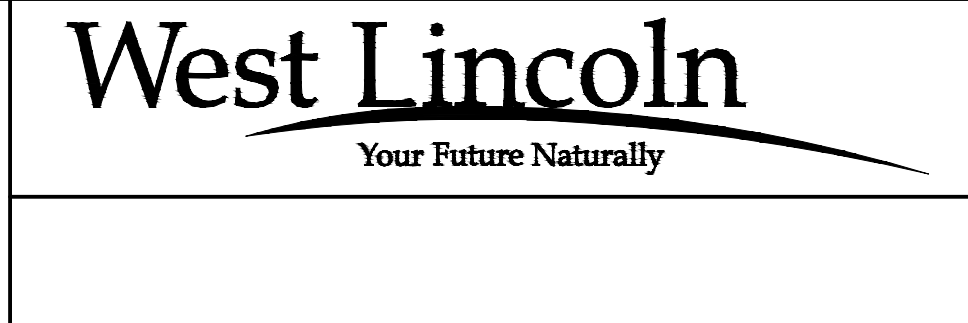
LEGEND

- WV ● EX WATER VALVE
- WV ● PROP WATER VALVE
- WC ○ EX WATER VALVE CHAMBER
- WMC ○ PROP WATER METER CHAMBER
- HYD ○ EX HYDRANT
- HYD ● PROP HYDRANT
- CB □ EX CATCHBASIN
- CB ■ PROP CATCHBASIN
- DCB □ EX DOUBLE CATCHBASIN
- DCB ■ PROP DOUBLE CATCHBASIN
- CBMH ○ EX CATCHBASIN MANHOLE
- CBMH ● PROP CATCHBASIN MANHOLE
- STM ○ EX STORM MANHOLE
- STM ● PROP STORM MANHOLE
- SAN ○ EX SANITARY MANHOLE
- SAN ● PROP SANITARY MANHOLE
- PLUG E EX PLUG
- PLUG ● PROP PLUG
- HP ○ EX HYDRO POLE
- HP ● PROP HYDRO POLE
- TRANS ○ EX HYDRO TRANSFORMER
- SL PED ● PROP STREET LIGHT PEDESTAL
- LS ○ EX LIGHT STANDARD
- LS ● PROP LIGHT POLE
- DOOR ○ EX DOOR
- OVERHEAD DOOR ○ EX OVERHEAD DOOR
- PROP WOOD FENCE
- PERMANENT ROCK CHECK DAM
- GRAVEL OUTDOOR STORAGE AREA

NOTES:

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
- PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD, TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	



OWNER
NGF PROPERTY INC.
 5377 ELCHO ROAD
 WEST LINCOLN, ON

**#5377 ELCHO ROAD
 WELLANDPORT
 SITE PLAN**

CONSULTANT FILE No.	2089
DATE	2024-04-04
PRINTED	2024-04-04
SCALE	1:400 m
REF No.	
DWG No.	2189-SP
REV	0

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
BY-LAW NO. 2024- 71

**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 'E7' to Schedule A to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 5377 Elcho Road, legally described as Concession 2, lot 13 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 'E7' 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 Agriculture Related 'AR' zone with exception (AR-240) and Highway Commercial 'C3' with exception (C3-241)
3. That, Map 'E7' to Schedule 'A' to Zoning By-Law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to an Agricultural zone with Exception (A-242)
4. That, Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

AR-240

Permitted Uses:
As per the parent zone.

Regulations:
All regulations of the AR zone except: 57% lot area outdoor storage

A-242

Permitted Uses:
As per the parent zone

Regulations
All regulations of the A zone except: A minimum lot area of 30 hectares

5. That, Part 7 of Zoning By-law 17-70, as amended, is hereby amended by adding the following to Part 13.2:

C3-242
Permitted Uses: As per the Parent Zone

Regulations:
All Regulations of the C3 zone except: 57% lot area outdoor storage

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**

16th DAY OF DECEMBER, 2024.

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-71

Location:

This By-law involves a parcel of land legally known as 5377 Elcho Road, legally described as Concession 2, lot 13 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.

As well as a parcel of land legally known as 5357 Elcho Road, legally described as Concession 2, Part Lot 13, RP 30R2450; Part 2, 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:

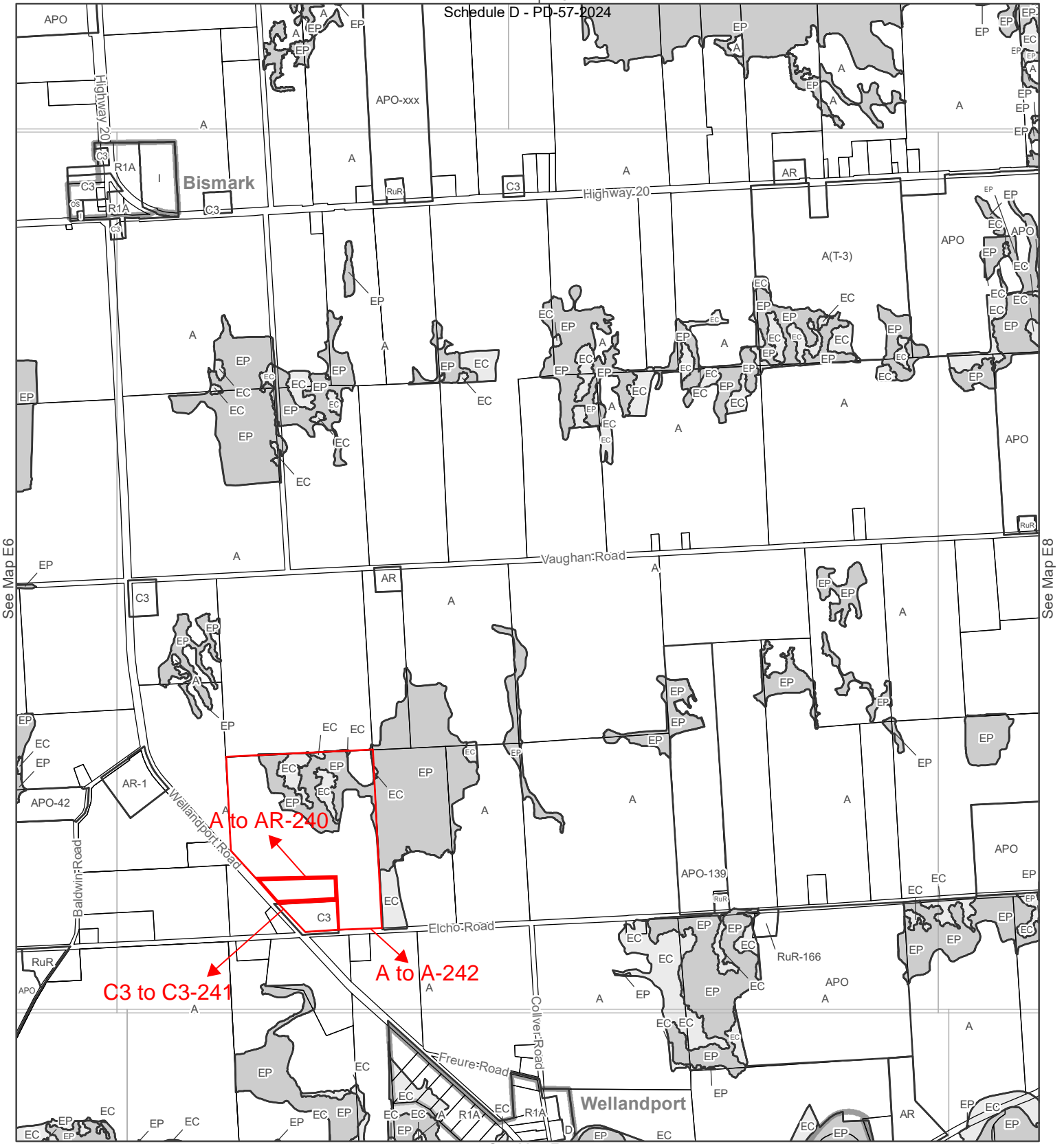
The rezoning application will rezone 5377 Elcho Road from an Agricultural 'A' zone to an Agricultural Related 'AR-240' with a site specific exception to recognize 57% of the property to be used for outdoor storage whereas 10% is the permitted maximum.

The rezoning application will also rezone 5357 Elcho Road from an Agricultural 'A' zone to an Agricultural 'A'241; with a site specific exception to recognize a deficient lot size of 30 hectares whereas 40 is required.

Public Consultation:

The Public Meeting was held on December 9th 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: 1601-011-24
Applicant: NFG Properties – Ethan Laman (Agent)



See Map E6

See Map E8

See Map F5

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
E7

1:20,000
0 500 m

Last Updated: July 2019

DATE: December 9, 2024
REPORT NO: C-06-2024
SUBJECT: **Delegated Authority By-law**
CONTACT: Justin Paylove, Acting Director of Legislative Services/Clerk

OVERVIEW:

- Report C-06-2024 proposes adopting a delegation of authority by-law to improve efficiency by allowing staff to process routine decisions, freeing up Council’s agenda for strategic priorities.
- The first schedule of the by-law will outline delegated powers for the Chief Administrative Officer (CAO), given their leadership role and oversight responsibilities, with additional schedules for other department heads to follow.
- The by-law will streamline decision-making, reduce administrative costs, and enable timely actions, ensuring resources are used effectively and Council meetings are more focused.
- Administration recommends approving the delegation of authority by-law, starting with the CAO’s schedule, and conducting periodic reviews to ensure continued alignment with municipal goals.

RECOMMENDATION:

1. That, Recommendation Report C-06-2024, titled “Delegated Authority By-law” dated December 9, 2024 be received; and,
2. That, a By-law such as the draft By-law attached as Schedule “A” to this report be approved.

ALIGNMENT TO STRATEGIC PLAN:

Theme #4

- **Advance** – Organizational Capacity and Effectiveness

BACKGROUND:

In accordance with Section 23.1 of the Municipal Act, 2001, municipal councils in Ontario are permitted to delegate certain powers and duties to municipal staff or other bodies. The intention behind this authority is to streamline municipal operations, allowing for more efficient governance. Delegating routine, administrative, or operational decisions enables Council to focus its efforts on strategic priorities, policy-making, and addressing more complex matters requiring deliberation.

Many municipalities in Ontario have adopted delegation of authority By-laws to improve efficiency and reduce the volume of items requiring Council consideration. Such By-laws are especially beneficial in ensuring timely decisions on matters such as minor budget adjustments, contract awards within pre-approved limits, or routine property management issues.

CURRENT SITUATION:

Currently, Council is required to deliberate and decide on a wide range of matters, including those that are administrative or operational in nature. This has led to the following challenges:

1. **Prolonged Council Meetings:** Routine matters consume valuable agenda time, extending meetings and potentially delaying critical discussions on strategic priorities.
2. **Delays in Decision-Making:** The need for Council approval on non-critical items can create bottlenecks, particularly when decisions are required between Council meetings.
3. **Inefficient Use of Resources:** Staff spend considerable time preparing reports and presentations for minor issues that could otherwise be managed through delegated authority.

The first proposed schedule to accompany the Delegation of Authority By-law focuses on granting powers to the Chief Administrative Officer (CAO). As the head of the municipal organization, the CAO is uniquely positioned to provide oversight and ensure accountability while making decisions that align with Council-approved policies and budgets. This foundational step establishes a clear framework for decision-making authority at the highest administrative level, paving the way for additional schedules that will provide further delegated authority to department heads. This phased approach ensures an orderly and logical progression, reinforcing the integrity and transparency of the delegation process.

FINANCIAL IMPLICATIONS:

The implementation of a delegation of authority By-law has several financial benefits:

1. **Reduced Administrative Costs:** Staff resources currently allocated to preparing reports and attending meetings for minor matters can be redirected to other

- priorities, improving overall productivity.
2. **Timely Decision-Making:** Delegating authority for certain financial decisions, such as procurement within approved budgets, can result in cost savings by allowing staff to capitalize on time-sensitive opportunities.
 3. **Avoiding Meeting Overtime Costs:** Shorter Council meetings may reduce overtime costs associated with extended sessions for both Council members and support staff.

There are no immediate or direct costs associated with the adoption of this By-law. However, clear guidelines and training will be necessary to ensure staff fully understand their delegated responsibilities, maintaining accountability and transparency.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the Senior Leadership Team (SLT).

CONCLUSION:

Adopting a delegation of authority By-law represents a progressive step toward enhancing the efficiency of municipal governance in our municipality. It aligns with best practices observed across Ontario municipalities and reflects a commitment to effective resource management.

The initial focus on the CAO's authority in the first schedule of the By-law underscores the importance of centralized oversight at the senior administrative level. This approach ensures consistent application of delegated powers and reinforces a strong foundation for subsequent schedules addressing other department heads. By phasing in delegation systematically, Council can maintain confidence in the transparency, accountability, and alignment of these authorities with municipal objectives.

Staff recommend that Council approve the proposed delegation of authority By-law, starting with the CAO's schedule.

SCHEDULE(S):

Schedule A – Draft Delegated Authority By-law

Prepared & Submitted by:

Approved by:

Justin Paylove, Clerk

Truper McBride

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

A BY-LAW TO DELEGATE POWERS AND DUTIES TO OFFICERS, EMPLOYEES AND AGENTS OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN.

WHEREAS Section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25 indicates that the purpose of a municipality is to be a responsible and accountable government with respect to matters within its jurisdiction and each municipality is given powers and duties under the *Municipal Act, 2001*, and many other Acts for the purpose of providing good government with respect to those matters;

AND WHEREAS paragraph 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass By-Laws respecting services and things that the municipality is authorized to provide;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its power and duties;

AND WHEREAS, Section 270 (1) of the *Municipal Act, 2001*, S.O. 2001, requires, in part, that a municipality adopt and maintain policies with respect to the delegation of its powers and duties;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln adopted By-Law 2007-143 which adopted a policy with respect to delegation of powers and duties for the Corporation of the Township of West Lincoln which requires that all delegations be authorized by By-Law;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enact a Consolidated Delegated Authority By-Law to outline all authorities that have been delegated to Officers, Employees and Agents of the Corporation of the Township of West Lincoln.

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

1. That authority is delegated to specified Officers, Employees and Agents to act, subject to limits and restrictions, as described in all Schedules attached to this By-Law, which forms part of this By-Law; and,
2. That any delegated authority is granted only to the Officer, Employee or Agent holding the corresponding Officer, Employee or Agent position listed under the "Delegate" column in each Schedule and includes any Officer, Employee or Agent holding that position on a permanent, temporary or acting basis. In addition, the delegation is also granted to the corresponding Officer, Employee or Agent's direct supervisor, and each direct supervisor above that position in the corporate structure, up to and including the Chief Administrative Officer; and,
3. That where any delegation of authority to any Officer, Employee or Agent or their supervisor is not permissible at law, such as in the instance where a professional qualification or licence is required to exercise the authority, then the delegation is deemed not granted to that Officer, Employee or Agent or their supervisor but

does not affect the delegation of any other Officer, Employee or Agent or their supervisor; and,

4. That no further delegation of the authorities contained in this By-Law is permitted without Council approval, either with respect to the authority and limits of the delegation or the persons to whom the delegation is sought; and,
5. That where a delegated authority involves the expenditure of funds and/or commitment of resources, the delegated authority must be exercised within the Council approved budget for that matter; and,
6. That where a delegated authority has a fixed dollar amount, the value is deemed to be exclusive of taxes; and,
7. That Officers, Employees and Agents with delegated authority under this By-Law shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions; and,
8. That if an Officer, Employee or Agent has a conflict of interest, as per the Employee Code of Conduct, related to a delegated authority, the Officer, Employee or Agent must not exercise their delegated authority and must report the conflict of interest to their supervisor; and,
9. That this By-Law supersede any previous By-Laws that have not yet been repealed or amended and that which contradict the delegated authorities detailed within the Schedules attached to this By-Law; and,
10. That this By-Law be superseded by any active contracts, service agreements, or any other legally-binding documents wherein any powers or duties of the Corporation of the Township of West Lincoln have been delegated to an Agent or any other third-party contractor or service provider of any kind; and,
11. That in the event of any inconsistency between this By-Law and any other By-Law of the Municipality, the provision that more effectively delegates authority prevails to the extent of the inconsistency; and
12. That the delegation in this By-Law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 16
DAY OF DECEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

Schedule "A"
Delegated Municipal Powers and Duties

	Delegation	Delegate	Limitation
CAO OFFICE			
Chief Administrative			
1	A by-law to provide for the appointed office of Chief Administrative Officer and to define the duties and responsibilities of the position	CAO	Subject to the limitations set out in the by-law. By-law 2024-38
2	Apply for, negotiate, enter into, and execute grant agreements and applications for federal, provincial or other grant funding to the town in amounts over \$250,000.00	CAO Director of Corporate Services and CFO to be secondary signature	Relevant department to review and prepare grant application in consultation with Finance and Legal
3	Execute agreements and other documents related to the general management of the affairs of the Township and negotiate, and enter into and execute agreements for the purposes of a capital project as required to implement an approved capital project, up to \$100,000.	CAO / Clerk	Relevant department to review and prepare document in consultation with Finance and Legal. Capital project approved by Council through the budget process or other means, alignment with Purchasing Policy
	Delegation	Delegate	Limitation
4	The hiring, dismissal, and negotiation related to any employee of the Township (Excluding Statutory Officers without Council Approval)	CAO	(Excluding Statutory Officers without Council Approval)
5	Administer the salaries and performance review of any direct report staff, oversee the collective bargaining process, and adjust staffing levels to maintain Council approved programs and services.	CAO	
6	Authority to make any expenditures or incur liability which exceeds \$50,000, that was not included in the most recent budget adopted by the council before nomination day in the election	CAO	

DRAFT

DATE: December 9, 2024

REPORT NO: T-25-2024

SUBJECT: **Consolidated User Fees and Charges By-Law and 2025 User Fees and Charges**

CONTACT: Katelyn Repovs, CPA, CA Director of Corporate Services/Chief Financial Officer

OVERVIEW:

- This report provides Council with the information necessary to approve the proposed 2025 User Fees and Charges for all Township departments (excluding Building and Utility Services). These fees are proposed to come into effect on January 1, 2025 (unless indicated otherwise).
- User fees and charges provide a cost-recovery mechanism and revenue-generating function for the Township’s programs and services.

RECOMMENDATION:

1. That, Recommendation Report T-25-2024, titled “Consolidated User Fees and Charges By-Law and 2025 User Fees and Charges”, dated December 9, 2024, be received; and,
2. That, Schedule “A”, attached to this Report, outlining the Consolidated Schedule of Fees and Charges, be approved with an effective date of January 1, 2025 (unless otherwise indicated); and,
3. That, Schedule “B”, outlining the Consolidated User Fees and Charges By-Law 2024-82, be approved, with an effective date of January 1, 2025.

ALIGNMENT TO STRATEGIC PLAN:

Theme #4

- **ADVANCE** organizational capacity and effectiveness

BACKGROUND:

User fees and charges provide a cost-recovery mechanism to fund programs and services that provide limited or no direct benefit to the community as a whole. Section 391 of the Municipal Act, 2001 authorizes municipalities to impose fees and charges for services or activities provided, or for the use of its property. Under this authority, the Township of West Lincoln has established departmental user fees and charges; the goal of which is to recover some, or all, of the costs associated with providing the underlying service. It is

important to note that the setting of appropriate user fees and charges shifts the financial burden of providing specific services from the property tax base to the users of those services.

In 2022, BMA Management Consultants (BMA) performed a comprehensive user fee study for the Township (excluding water and wastewater consumptive and fixed charges and development charges). Two key recommendations from BMA, both of which Administration have adopted and continue to follow, were to:

- 1) Implement a centralized, consolidated user fee schedule and by-law; and,
- 2) Apply annual inflationary increases, to ensure fees keep pace with the underlying cost of service.

CURRENT SITUATION:

Schedule “A” (Consolidated Schedule of Fees and Charges) outlines the proposed 2025 user fees, for the following Service Areas: By-Law, Cemetery, Corporate Services, Fire, Legislative Services, Library, Planning, Public Works, and Recreation. The user fees are inclusive of the harmonized sales tax (HST) of 13%, where applicable. It is important to note that this Schedule does not contain the following:

- Building Service user fees: Administration has identified a need to undergo a third-party fee review specific to this service area, to ensure fees are adequately covering the service cost. Following this review, the fees will be presented for Council’s approval. Until such time, the current 2024 user fees will be used.
- Utility Service user fees: The user fees for this service area will be presented for Council approval alongside the 2025 budget process. Until such time, the current 2024 user fees will be used. The water and wastewater consumptive and fixed charges are set to increase July 1, consistent with prior years.
- Development charges: These fees are calculated in accordance with the Development Charges Act and the Township’s Development Charge Background Study, and are reflected in their respective by-law.
- Penalties and fines under the Administrative Monetary Penalty System (AMPS): These are not considered user fees and are reflected in the respective Township by-law.

The approach that Administration took to propose the 2025 user fees and charges is described below:

- For existing user fees, Administration applied a preliminary 3% increase to the 2024 user fees, rounded to the nearest dollar. This acted as a 2025 starting base for each department’s consideration. The rationale for this increase is discussed below. Recreation Services user fees were increased by 5% over 2024 user fees, to address recreational and community service costing pressures, and to better align fees with comparator municipalities.
- For any significant changes to existing user fees, these are supported through Administration’s calculation of an appropriate user fee using a financial costing template, provided by BMA, that factors in staffing and direct cost inputs. The same process was followed for any new user fees. This ensures that fees are calculated consistently and fairly across the Township. In cases where a new fee is proposed.

Administration also reviewed against comparable municipalities, where applicable.

Canada's inflation rate, commonly measured via the Consumer Price Index (CPI), rose, on average, 2.6% over the 12-month period between November 2023 and October 2024. CPI reflects price changes over time in a fixed basket of goods and services. It is common for municipalities to consider the CPI in their decision to update user fees. However, it is important to note that CPI is general in nature and does not reflect the unique goods and services that are acquired annually by the Township. Therefore, Administration also gives consideration to other inflationary pressures related to collective agreements and vendor price changes, while keeping in mind affordability to the user. Given this, Administration considers the 3% increase to be reasonable as a starting base for the 2025 user fees, with departments making adjustments as necessary based on costing pressures faced.

The following is a synopsis of significant items that Administration wishes to highlight to Council.

Corporate Services:

- Administration is introducing a new fee, "Property Tax Roll Ownership Change", for \$35. Currently, the Township performs ownership change services at no cost; however, it does require Administration's time and resources to complete. This service is mostly triggered by real estate transactions. Several local municipalities already charge a fee to perform this service, and Administration's suggested fee aligns with others. Certain ownership changes would be exempt from this fee, such as a simple removal or addition of a name to title, or a survivorship application is made.

Public Works:

- A new user fee, "New/Replacement/Removal of Tree" is proposed for \$855. Administration has received various tree requests in the past from property owners, but has not had a mechanism to provide this service or charge a fee.
- Another new fee, "Ontario Bridge Formula Check for Overweight Loads" is suggested for \$392, related to oversize/overweight loads travelling over a bridge structure. An assessment of the load needs to be completed to determine whether it can safely travel across a Township-owned bridge structure. An Engineering firm capable of making this assessment would complete this work. The recommended fee covers Administration's time along with external costs.

Recreation:

- Recreation user fees are presented for both 2025 and 2026, which is consistent with the approach taken last year, in order to efficiently administer facility rental and program registrations. The 2026 user fees reflect a 3% increase over the 2025 fees. Administration recommends setting recreation fees for two years in advance, with the availability to adjust fees if deemed necessary through the annual approval process.
- The Market user fees have been adjusted on a prorated basis to reflect the number of market events offered to vendors. Proof of insurance is required to participate in these events. Some market vendors provide their own insurance, which they already hold. In situations where a vendor does not have access to insurance, Administration has

elected to provide the insurance to the vendor through the Township's User Group Insurance program, the cost of which is budgeted for, and is covered by the user fees.

FINANCIAL IMPLICATIONS:

If approved by Council, the updated user fees and charges will be charged to ratepayers starting at the effective dates as indicated. Given the majority of fees are presented with increases over the previously approved fees, this will result in increased revenue opportunities. Further, there are new user fees that are proposed in this report, which will provide new revenue streams for the Township, as no fee was previously charged for these services performed by Administration.

INTER-DEPARTMENTAL COMMENTS:

The contents of this report have been prepared in consultation with each department, where each had the opportunity to provide feedback on their departmental user fees. Internal meetings were held as necessary to gain an understanding of current fees and identify opportunities for changes to the fees and relevant processes that surround those fees.

The Library Board was presented with the 2025 proposed user fees for the Library, and raised no concerns with respect to the fees.

CONCLUSION:

In summary, Administration recommends that the proposed user fees and charges rates and fees as presented in the attached Schedule "A" – Consolidated Schedule of Fees and Charges be approved and that the fees take effect as per the effective dates indicated.

Prepared & Submitted by:

Katelyn Repovs, CPA, CA
Director of Corporate Services/Chief Financial Officer

Approved by:

Truper McBride
Chief Administrative Officer

**Consolidated Schedule of
Fees and Charges**



Effective January 1, 2025

Introduction

The Township of West Lincoln depends on revenue from property taxes and user fees and charges to provide quality Township services and programs. Many of the Township's services are funded by property taxes; however, in some cases, the Township charges a direct user fee to the individual/organization that specifically benefits from the service. Therefore, user fees and charges are established to ensure that services specific to individuals/organizations are not subsidized by all ratepayers within the Township.

The Township of West Lincoln is proud to offer the services outlined in this guide at a minimal cost to the community members that require them. The user fees and charges outlined in this document are approved via the Consolidated User Fees and Charges By-Law, and come into effect on January 1, 2025 (unless otherwise indicated).

Disclaimer

Where it is found that a fee in this schedule is different than an approved by-law or policy, the latter shall prevail.

The user fees and charges noted in the schedule are inclusive of the harmonized sales tax (HST) of 13%, where applicable. If an individual user fee includes HST, this is indicated in the 'HST' column within the fee schedule. A 'Y' indicates that the fee includes HST; a 'N' indicates that the fee is not subject to HST/does not include HST.

Contact Information

The fees and charges contained within this document represent costs for specific activities. The total cost for a service may involve multiple activities and therefore may be higher than any single activity listed. For guidance on the total cost of a service, or for more information about content within this guide, please [contact](#) the appropriate municipal staff.

By-Law 4

Cemetery 5

Corporate Services 7

Fire 8

Legislative Services 10

Library 12

Planning 13

Public Works 17

Recreation 18

2025 FEES AND CHARGES

SERVICE AREA: BY-LAW

Description	2024 Fee	2025 Fee	Change	HST
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NON-PARKING AMPS

Administrative Fees				
Returned Payment Fee (Non-Sufficient Funds)	\$35.00	\$37.00	\$2.00	N
Late Payment	\$27.00	\$28.00	\$1.00	N
Remedial Work Undertaken by Township	Actual costs	Actual costs	-	Y

PROPERTY STANDARDS

Administrative Fees				
Certificate of Compliance	\$107.00	\$111.00	\$4.00	N
Discharge of Order registered in Land Registry Office (includes original registration of Order)	\$346.00	\$357.00	\$11.00	N
File Notice of Appeal	\$372.00	\$384.00	\$12.00	N
Remedial Work Undertaken by Township	Actual costs	Actual costs	-	Y

2025 FEES AND CHARGES

SERVICE AREA: CEMETERY

Description	2024 Fee	2025 Fee	Change	HST
LOTS				
<i>Care and Maintenance is prescribed by the Bereavement Authority of Ontario.</i>				
Resident				
Single Grave (4' x 10' lot)				
Lot Charge	\$972.00	\$1,002.00	\$30.00	Y
Care & Maintenance - 40% of Total Charge	\$648.00	\$668.00	\$20.00	Y
Cremation (4' x 10' lot)				
Lot Charge	\$972.00	\$1,002.00	\$30.00	Y
Care & Maintenance - 40% of Total Charge	\$648.00	\$668.00	\$20.00	Y
Non-Resident				
Single Grave (4' x 10' lot)				
Lot Charge	\$1,457.00	\$1,501.00	\$44.00	Y
Care & Maintenance - 40% of Total Charge	\$972.00	\$1,002.00	\$30.00	Y
Cremation (4' x 10' lot)				
Lot Charge	\$1,457.00	\$1,501.00	\$44.00	Y
Care & Maintenance - 40% of Total Charge	\$972.00	\$1,002.00	\$30.00	Y
Military Veteran				
Single Grave (4' x 10' lot)				
Lot Charge	\$0.00	\$0.00	\$0.00	N
Care & Maintenance - 40% of Total Charge	\$648.00	\$668.00	\$20.00	Y
Cremation (4' x 10' lot)				
Lot Charge	\$0.00	\$0.00	\$0.00	N
Care & Maintenance - 40% of Total Charge	\$648.00	\$668.00	\$20.00	Y
INTERMENT SERVICES				
Full Burial				
Regular Hours	\$1,565.00	\$1,612.00	\$47.00	Y
Weekend/Holidays	\$2,027.00	\$2,088.00	\$61.00	Y
Cremation				
<i>* Note: there will be an additional charge of \$50.00 for any urn/box larger than 16"x16"</i>				
Regular Hours	\$540.00	\$557.00	\$17.00	Y
Weekend/Holidays	\$612.00	\$631.00	\$19.00	Y
Infant/Child				
Regular Hours	\$774.00	\$798.00	\$24.00	Y
Weekend/Holidays	\$774.00	\$798.00	\$24.00	Y
Double Depth				
Regular Hours	\$2,027.00	\$2,088.00	\$61.00	Y
Weekend/Holidays	\$2,554.00	\$2,631.00	\$77.00	Y
OTHER SERVICES				
Foundations				
Foundations (per sq. inch)	\$1.85	\$1.91	\$0.06	Y
Flat Marker	\$246.00	\$254.00	\$8.00	Y
Corner Markers				
Installation of Corner Markers - each	\$30.00	\$31.00	\$1.00	Y
Care and Maintenance (prescribed by the Bereavement Authority of Ontario)				
Flat Marker, over 172 square inches	\$113.00	\$113.00	\$0.00	Y
Upright Marker, up to 4 feet	\$226.00	\$226.00	\$0.00	Y
Upright Marker, over 4 feet	\$452.00	\$452.00	\$0.00	Y

2025 FEES AND CHARGES

SERVICE AREA: CEMETERY

Description	2024 Fee	2025 Fee	Change	HST
OTHER SERVICES (CONTINUED)				
Miscellaneous				
Cemetery staff charge-out rate (per hour)	\$107.00	\$111.00	\$4.00	Y
Disinterment	Actual + 10% admin	Actual + 10% admin	-	Y

2025 FEES AND CHARGES

SERVICE AREA: CORPORATE SERVICES

Description	2024 Fee	2025 Fee	Change	HST
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GENERAL FINANCE

Returned Payment Fee (Non-Sufficient Funds)	\$35.00	\$37.00	\$2.00	N
Inter-Account Transfer of Customer-Made Payment	\$13.00	\$14.00	\$1.00	N
Refund of Customer-Made Incorrect Payment on Account	\$45.00	\$47.00	\$2.00	N
Penalty for Late Account Payment (per month)	1.25%	1.25%	-	N
Replacement of Vendor Cheque	\$44.00	\$46.00	\$2.00	N
Invoice Bill-Back Administration	\$11.00	\$12.00	\$1.00	N
Tax & Water Certificate	\$50.00	\$55.00	\$5.00	N
Tax & Water Certificate - Rush (within 1 business day)	\$55.00	\$75.00	\$20.00	N
Information/Special Requests - staff time charge-out rate (per hour)	Actual costs + 10% admin	Actual costs + 10% admin	-	Y

PROPERTY TAX

General				
Penalty for Late Tax Account Payment (per month)	1.25%	1.25%	-	N
Tax Bill - Duplicate Copy	\$9.00	\$10.00	\$1.00	N
Tax Statement	\$9.00	\$10.00	\$1.00	N
Tax Roll Ownership Change (per roll)	N/A	\$35.00	\$35.00	N
New Roll Number Account Set-Up (per roll)	\$44.00	\$46.00	\$2.00	N
Mortgage Company Administration - New	\$22.00	\$23.00	\$1.00	N
Overdue Water Account Transfer to Taxes	\$37.00	\$39.00	\$2.00	Y
Overdue Non-Water Account Transfer to Taxes	\$49.00	\$51.00	\$2.00	Y
POA Administration/AMP Fines Added to Taxes	\$49.00	\$51.00	\$2.00	N
Tax Registration				
Preparation of Extension Agreement	\$366.00	\$377.00	\$11.00	N
Tax Registration Charges per External Vendor(s)	Actual costs	Actual costs	-	N
Tax Sale Charges per External Vendor(s)	Actual costs	Actual costs	-	N

DEVELOPMENT CHARGE ACT ADMINISTRATION

Payment Default under Development Charge Act Section 26.1 Instalment Arrangement	\$425.00	\$438.00	\$13.00	N
Interest Rate under Development Charge (DC) Act Sections 26.1 and 26.2	Per DC Act legislation	Per DC Act legislation	-	N

2025 FEES AND CHARGES

SERVICE AREA: FIRE

Description	2024 Fee	2025 Fee	Change	HST
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FALSE ALARMS

Nuisance False Alarm means the dispatch of West Lincoln Fire Department to emergency or non-emergency situations due to activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper installation of the system, result of work being performed on a fire alarm system or emergency system, or failure to maintain the system as prescribed by the Fire Code being O.Reg. 213/07.				
First and Second False Alarms	\$0.00	\$0.00	\$0.00	N
Third false alarm within a 12 month period	MTO Rates	MTO Rates	-	N
Fourth false alarm and thereafter within a 12 month period (per hour, per truck)	MTO Rates	MTO Rates	-	N
Non-Authorized Open Air Burning	MTO Rates	MTO Rates	-	N

INSPECTIONS

Daycares				
Residential, or licensed (incl. co-ops)	\$147.00	\$152.00	\$5.00	Y
Homes Providing Supervised or Assisted Living Services				
Group homes or satellite homes	\$147.00	\$152.00	\$5.00	Y
Residential Large				
3-5 suites (Greater than 3,000 sq. ft.)	\$365.00	\$376.00	\$11.00	Y
6 suites or greater (includes hotels, motels, bed and breakfasts, apartments)	\$438.00	\$452.00	\$14.00	Y
Commercial and Industrial				
Less than 3,000 sq. ft.	\$147.00	\$152.00	\$5.00	Y
Between 3,000 – 10,000 sq. ft.	\$220.00	\$227.00	\$7.00	Y
Between 10,001 – 20,000 sq. ft.	\$439.00	\$453.00	\$14.00	Y
Greater than 20,000 sq. ft.	\$659.00	\$679.00	\$20.00	Y
Other Inspections				
Fire Re-inspections for Compliance	\$220.00	\$227.00	\$7.00	Y
Marijuana Grow Operation Inspection	\$365.00	\$376.00	\$11.00	Y
LLBO Inspection - includes Compliance Letter	\$293.00	\$302.00	\$9.00	Y
Fireworks sales per inspection	\$147.00	\$152.00	\$5.00	Y

RECORDS AND FILES

File and Record Search	\$187.00	\$193.00	\$6.00	Y
Letter of Compliance	\$187.00	\$193.00	\$6.00	Y
Insurance Company Report	\$187.00	\$193.00	\$6.00	Y
Court Filing and Information	\$187.00	\$193.00	\$6.00	Y

PERMIT FEES

Open Air Burning Permit - Non-Farms (Rural & Urban)	\$35.00	\$37.00	\$2.00	Y
Open Air Burning Permit - Farms	\$0.00	\$0.00	\$0.00	Y
Open Air Burning Permit - Campground	\$35.00	\$37.00	\$2.00	Y
Open Air Burning Permit - Specific Event	\$0.00	\$0.00	\$0.00	Y

2025 FEES AND CHARGES

SERVICE AREA: LEGISLATIVE SERVICES

Description	2024 Fee	2025 Fee	Change	HST
COMMISSIONER				
Oaths - Resident	\$12.00	\$13.00	\$1.00	N
Oaths - Non-Resident	\$15.00	\$16.00	\$1.00	N
Oaths - Resident 65 years or older for pension eligibility	\$0.00	\$0.00	\$0.00	N
Oaths - Students (must provide proof of school ID)	\$0.00	\$0.00	\$0.00	N
Preparation of Affidavit/Declaration	\$21.00	\$22.00	\$1.00	N
Burial Permit/Death Registration for Non-Residents	\$21.00	\$22.00	\$1.00	N

INFORMATION REQUESTS

Freedom of Information and Protection of Privacy Act				
<i>These fees are set per The Freedom of Information and Protection of Privacy Act legislation. Therefore, the fees are subject to change per legislation.</i>				
Mandatory Application Fee	\$5.00	\$5.00	\$0.00	N
Photocopies & computer printouts (per page)	\$0.20	\$0.20	\$0.00	N
Computer disk/flash drive (per unit)	\$10.00	\$10.00	\$0.00	N
Manual record search (per 15 minutes, per person)	\$7.50	\$7.50	\$0.00	N
Record preparation for release (per 15 minutes, per person)	\$7.50	\$7.50	\$0.00	N
Develop computer program (per 15 minutes, per person)	\$15.00	\$15.00	\$0.00	N
Shipping costs to send records	Actual costs	Actual costs	-	N
Non-Freedom of Information Requests				
Staff time charge-out rate (per hour)	\$95.00	\$98.00	\$3.00	N
Photocopies & computer printouts (per page)	\$0.40	\$0.50	\$0.10	N

NOMINATION FILING

<i>These fees are set per The Municipal Act legislation, therefore subject to change per that legislation. Upon satisfactory submission of a financial statement, these fees are refundable.</i>				
Mayor	\$200.00	\$200.00	\$0.00	N
Members of Council	\$100.00	\$100.00	\$0.00	N

LICENSES

<i>License application fees are to be paid upfront as part of the application process. If the license application is denied by Council or its designee, the license fee will be returned, less a non-refundable fee as noted below.</i>				
Marriage License	\$130.00	\$134.00	\$4.00	N
Lottery (per AGCO)	3% of prizes	3% of prizes	-	N
Non-Resident Small Game Hunting	\$25.00	\$26.00	\$1.00	N
Trailer Parks (per park, per year)	\$773.00	\$797.00	\$24.00	N
Refreshment Vehicle (per vehicle, per year)	\$309.00	\$319.00	\$10.00	N
Refreshment Vehicle (per vehicle, per day)	\$103.00	\$107.00	\$4.00	N
Refreshment Cart (per cart, per year)	\$309.00	\$319.00	\$10.00	N
Refreshment Cart (per cart, per day)	\$103.00	\$107.00	\$4.00	N
Refreshment Cycle (first cycle, per year)	\$309.00	\$319.00	\$10.00	N
Refreshment Cycle (each additional cycle, per year)	\$78.00	\$81.00	\$3.00	N
Refreshment Cycle (first cycle, per day)	\$52.00	\$54.00	\$2.00	N
Refreshment Cycle (each additional cycle, per day)	\$13.00	\$14.00	\$1.00	N
Non-refundable fee if license denied	\$78.00	\$81.00	\$3.00	N

2025 FEES AND CHARGES**SERVICE AREA: LEGISLATIVE SERVICES**

Description	2024 Fee	2025 Fee	Change	HST
CLOSING OF ROAD ALLOWANCE				
Closing of Road Allowance - Administration Fee	\$368.00	\$975.00	\$607.00	N
Closing of Road Allowance Deposit, non-interest bearing (refundable upon conditions satisfactorily being met)	\$1,208.00	\$1,275.00	\$67.00	N

2025 FEES AND CHARGES

SERVICE AREA: LIBRARY

Description	2024 Fee	2025 Fee	Change	HST
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COPY/PRINT

Computer Printout, Black Ink (per page)	\$0.25	\$0.25	\$0.00	N
Computer Printout, Colour Ink (per page)	\$0.50	\$0.50	\$0.00	N

LOST OR DAMAGED MATERIAL

Membership Card Replacement	\$1.50	\$2.00	\$0.50	N
Material Lost/Damaged (per book)	Cost + \$5.00 admin charge	Cost + \$5.00 admin charge	-	N

PROGRAMS AND OTHER

Program and Event Registration (per person)	Actual cost	Actual cost	-	N
LED Projector Rental, three-day loan period	N/A	\$10.00	\$ 10.00	N
LED Projector Rental, late charge (per day)	N/A	\$15.00	\$ 15.00	N

LIBRARY ROOMS

Note: Rental times must include set up & take down time

Prime - Weekdays (5PM to close) & Weekends (8AM to close) & Statutory Holidays

Non-Prime - Weekdays (8AM to 5PM)

Smithville - Program Room 51' x 22'

Prime (per hour) - up to 4 hours	\$39.00	\$41.00	\$2.00	N
Prime (daily) - more than 4 hours	\$184.00	\$190.00	\$6.00	N
Non-Prime (per hour) - up to 4 hours	\$23.00	\$24.00	\$1.00	N
Non-Prime (daily) - more than 4 hours	\$110.00	\$114.00	\$4.00	N
Kitchen (per hour) - up to 4 hours	\$19.00	\$20.00	\$1.00	N
Kitchen (daily) - more than 4 hours	\$91.00	\$94.00	\$3.00	N

Smithville - Board Room 22' x 15'

Prime (per hour) - up to 4 hours	\$13.00	\$14.00	\$1.00	N
Prime (daily) - more than 4 hours	\$58.00	\$60.00	\$2.00	N
Non-Prime (per hour) - up to 4 hours	\$8.00	\$9.00	\$1.00	N
Non-Prime (daily) - more than 4 hours	\$29.00	\$30.00	\$1.00	N

Caistorville - Board Room 20' x 12'

Prime (per hour) - up to 4 hours	\$13.00	\$14.00	\$1.00	N
Prime (daily) - more than 4 hours	\$58.00	\$60.00	\$2.00	N
Non-Prime (per hour) - up to 4 hours	\$8.00	\$9.00	\$1.00	N
Non-Prime (daily) - more than 4 hours	\$29.00	\$30.00	\$1.00	N

Wellandport Program Room 31' x 16'

Prime (per hour) - up to 4 hours	\$19.00	\$20.00	\$1.00	N
Prime (daily) - more than 4 hours	\$87.00	\$90.00	\$3.00	N
Non-Prime (per hour) - up to 4 hours	\$11.00	\$12.00	\$1.00	N
Non-Prime (daily) - more than 4 hours	\$47.00	\$49.00	\$2.00	N

MAKERSPACE PROJECT CREATION

Permanent Vinyl Sheet (12" x 12")	\$1.00	\$1.00	-	N
Iron-On Vinyl Sheet (12" x 12")	\$1.50	\$1.50	-	N
Felt (12" x 12")	\$1.00	\$1.00	-	N
Cardstock Sheet (8" x 11.5")	\$0.25	\$0.25	-	N
Sticker Paper - Matte/Glossy (8" x 11.5")	\$1.50	\$1.50	-	N
3-D Filament (per gram)	\$0.15	\$0.15	-	N
Custom Button	\$1.00	\$1.00	-	N

Description	2024 Fee	2025 Fee	Change	HST
<i>Note: Application fees do not apply to applications initiated by Niagara Region within the limits of Township.</i>				
<i>Pre-Consultation Meeting fees consistent with Niagara Region and Area Municipalities.</i>				
<i>All fees shall be payable in cash to Township prior to and as a condition of the Township signing and registering the executed agreement. Where needed, legal fees are billed back to the applicant.</i>				
<i>*Should development have commenced prior to a planning application being fully approved and completed, an additional fee of \$1,200.00 shall be applied to the base fee, as an extra administrative fee.</i>				
<i>**Applications submitted prior to July 1, 2022 application fee categories remain applicable (Includes Subsequent Versions of the Development Names).</i>				
<i>***In accordance with recent Provincial legislation and the Township's Official Plan Implementation policies for deeming a complete application, a preliminary submission package is required to review the technical studies, plans/drawings, engineering requirements including costs, and any other documentation identified at the time of the pre-consultation meeting. The Township Staff and commenting agencies must sign off on the preliminary submission package prior to the formal application including the applicable fees are submitted, at which time the application is deemed complete and the mandatory timelines for the necessary approvals commence.</i>				

OFFICIAL PLAN AND ZONING

Official Plan Amendment*/*** - broken down as:	\$12,537.00	\$13,164.00	\$627.00	N
<i>Preliminary Submission***</i>	<i>\$4,179.00</i>	<i>\$4,388.00</i>	<i>\$209.00</i>	N
<i>Formal Submission</i>	<i>\$8,358.00</i>	<i>\$8,776.00</i>	<i>\$418.00</i>	N
Zoning By-law Amendment*/*** - broken down as:	\$10,112.00	\$10,619.00	\$507.00	N
<i>Preliminary Submission***</i>	<i>\$3,370.00</i>	<i>\$3,539.00</i>	<i>\$169.00</i>	N
<i>Formal Submission</i>	<i>\$6,742.00</i>	<i>\$7,080.00</i>	<i>\$338.00</i>	N
Combined Office Plan Amendment/Zoning By-law Amendment*/*** - broken down as:	\$16,989.00	\$17,840.00	\$851.00	N
<i>Preliminary Submission***</i>	<i>\$5,663.00</i>	<i>\$5,947.00</i>	<i>\$284.00</i>	N
<i>Formal Submission</i>	<i>\$11,326.00</i>	<i>\$11,893.00</i>	<i>\$567.00</i>	N
Zoning By-law Amendment (Condition of Consent)	\$5,061.00	\$5,315.00	\$254.00	N
Removing of (H) Holding Provision	\$1,754.00	\$1,842.00	\$88.00	N
Part Lot Control – Removal of Part Lot Control (per lot/block)	\$2,405.00	\$2,526.00	\$121.00	N
Temporary Use Agreement	\$3,350.00	\$3,518.00	\$168.00	N
Temporary Use By-law	\$3,822.00	\$4,014.00	\$192.00	N
Extension to Temporary Use By-law	\$3,350.00	\$3,518.00	\$168.00	N
Deeming By-law	\$1,145.00	\$1,203.00	\$58.00	N
Zoning Compliance	\$252.00	\$265.00	\$13.00	N
Written Property Reports	\$252.00	\$265.00	\$13.00	N

BLOCK PLAN

Block Plan Application (Base Fee)	\$32,445.00	\$34,068.00	\$1,623.00	N
Block Plan Application (Per hectare, plus Base Fee)	\$1,082.00	\$1,137.00	\$55.00	N

SUBDIVISION/CONDOMINIUM

Draft Plan of Condominium Application (Base Fee)*** - broken down as:	\$19,415.00	\$20,387.00	\$972.00	N
<i>Preliminary Submission***</i>	<i>\$6,470.00</i>	<i>\$6,794.00</i>	<i>\$324.00</i>	N
<i>Formal Submission</i>	<i>\$12,945.00</i>	<i>\$13,593.00</i>	<i>\$648.00</i>	N
Condominium Conversion	\$15,561.00	\$16,340.00	\$779.00	N
Condominium Amalgamation	\$2,478.00	\$2,602.00	\$124.00	N
Exemption of Draft Plan of Condominium Approval	\$2,825.00	\$2,967.00	\$142.00	N

2025 FEES AND CHARGES

SERVICE AREA: PLANNING

Description	2024 Fee	2025 Fee	Change	HST
SUBDIVISION/CONDOMINIUM (CONTINUED)				
Draft Plan of Subdivision Application (Base Fee, up to 10 hectares)*** - broken down as:	\$22,470.00	\$23,594.00	\$1,124.00	N
<i>Preliminary Submission***</i>	\$7,490.00	\$7,865.00	\$375.00	N
<i>Formal Submission</i>	\$14,980.00	\$15,729.00	\$749.00	N
Draft Plan of Subdivision Application (Per hectare above 10 hectares, plus Base Fee)	\$1,502.00	\$1,578.00	\$76.00	N
Extension to Draft Plan Approval of Subdivision or Condominium	\$1,785.00	\$1,875.00	\$90.00	N
Red-Line Revisions to Draft Plan Approval of Subdivision or Condominium	\$3,822.00	\$4,014.00	\$192.00	N
Final Approval of Plan of Condominium or Subdivision (Includes Clearing Conditions)	\$3,780.00	\$3,969.00	\$189.00	N
Condominium or Subdivision Agreement**	\$13,125.00	\$13,782.00	\$657.00	N
Amendment to Draft Plan of Subdivision or Condominium Agreement	\$8,946.00	\$9,394.00	\$448.00	N
Street Naming for New Subdivisions	\$1,932.00	\$2,029.00	\$97.00	N
SITE PLAN				
Site Plan Approval Application (Initial or Amendment where New Agreement Required) (Includes residential developments with >10 units)*** - broken down as:	\$8,894.00	\$9,340.00	\$446.00	N
<i>Preliminary Submission***</i>	\$2,965.00	\$3,114.00	\$149.00	N
<i>Formal Submission</i>	\$5,929.00	\$6,226.00	\$297.00	N
Site Plan Approval Application (Initial or Amendment where no Agreement Required)*	\$3,591.00	\$3,771.00	\$180.00	N
Red-Line Revisions to a Site Plan	\$3,822.00	\$4,014.00	\$192.00	N
Discharge of a Site Plan Agreement (legal fees are additional charge)	\$1,565.00	\$1,644.00	\$79.00	N
DEVELOPMENT/FRONT-ENDING/PRE-SERVICING AGREEMENT				
Development Agreement (Includes residential developments with 10 units or less)*** - broken down as:	\$8,894.00	\$9,340.00	\$446.00	N
<i>Preliminary Submission***</i>	\$2,965.00	\$3,114.00	\$149.00	N
<i>Formal Submission</i>	\$5,929.00	\$6,226.00	\$297.00	N
Development Agreement as a Condition of Consent	\$3,591.00	\$3,771.00	\$180.00	N
Front-End Financing Agreement (Includes registration legal fees, initial engineering review fee, third-party agreement review, Part 12 fees, etc.)	Actual costs	Actual costs	-	N
Pre-Servicing Agreement (Includes registration legal fees, initial engineering review fee, per phase/block)	\$8,994.00	Actual costs	-	N
PRE-CONSULTATION MEETING/DEVELOPMENT APPLICATIONS				
<i>Where multiple applications are proposed, the higher fee applies.</i>				
Block Plan/Official Plan Amendment/Draft Plan of Subdivision/Condominium (non-refundable)	\$500.00	\$1,200.00	\$700.00	N
Zoning By-law Amendment/Site Plan/Consent/Minor Variance/Other (Deduct fee towards other planning fees if complete application received within 1 year of meeting)	\$500.00	\$525.00	\$25.00	N
Consultation Process for Telecommunication Facilities	\$2,216.00	\$2,327.00	\$111.00	N

2025 FEES AND CHARGES

SERVICE AREA: PLANNING

Description	2024 Fee	2025 Fee	Change	HST
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MISCELLANEOUS

Approval of Road Opening/Upgrade (Allow access to build) subject to any Official Plan Amendments	\$1,785.00	\$1,875.00	\$90.00	N
Adjournment/Rescheduling Fee for public meeting	\$357.00	\$1,500.00	\$1,143.00	N

SITE ALTERATION PERMIT

<i>The below permit fees double if fill has been hauled to the site before Township approval granted.</i>				
Application Fee, less than 500 cubic metre/year	\$0.00	\$0.00	\$0.00	N
Application Fee, between 500-1,000 cubic metre/year	\$546.00	\$574.00	\$28.00	N
Application Fee, between 1,000-5,000 cubic metre/year	\$1,082.00	\$1,137.00	\$55.00	N
Application Fee, greater than 5,000 cubic metre/year	N/A	\$1,137.00 + \$1,000.00/1,000 cubic metre > 5,000 cubic metre	-	N
Security deposit, non-interest bearing	As needed	As needed	As needed	N

SITE PLAN/SUBDIVISION/CONDOMINIUM DEVELOPMENT SERVICING

<i>The Engineering Review and Administration fee shall cover the costs incurred following the signing of the agreement and are calculated as a percentage based upon one hundred percent (100%) of the estimated total costs of construction of all services (internal and external) as shown in the development agreement's Financial Schedule and charged as follows:</i>				
Total cost of services less than \$1,000	\$250.00	\$250.00	\$0.00	N
Total cost of services less than \$5,000	\$500.00	\$500.00	\$0.00	N
Total cost of services less than \$20,000	\$2,000.00	\$2,000.00	\$0.00	N
Total cost of services less than \$30,000	\$3,000.00	\$3,000.00	\$0.00	N
Total cost of services less than \$60,000	\$6,000.00	\$6,000.00	\$0.00	N
Total cost of services less than \$75,000	\$7,500.00	\$7,500.00	\$0.00	N
Total cost of services less than \$100,000	\$10,000.00	\$10,000.00	\$0.00	N
Total cost of services between \$100,000-\$500,000 (Minimum of \$10,000)	\$5,000.00 + 5% of costs >\$100,000	\$5,000.00 + 5% of costs >\$100,000	-	N
Total cost of services over \$500,000 (Minimum of \$25,000)	\$5,000.00 + 5% of costs btwn. \$100,000-\$500,000 + 4% of costs >\$500,000	\$5,000.00 + 5% of costs btwn. \$100,000-\$500,000 + 4% of costs >\$500,000	-	N

2025 FEES AND CHARGES

SERVICE AREA: PUBLIC WORKS

Description	2024 Fee	2025 Fee	Change	HST
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GENERAL FEES

Engineering Reports/ Drawings/ Studies - Printed Copy (per page)	\$0.40	\$0.50	\$0.10	N
Curb & Sidewalk Repair	Actual + 10% admin	Actual + 10% admin	-	Y
Driveway/ Entrance	Actual + 10% admin	N/A	-	Y
Culvert Installation	Actual + 10% admin	N/A	-	Y
Culvert Inspection - Entrance Permit	\$155.00	\$160.00	\$5.00	N
Culvert Deposit - Entrance Permit, non-interest bearing (refundable upon final inspection approval)	\$1,250.00	\$1,250.00	\$0.00	N
Road Occupancy/Encroachment Permit	\$100.00	\$110.00	\$10.00	N
New/Replacement/Removal of Tree	N/A	\$855.00	\$855.00	Y

OVERSIZE/OVERWEIGHT LOAD PERMIT

Single Trip	\$54.00	\$56.00	\$2.00	N
Three Month	\$107.00	\$111.00	\$4.00	N
Annually	\$160.00	\$165.00	\$5.00	N
Ontario Bridge Formula Check for Overweight Loads (per review)	N/A	\$392.00	\$392.00	Y

STAFF AND EQUIPMENT CHARGE-OUT RATES

Vehicles (per hour)

Based on the Ontario Provincial Standards Specifications, Schedule of Rental Rates.

Pick-Up 4X4	\$41.00	\$41.00	\$0.00	Y
Grader	\$155.00	\$160.00	\$5.00	Y
Tandem	\$95.00	\$115.00	\$20.00	Y
One Ton	\$50.00	\$55.00	\$5.00	Y
Backhoe	\$70.00	\$74.00	\$4.00	Y
Van & 2-Wheel Drive Pick-Up	\$39.00	\$40.00	\$1.00	Y

Employees (per hour)

Truck Driver	\$55.00	\$57.00	\$2.00	Y
Backhoe Operator	\$65.00	\$67.00	\$2.00	Y
Grader Operator	\$65.00	\$67.00	\$2.00	Y
Water & Wastewater Operator	\$65.00	\$67.00	\$2.00	Y
Engineering/Managerial Staff	\$102.00	\$106.00	\$4.00	Y

2025 FEES AND CHARGES

SERVICE AREA: RECREATION

Description	2024 Fee	2025 Fee	2026 Fee	HST
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ARENA FACILITY

<i>Note: Changes are effective September 1, which coincides with the start of the season.</i>				
<i>Prime - Weekdays (5PM to close) & Weekends (6AM to close) & Statutory Holidays</i>				
<i>Non-Prime - Weekdays (6AM to 5PM)</i>				
Public Skating (per person)	\$3.00	\$4.00	\$4.00	Y
Preschool Skating (per person)	\$3.00	\$4.00	\$4.00	Y
Adult Skating (per person)	\$3.00	\$4.00	\$4.00	Y
Stick & Puck (per person)	\$3.00	\$4.00	\$4.00	Y
Public Skating/Preschool/Adult Discount Card (10 uses)	\$25.00	\$35.00	\$35.00	Y
Shinny Hockey (per person)	\$6.00	\$7.00	\$8.00	Y
Shinny Hockey Discount Card (10 uses)	N/A	\$59.00	\$67.00	Y
Prime Ice Rental (per hour)	\$235.00	\$247.00	\$255.00	Y
Non-Prime Ice Rental (per hour)	\$160.00	\$168.00	\$174.00	Y
Arena Floor Rental (per hour)	\$70.00	\$74.00	\$77.00	Y
Local Schools and Local Home Schools (per hour)	\$81.00	\$86.00	\$89.00	Y
West Lincoln Figure Skating Club				
Prime Ice Rental (per hour)	\$160.00	\$168.00	\$174.00	Y
Non-Prime Ice Rental (per hour)	\$110.00	\$116.00	\$120.00	Y
West Niagara Minor Hockey Association				
Prime Ice Rental (per hour)	\$171.00	\$180.00	\$186.00	Y
Non-Prime Ice Rental (per hour)	\$110.00	\$116.00	\$120.00	Y

COMMUNITY ROOMS & GYMNASIUM

<i>Note: Rental times must include set up & take down time</i>				
<i>Prime - Weekdays (5PM to close) & Weekends (6AM to close) & Statutory Holidays</i>				
<i>Non-Prime - Weekdays (6AM to 5PM)</i>				
Community Room (3 available)				
Prime (per hour) - up to 4 hours	\$29.00	\$31.00	\$32.00	Y
Prime (daily) - more than 4 hours	\$144.00	\$152.00	\$157.00	Y
Non-Prime (per hour) - up to 4 hours	\$19.00	\$20.00	\$21.00	Y
Non-Prime (daily) - more than 4 hours	\$87.00	\$92.00	\$95.00	Y
Kitchenette (per hour) - maximum charge of \$80	\$16.00	\$17.00	\$18.00	Y
Gymnasium				
Full Gymnasium				
Prime (per hour) - up to 4 hours	\$36.00	\$38.00	\$40.00	Y
Prime (daily) - more than 4 hours	\$171.00	\$180.00	\$186.00	Y
Non-Prime (per hour) - up to 4 hours	\$24.00	\$26.00	\$27.00	Y
Non-Prime (daily) - more than 4 hours	\$116.00	\$122.00	\$126.00	Y
Half Gymnasium				
Hourly Prime (up to 4 hours)	\$19.00	\$20.00	\$21.00	Y
Daily Prime (more than 4 hours)	\$87.00	\$92.00	\$95.00	Y
Hourly Non-Prime (up to 4 hours)	\$13.00	\$14.00	\$15.00	Y
Daily Non-Prime (more than 4 hours)	\$58.00	\$61.00	\$63.00	Y
Gym Kitchenette (per hour) - maximum charge of \$80	\$16.00	N/A	N/A	Y

2025 FEES AND CHARGES

SERVICE AREA: RECREATION

Description	2024 Fee	2025 Fee	2026 Fee	HST
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PARKS AND OUTDOOR FACILITIES

West Lincoln Youth Sports Associations				
Soccer/Football/Baseball Youth 0-8 years (per person)	\$14.00	\$15.00	\$16.00	Y
Soccer/Football/Baseball Youth 8+ (per person)	\$16.00	\$17.00	\$18.00	Y
Field with lights (per hour)	\$25.00	\$27.00	\$28.00	Y
Tournament/Special Event (per field, per day ie. 4 hours or more)	\$56.00	\$59.00	\$61.00	Y
Private Rental				
Field without lights (per hour)	\$25.00	\$27.00	\$28.00	Y
Field with lights (per hour) 8PM to 11PM - minimum	\$39.00	\$41.00	\$43.00	Y
Tournament/Special Event (per field, per day ie. 4 hours or more)	\$238.00	\$250.00	\$258.00	Y
Schools - Local Schools & Local Home Schools				
<i>Prime - Weekdays (5PM to close) & Weekends (6AM to close) & Statutory Holidays</i>				
<i>Non-Prime - Weekdays (6AM to 5PM)</i>				
Local Track/Cross Country Meet Non-Prime (per day)	\$56.00	\$59.00	\$61.00	Y
Local Soccer/Football/Baseball Non-Prime (per hour)	\$18.00	\$19.00	\$20.00	Y
Local Soccer/Football/Baseball Prime (per hour)	\$25.00	\$27.00	\$28.00	Y
Local Soccer/Football/Baseball Prime Tournament	\$238.00	\$250.00	\$258.00	Y
Pavilion & Bandshell				
<i>Bandshell rental requests must complete a Special Event Application</i>				
Full Day Pavilion - more than 4 hours (includes hydro)	\$78.00	\$82.00	\$85.00	Y
Half Day Pavilion - 4 hours or less (includes hydro)	\$45.00	\$48.00	\$50.00	Y
Band Shell - up to 4 hours (includes hydro)	\$301.00	\$317.00	\$327.00	Y
Band Shell (per day) - includes hydro	\$480.00	\$504.00	\$520.00	Y

PROGRAMS, CLASSES, & CAMPS

<i>Older adults (55+) eligible for 10% Fitness Discount (exception Tai Chi & Drop In)</i>				
10 Class Adult Registered Program	\$95.00	\$100.00	\$103.00	Y
10 Class Youth Registered Program	\$57.00	\$60.00	\$62.00	N
Yoga Bolster Equipment	N/A	\$41.00	\$43.00	Y
Home Alone Course	N/A	\$77.00	\$80.00	N
Babysitting Course	N/A	\$77.00	\$80.00	N
Family Registered Program	\$125.00	N/A	N/A	Y
Pay As You Go	\$15.00	N/A	N/A	Y
Tai Chi First Timers	\$45.00	\$48.00	\$50.00	Y
Tai Chi Returning	\$28.00	\$30.00	\$31.00	Y
Registered Program User Cancellation (non-refundable)	\$15.00	\$16.00	\$17.00	N
Drop In				
Drop In Youth Gym Program	\$3.00	\$4.00	\$4.00	Y
Drop In Youth Gym Discount Card (10 uses)	\$15.00	\$25.00	\$34.00	Y
Drop In Adult Gym Program	\$5.00	\$6.00	\$6.00	Y
Drop In Adult Gym Discount Card (10 uses)	\$41.00	\$50.00	\$50.00	Y
Drop In Older Adults Gym Program	\$3.00	\$4.00	\$4.00	Y
Drop In Older Adults Gym Discount Card (10 uses)	\$25.00	\$34.00	\$34.00	Y
Drop in Family Fee (max. 2 adults, 4 children)	\$15.00	\$16.00	\$17.00	Y
Drop in Family Fee Discount Card (10 uses)	\$100.00	\$134.00	\$139.00	Y

2025 FEES AND CHARGES

SERVICE AREA: RECREATION

Description	2024 Fee	2025 Fee	2026 Fee	HST
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PROGRAMS, CLASSES, & CAMPS (CONTINUED)

Camps				
Regular Five-Day (per week)	\$153.00	\$161.00	\$166.00	N
Four-Day Week (Due to Township Holiday)	\$122.00	\$129.00	\$133.00	N
March Break Camp	\$153.00	\$161.00	\$166.00	N
Extended Care (7:30AM to 9:00AM OR 3:30PM to 5:30PM)	\$7.00	\$8.00	\$8.00	N
Late Pick Up (per 15 minutes)	\$13.00	\$14.00	\$15.00	N
Camp Cancellation by User (non-refundable)	\$15.00	\$16.00	\$17.00	N
Harvest Routes Workshops				
Adult Workshop - Adults (non-refundable)	\$20.00	\$21.00	\$22.00	Y
Child/Youth Workshop (non-refundable)	\$11.00	\$12.00	\$13.00	N

DIGITAL ROAD SIGN

Per Day	\$20.00	\$21.00	\$22.00	Y
Per Week	\$86.00	\$91.00	\$94.00	Y

HANGING BASKET & GARDENS SPONSORSHIP

Hanging Basket	\$129.00	\$136.00	\$141.00	N
Traffic Island	\$1,339.00	N/A	N/A	N
Garden (Downtown Smithville, 6 available)	N/A	\$1,700.00	\$1,751.00	N

MARKETS (EXCLUDES HARVEST ROUTES)

<i>All vendors are provided with a 10'X10' space.</i>				
Full Season Vendor	\$376.00	\$144.00	\$149.00	Y
VQA Wineries and Stores (must provide insurance)	\$376.00	\$144.00	\$149.00	Y
Additional Space for Full Season Vendor (10' x 10')	\$121.00	\$47.00	\$49.00	Y
Half Season Vendor	\$217.00	N/A	N/A	Y
Non-Seasonal Vendor (per week)	\$55.00	\$58.00	\$60.00	Y
Registered Non-Profit and Young Entrepreneurs (under 18)	\$0.00	\$0.00	\$0.00	N

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2024-82

A BY-LAW TO CONSOLIDATE FEES AND CHARGES AND TO ESTABLISH USER FEES AND CHARGES FOR SERVICES, ACTIVITIES OR THE USE OF PROPERTY WITHIN THE TOWNSHIP OF WEST LINCOLN

WHEREAS the Municipal Act, 2001 requires that all fees and charges be established by by-law as of January 1, 2003;

WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it and for the use of its property, including property under its control;

AND WHEREAS Section 69 (1) of the Planning Act R.S.O. 1990, c. P. 13, as amended, provides that a municipality may establish a tariff of fees for the processing of applications;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enact a Consolidated User Fees and Charges By-law establishing and requiring the payment of fees for information, services, activities and use of Township property;

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

1. The fees and charges as set out in Schedule "A" attached hereto and forming part of this By-law, are hereby established and adopted by the Council of the Township of West Lincoln.
2. This By-law shall be known as the "Consolidated User Fees and Charges By-law".
3. The fees and charges as listed in Schedule "A" to this By-law are inclusive of Harmonized Sales Tax (HST), where indicated.
4. All fees and charges applicable under this by-law shall be payable in advance of services being rendered, except for:
 - a. Emergency services.
 - b. Actions taken by the Township to rectify failures or by-law infractions on the part of a resident, in which case, the fee payable will be in arrears and invoiced after the service or activity is provided.
 - c. Instances where the timing and conditions for payment is prescribed in agreements or contracts approved by Council.
5. In the event that any information, service, activity or use of Township property is requested by a person, and a fee or charge for such information, service, activity or use of Township property has not been specifically provided for in Schedule "A", a fee or charge shall be calculated by Township staff to appropriately recover Township costs and shall be incorporated into this By-law as soon as is practicable.
6. That payment of any fee or charge in this By-law shall be in Canadian currency.
7. All fees owing to the Township that are unpaid are considered a debt to the Township and, together with all interest and penalties accrued thereupon, may

be collected by the Township by action, or may be collected by the Township on its behalf, or may be added to the property tax roll and collected in like manner as taxes.

8. The user fees and charges that comprise this By-law may not be waived upon request under any circumstances, in either full or in part, unless required or allowed by external government legislation.
9. The Treasurer is authorized to carry out the administration of this By-law, including but not limited to the enforcement thereof, the collection activity and for initiating such legal action as may be considered appropriate.
10. Should any part of this By-law, including any part of a Schedule attached hereto, be determined by a court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of this By-law shall be severable from this By-law and that the remainder of this By-law, including the remainder of each Schedule, as applicable, shall continue to operate and be in force.
11. That, By-law 2023-90, be and are hereby repealed, excluding the schedules pertaining to Building and Utility fees and charges.
12. That, Policy POL-C-02-07, Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof, be amended by deleting the fees within Sections 3(b) and 3(d) and be added to the Consolidated User Fees and Charges By-law.
12. That, this By-law come into force and take effect on January 1, 2025.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
16 DAY OF DECEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

DATE: December 9, 2024
REPORT NO: WLFD-15-2024
SUBJECT: **Monthly Update – November 2024**
CONTACT: Tim Hofsink

OVERVIEW:

- This report will address November 2024 fire responses and activities.

RECOMMENDATION:

That, Information Report WLFD-15-2024 titled “Monthly Update – November 2024” dated December 9th , 2024, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme # 1 and # 4

- **Build** – a safe, connected, caring and active community
- **Advance** – organizational capacity and effectiveness

CURRENT SITUATION:

Emergency responses Calls: See Attached Schedule "A" for November's calls. The fiscal year for West Lincoln Fire ended October 31. Total calls amounted to 295 at Station 1 and 82 at Station 2.

New Recruits:

Recruit candidate interviews were completed. West Lincoln Fire has received a very healthy response in applications from members of the community interested in joining the Fire Service. Vacancies that have accumulated over the past two years will be filled with the commencement of the next recruit class beginning January 2025. An additional step has been added to our recruit process. Successful interview candidates attended a third party test centre on November 16th. There they were tested for physical capabilities as well as resiliency, acrophobia and aptitude. This vital addition to our recruit selection process will allow us to obtain a more complete picture of a candidate before committing to taking them into our training program.

Promotions: No promotions

Station # 2 Progress:

Work is continuing at Station 2 regarding the outstanding warranty items. The Station is fully occupied and is functioning well. Some items are still in progress, with work continuing on the internet cabling, HVAC system and floors.

Training

Ongoing weekly training took place, including training on What 3 Words, Communications, Remote Patient Packaging, and Rapid Intervention Team. Crews also held an auto extrication training using a vehicles donated by VnR Recycling. These applied learning classes are very important in ensuring that crews have received practical experience in dealing with situations that they will face while responding to emergency calls. We highly value the relationships with businesses and members of our community that support our training and emergency preparation efforts.

A large group of firefighters participated in a ‘Resilient Minds’ training class. The focus of this course was Critical Incident Stress Management highlighting the importance of mental health of First Responders, helping them to be better equipped to handle the stress of emergency calls. Firefighters are exposed to both physical and stress hazards while responding to emergency calls. Traumatic stress is a real and dangerous threat to the mental wellness of firefighters and other first responders. West Lincoln is coordinating a variety of training and other supports to ensure that West Lincoln’s firefighters are well protected, both physically and mentally for this important work.

Preparations by the Training Department for the upcoming recruit intake have been underway for some weeks, entailing development of the Training Schedule and scheduling instructors for each of the training sessions spanning the recruit program-approximately eight months in length.

HAZMAT Testing date was established for February and March, 2025 for our Firefighters who had completed the training program earlier in 2024.

Fire Prevention

Annual Fire Inspections were conducted at various large commercial and industrial complexes.

Apparatus Fleet

Work on Tanker 2 is continuing. This truck is the second tanker of two tankers approved by Council. Final inspection will take place in New Brunswick by several Fire Services staff once the construction has been completed. Delivery of the vehicle his anticipated over the next month or two, pending approval during the final inspection.

Fire Services Activities

Chief Fisher has gone on leave, Deputy Chief Hofsink has been appointed Acting Fire

Chief and has appointed two Officers as Acting Deputy Chiefs (Captain Wayne Bos) and (Captain Zoli Rakonjac) in his absence.

The Public Education team did a fire safety presentation at the Wellandport Reformed Church.

The annual Emergency Management Training and Exercise was conducted for the Township's Emergency Operation Centre Team. The focus of the exercise this year was on cyber security, specifically training on business continuity and a presentation from the IT Division about organizational cyber security.

FINANCIAL IMPLICATIONS:

There are no financial implications with this report.

INTER-DEPARTMENTAL COMMENTS:

N/A

CONCLUSION:

This report is to inform Committee and Council of the November 2024 operations of West Lincoln Fire and Emergency Services.

Prepared & Submitted by:

Tim Hofsink
Acting Fire Chief

Approved by,

Truper McBride
CAO

Jurisdiction

WEST LINCOLN

2024 MONTHLY DISPATCHES BY DETERMINANT

Determinant Group	January	February	March	April	May	June	July	August	September	October	November	December	Total
⊕ Burning Complaint	1			2	1		1	2		2			9
⊕ Carbon Monoxide	1		2	1			2				3		9
⊕ Emergency Assistance	3		1		2	1	2			2			11
⊕ Grass/Tree/Brush Fire			2	2	1		1		1	1	1		9
⊕ Hazmat			1				1						2
⊕ Medical	6	5	8	3	7	8	11	8	5	4	8		73
⊕ MVCs	9	3	12	4	9	8	11	6	9	7	6		84
⊕ Non-Emergency Assistance		1		1	2								4
⊕ Non-Emergency Medical													
⊕ Other Fire			1		1					2	2		6
⊕ Preliminary Assignment	1									1			2
⊕ Remote Alarm	4	1	2	2	3	2	2	3	3	2	1		25
⊕ Rescue													
⊕ Structure Fire	1			1	1	2	2	1	2	1	2		13
⊕ Unknown 911													
⊕ Vehicle Fire			1			2	1		2	1			7
⊕ Water Rescue													
Total Responses within Municipality	26	10	30	16	27	23	34	20	22	23	23		254

WEST LINCOLN

25

Year-to-Date Responses Out of Area

254

Total Events This Year

DATE: December 9, 2024

REPORT NO: PW-29-2024

SUBJECT: **Concession 3 Road – Land Transfer Declaration as a Public Highway**

CONTACT: Jennifer Bernard, C.E.T., Coordinator of Engineering Services
Mike DiPaola, P.Eng., Director of Public Works & Recreation

OVERVIEW:

- A condition of the application for consent B06/2023WL, required lands be transferred to the Township to accommodate a minor boundary adjustment on Concession 3 Road.
- A By-law is required to declare parts of Concession 3 Road as a Public Highway.

RECOMMENDATION:

1. That, Recommendation Report PW-29-2024 titled, “Concession 3 Road – Land Transfer Declaration as a Public Highway”, dated December 9, 2024, be received; and
2. That, a By-law be passed to declare Parts 3, 4, 5 and 6 on Reference Plan No. 30R-16266 on Concession 3 Road as Public Highway.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

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

Theme #4

- **FOUNDATIONAL** – Advance organizational capacity and effectiveness.

BACKGROUND:

On September 27, 2023, the Committee of Adjustment approved B06/2023WL, an application for a minor boundary adjustment, where 0.53 acres from the abutting farm parcel located at 7226 Concession 3 Road was added to the parcel at 7262 Concession

3 Road. As a condition of consent, a land transfer for the purpose of a road widening on Concession 3 Road was to be provided in accordance with Public Works Severance Application Condition Request Policy POL-PW-1-23.

CURRENT SITUATION:

Reference Plan No. 30R-16266 is included as Schedule “A” and dated June 7, 2024. The lands labelled as Parts 3, 4, 5 and 6 on the Reference Plan have now been transferred to the Township. In order to complete the process, Staff is requesting that Council pass a By-law, included as Schedule “B”, to establish these lands as Public Highway.

FINANCIAL IMPLICATIONS:

There are no financial implications to the Township.

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the Planning Department and the Clerk’s office.

CONCLUSION:

In summary, Staff recommends that Council pass a By-law dedicating the above mentioned lands as a Public Highway.

ATTACHMENTS:

- Schedule “A” – Reference Plan No. 30R-16266
- Schedule “B” – By-law to establish lands as Public Highway

Prepared & Submitted by:

**Jennifer Bernard C.E.T.,
Coordinator for Engineering Services**

**Mike DiPaola, P.Eng.,
Director of Public Works & Recreation**

**Approved by:
Truper McBride, CAO**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

BEING A BY-LAW TO ESTABLISH PARTS 3, 4, 5 AND 6 ON REFERENCE PLAN NO. 30R-16266 ON CONCESSION 3 ROAD AS PUBLIC HIGHWAY, IN THE FORMER TOWNSHIP OF CAISTOR, NOW TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS a condition of the application for consent B06/2023WL required that lands depicted as Parts 3, 4, 5 and 6 on Reference Plan No. 30R-16266 be transferred to the Township for the purposes of a road widening on Concession 3 Road;

AND WHEREAS the Township is now in receipt of the subject lands and deems it expedient to establish the lands as Public Highway.

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

1. That Parts 3, 4, 5 and 6 on Reference Plan No. 30R-16266 on Concession 3 Road, in the former Township of Caistor, now in the Township of West Lincoln, be and is hereby established as a public highway; and
2. That the Township’s Solicitor be and is hereby authorized and instructed to register a copy of this By-law in the Land Titles Office.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th DAY OF DECEMBER, 2024

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

DATE: December 9, 2024

REPORT NO: PW-30-2024

SUBJECT: **CLI-ECA Update – Operations and Maintenance Manuals Budget Amendment and Delegation of Authority**

CONTACT: Tray Benish, CRS-S, Manager of Operations
Mike DiPaola, P.Eng., Director of Public Works and Recreation

OVERVIEW:

- A condition under the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) process requires municipalities to develop Operations and Maintenance Manuals for the Sanitary Collection System and Stormwater Management System.
- These manuals layout operating and maintenance procedures for routine operation of the systems.
- The Township has a deadline of June 2025 to implement these manuals.
- Administration is requesting a budget amendment in the amount of \$60,000 to commence the Request for Proposal (RFP) process to develop the manuals in order to comply with the CLI-ECA requirements.
- A Request for Proposal is planned for issuance, in order to award the development of the Operations and Maintenance Manuals to a qualified professional engineering firm.
- Administration is requesting that delegated authority be granted to the Director of Operations in order to approve all CLI-ECA applications the Township receives.

RECOMMENDATION:

1. That, Recommendation Report PW-30-2024, titled “CLI-ECA Update – Operations and Maintenance Manuals Budget Amendment and Delegation of Authority”, dated December 9th, 2024 be received; and,
2. That, Budget Amendment BA2024-13 for an amount of \$60,000, funded through the Capital Reserve in the amount of \$30,000 and the Sewer Reserve in the amount of \$30,000, be approved by Council; and,
3. That, Council delegates authority to Administration to sign future CLI-ECA

applications.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2

- **Champion** strategic and responsible growth

BACKGROUND:

CLI-ECA Background:

As per Report PW-22-2023, dated July 17, 2023, the Ministry of the Environment, Conservation and Parks (MECP) introduced a modernized approach to the Environmental Compliance Approval applications process, now called the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA). This approach is intended to reduce the burden on municipalities, developers, and the Ministry, while imposing a consistent set of conditions intended to improve environmental protection. The CLI-ECA process, as long as the relevant criteria are met, is meant to streamline the approvals of certain low-risk sanitary and stormwater infrastructure works. This includes alterations to existing infrastructure and additions of new infrastructure to the system.

The Township received both the sanitary collection system and stormwater management system CLI-ECAs in December 2022. There are conditions under each CLI-ECA to provide additional documentation to the MECP. These items include annual performance reporting, updating of the infrastructure mapping annually, and the development of Operations and Maintenance Manuals for the sanitary collection and stormwater management systems.

As part of the CLI-ECA program, municipalities are required to prepare Annual Performance Reports pertaining to yearly activity, performance, and alterations to the sanitary sewage collection and stormwater management systems. The annual performance reports must be made available to members of the public who are serviced by the systems upon request and without charge by publishing the reports on the Township's website. The 2023 annual performance reports were completed by Administration and are posted on the Township's website here:

<https://www.westlincoln.ca/en/living-here/water-and-wastewater-maintenance.aspx>

Delegation of Authority Background:

Sections 23.1-23.5 of the Municipal Act provides municipalities with options for delegating powers and duties to individuals or bodies. Subject to certain limits, Council may decide which matters require Council's direct attention, which matters require Council's input and direction, and which matters require limited or no direct Council involvement.

As part of the Ministry's CLI-ECA download to municipalities, an Administration designate

should be granted delegated authority to approve any CLI-ECA applications received by the Township.

CURRENT SITUATION:

Administration has been working through the CLI-ECA conditions. One requirement is the development of Operations and Maintenance Manuals (O&M) for the sanitary collection system and the stormwater management system. The Township has a deadline of June 2025 to develop these manuals.

Administration are part of a CLI-ECA working group, that was recently established in Q1 of 2023, with twelve (12) municipalities in the Niagara Region. The purpose and goal of the working group is to bring individuals with the necessary expertise, skills, or interest to work collaboratively to achieve the specific requirements of the CLI-ECA process. The original intent for the O&M manuals, was hoping that this working group would assist with the development of these manuals; or utilizing any completed O&M manuals from the larger municipalities, in order to use our internal resources to complete these O&M manuals. Now that a couple municipalities within this working group have developed their respective manuals, through third party consultants, it has become clear that they are too specific to each municipality's needs to be used as a reference for West Lincoln's infrastructure. Administration does not have the resources to complete these manuals internally to meet the deadline.

In order to meet the deadline provided by the MECP, Administration is recommending the use of a third party engineering consulting firm to complete the Operations and Maintenance Manuals. A Capital Project is currently included in the 2025 Draft Budget, but due to the length of time required to complete the manuals, Administration is requesting an early approval via a budget amendment in the amount of \$60,000 to start the project as soon as possible. A Request for Proposal (RFP) is planned for issuance once the requested budget amendment is approved.

The designation of the Director of Operations as delegated authority is for the purpose of approving any CLI-ECA applications that involve any future renewal, extension or alteration to the Township's sanitary collection system and stormwater management system.

As part of the CLI-ECA working group, Administration have learned that none of the area municipalities within Niagara Region have implemented a CLI-ECA application fee. Administration will track the time and resources required to process any CLI-ECA applications that may be received during 2025. Administration will also compare to any application fees that are implemented by the other area municipalities, and will report back to Council at a future date in order to establish and approve a user fee for the CLI-ECA application process.

With the development of the Operations and Maintenance Manuals, and the downloaded requirement to streamline approvals for any modification to the Township's sanitary and

storm systems, this new CLI-ECA process will require regular documentation and reporting in order to meet MECP regulatory compliance. With this additional regulatory compliance, and as more development starts in West Lincoln, the scope of work for the CLI-ECA process will increase, which will result in a need for additional FTEs. One new FTE related to this requirement was identified in Information Report CAO-05-2024 – Organizational Restructuring, as the Water Resources Manager. Administration intends to fund any related additional FTEs through user rates.

FINANCIAL IMPLICATIONS:

The project budget to develop the Operations and Maintenance Manuals is \$60,000. Budget Amendment BA2024-13, in the amount of \$60,000, will be funded through a transfer from the Township’s Capital and Sewer Reserves for \$30,000 respectively. This project is currently proposed in the 2025 Draft Budget as a new Special Project, however, Administration is requesting early approval of the project via Budget Amendment BA2024-13. The Special Project will be removed from the 2025 Draft Budget on approval of Budget Amendment BA2024-13.

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed by the CAO, the Director of Corporate Services/CFO, and the Clerk’s office.

CONCLUSION:

Council is requested to approve Budget Amendment BA2024-13 in the amount of \$60,000, funded by the Capital and Sewer Reserves for \$30,000 respectively, in order to complete the required Operations and Maintenance Manuals before the June 2025 deadline, in order to comply with the CLI-ECA requirements set out by the MECP.

Administration is further recommending that Council delegate authority to the Director of Operations in order to review and approve any CLI-ECA applications that are received.

Prepared by:

Tray Benish, CRS-S
Manager of Operations

Approved by:

Truper McBride
Chief Administrative Officer

Submitted by:

Mike DiPaola, P.Eng.
Director of Public Works and Recreation

DATE: December 9, 2024

REPORT NO: PW-25-2024

SUBJECT: **2024 Capital Project Completion Update**

CONTACT: Ray Vachon, Project Manager
Mike DiPaola, P.Eng, Director of Public Works & Recreation

OVERVIEW:

- In the Spring of 2024, both the Campbell Bridge Rehabilitation Tender and the 2024 Road Rehabilitation Tender were awarded by Council.
- The Murgatroyd Trail Reconstruction Tender was awarded by Council in the Fall of 2024.
- The Campbell Bridge Rehabilitation project was completed on September 1 2024.
- The 2024 Road Rehabilitation project was substantially completed on August 23, 2024.
- The Murgatroyd Trail Reconstruction project was completed on November 25, 2024.
- All three projects were completed within their respective approved budget.
- The purpose of this report is to provide a project completion update to Committee and Council with respect to these 3 capital infrastructure projects.

RECOMMENDATION:

1. That, Information Report PW-25-2024 titled “2024 Capital Project Completion Update”, dated December 9, 2024, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

- **BUILD** a safe, connected, caring and active community.

BACKGROUND:

Contract PW 2024-04 Campbell Bridge Rehabilitation

The work involved for this bridge rehabilitation included concrete patch repairs to the deck, soffit, fascia, abutments, and wingwalls, deck waterproofing, deck drains, replacement of the barriers, a new asphalt surface, and erosion control on the embankments.

On April 24, 2024, the tender was issued and the Township received four (4) bid submissions. The low bidder, Anthony's Excavating Central Inc., was awarded the project at the May 27 2024 meeting (Item PW21-24 Recommendation Report PW-15-2024 Campbell Bridge (TWL-IDB04) Rehabilitation Tender Award) at a price of \$447,923.00, with an estimated total project cost of \$665,000. The approved budget for this project was \$735,500.00.

Following the execution of the contract documents and pre-construction meeting, work on the bridge began mid-June.

Contract PW 2024-01 2024 Road Rehabilitation

The work involved for Concession 3 Road (RR14 Smithville Road to Caistor Gainsborough Townline Rd) and Abingdon Road (North Chippawa Road to Concession Rd 2) included road base repairs, crossfall correction by adding additional material, and a single tar and chip surface treatment application. For Vaughan Road (Wellandport Rd/RR 27 to Heaslip Road), work included adding granular material and grading to achieve a proper road crossfall, and hard topping of the gravel road with a double application of surface treatment.

The tender was posted in March 1 2024, and closed on March 21. A total of two (2) bid submissions were received. The low bidder, Walkers Construction Limited, was awarded the project at the April 22 meeting (Item PW12-24 Recommendation Report PW-13-2024, 2024 Road Rehabilitation Project Tender Award (PW 2024-01) – Budget Amendment BA2024-02) at a price of \$795,767.00, well under the approved adjusted budget and estimated total project costs of \$950,000.00.

Following the execution of the contract documents and pre-construction meeting, work on the project began in early July.

Contract PW 2024-05 Murgatroyd Trail Reconstruction

The majority of the work involved cutting down the existing slope near Ellis St. to less than 8% slope from the current 12 to 14%. This makes the trail AODA compliant. Additional work involved the full reconstruction of the asphalt surface and granular base, drainage improvements, some new fencing, and tree removals.

On August 14, 2024, Administration circulated a Tender document and on the closing date

of August 29, 2024, six (6) tenders were received and opened. The low bidder, Stevensville Lawn Services Inc., was awarded the project at the September 16, 2024 meeting (Item PW30-24 Recommendation Report PW-22-2024 Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award) at a price of \$172,987.00, with an estimated total project cost and approved budget of \$215,000.00.

CURRENT SITUATION:

Contract PW 2024-04 Campbell Bridge Rehabilitation

The project was substantially completed and the bridge was re-opened September 1 2024, and is now under a 1-year maintenance/warranty period. Schedule A shows before and after photos of Campbell Bridge.

The project was completed on time and under budget.

Total cost for the project, including construction, engineering design, construction administration and inspection is estimated to total \$475,100, which is under the estimated project costs \$665,000.00 and approved budget of \$735,500.00.

The lower than budgeted project cost is a result of not requiring any concrete patching on the structure deck. Field soundings of the concrete deck were completed once the asphalt was removed and it was found to be in very good condition, therefore, no concrete patching was required. Concrete patching is one of the more expensive items in the tender, which resulted in lower total construction costs.

Contract PW 2024-01 2024 Road Rehabilitation

The project was substantially completed on August 23, 2024, and is now under a 1-year maintenance/warranty period. Schedule B shows before and after photos of the roads that were included in project.

The project was executed with limited unexpected issues although wet weather did minimally hamper the schedule. This did not affect the budget.

Total cost for the project is estimated to be \$714,660 which is lower than the adjusted approved budget of \$950,000.00 from the April 2024 Tender Award report. The lower project costs are a result of lower than estimated quantities for base repairs and any extra material to correct the road crossfall, prior to resurfacing the roads.

Contract PW 2024-05 Murgatroyd Trail Reconstruction

The project was completed on November 25, 2024, and is now under a 1-year maintenance/warranty period. Schedule C shows before and after photos of the trail.

The project was executed with limited unexpected issues which helped to complete the

work in a timely matter well under the original projected schedule.

Total cost for the project is estimated to be \$210,000.00 which is within the approved budget of \$215,000.00 from the September 16, 2024 Tender Award report.

FINANCIAL IMPLICATIONS:

The Campbell Bridge project is estimated to cost \$475,100 compared to an approved budget of \$735,500. This project was financed with Development Charges, the Bridge Reserve and the OCIF (Ontario Community Infrastructure Fund) grant. Administration has determined that there will be additional OCIF funding available to allocate in 2025 totalling \$231,850 as a result of this under expenditure.

The 2024 Road Rehabilitation project is estimated to cost \$714,660 compared to an approved budget of \$950,000. This project was financed with Development Charges, Capital Reserve and Debenture proceeds. Administration has determined that there will be \$220,720 of Capital Reserve funds that will no longer need to be encumbered for this project and will be available to be used to fund projects within the 2025 budget.

The chart below provides a summary of the actual financing compared to the budgeted financing.

	Budget		Actual		Difference
	Road Rehabilitation	Campbell Bridge	Road Rehabilitation	Campbell Bridge	
Development Charges	\$ 36,000	\$ 73,550	\$ 21,380	\$ 45,000	\$ 43,170
OCIF Grant	\$ -	\$ 540,000	\$ -	\$ 308,150	\$ 231,850
Debenture Proceeds	\$ 217,400	\$ -	\$ 217,400		\$ -
Reserves	\$ 696,600	\$ 121,950	\$ 475,880	\$ 121,950	\$ 220,720
Total	\$ 950,000	\$ 735,500	\$ 714,660	\$ 475,100	\$ 495,740

The Murgatroyd Trail Reconstruction project is estimated to cost \$210,000.00 compared to the approved budget of \$215,000.00. This project was financed with the Capital Reserve budget. Administration will continue to carry the remaining \$5,000.00 until the end of the of the one-year maintenance period (November 2025) in case any extra work needs to be completed on this project, beyond any workmanship deficiencies that the contractor would be responsible for.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the Clerks Department, and the CAO and Director of Finance/Treasurer. The Financial Implications was provided by the Treasurer.

CONCLUSION:

The 2024 Capital Project Completion Update Report is being provided as an update for information purposes and to inform that these three contracts are substantially complete and under budget.

SCHEDULES:

Schedule A – Campbell Bridge Rehabilitation Before and After Photos

Schedule B – All Rehabbed Roads Before and After Photos

Schedule C – Murgatroyd Trail Reconstruction Before and After Photos

Prepared & Submitted by:

Ray Vachon, C.E.T., Project Manager

Mike DiPaola, P. Eng., Director of Public Works & Recreation

Approved by:

Truper McBride, CAO

SCHEDULE A

Campbell Bridge Rehabilitation – Before and After Photos



SCHEDULE B

Abingdon Road – Before and After Photos



West Lincoln

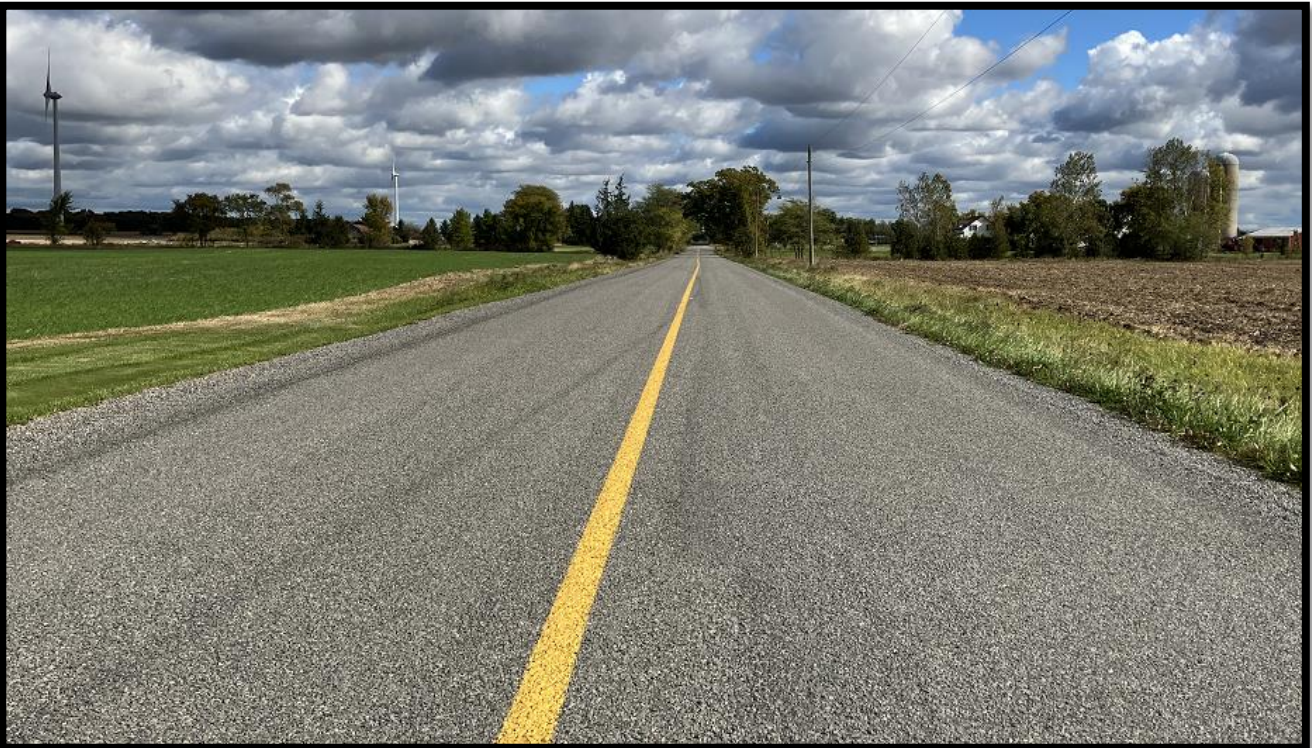
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Concession 3 Road – Before and After Photos



Vaughan Road – Before and After Photos



SCHEDULE C

Murgatroyd Trail Reconstruction – Before and After Photos



