



**TOWNSHIP OF WEST LINCOLN
GROWTH AND SUSTAINABILITY
COMMITTEE AGENDA**

MEETING NO. ONE

Monday, February 10, 2025, 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- Councillor Joann Chechalk

Prior to commencing with the Growth and Sustainability meeting agenda, Chair Chechalk will provide the following announcements:

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

2. LAND ACKNOWLEDGEMENT STATEMENT

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

stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

Public Meeting(s)

4. PUBLIC MEETING(S)

6

4.1 Concession 9, Part Lot 5 (File No. 1601-003-23 and File No. 2000-92-24 Kainthville Holdings Inc.)

An applications for a Zoning By-law Amendment and Draft Plan of Subdivision has been submitted by NPG Planning Solutions Inc. on behalf of the property owner, Kainthville Holdings Inc., to rezone a 7.68 hectare (19.98 acres) of land in the Township of West Lincoln.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no Appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

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

8. CONSENT AGENDA ITEMS

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 ITEM GS01-25

There are no Consent Agenda Items

9. COMMUNICATIONS

There are no Communications.

10. STAFF REPORTS

10.1 ITEM GS02-25

CBO (Ben Agro) & Director of Growth and Sustainability (Gerrit

67

Boerema)

Re: Information Report BLDG-02-2025 - Changes to the Ontario Building Code 2024

RECOMMENDATION:

1. That, Information Report BLDG-02-2025, titled “Changes to the Ontario Building Code 2024” dated February 10, 2025 be received for information.

10.2 ITEM GS03-25

87

Director of Growth and Sustainability (Gerrit Boerema)

Re: Recommendation Report PD-03-2025 – Application for Temporary Use Extension 9127 Regional Road 20

RECOMMENDATION:

1. That, Recommendation Report PD-03-2025, title “Application for Temporary Use, 9127 Regional Road 20” dated February 10, 2025, be received; and,
2. That, application for Temporary Use Extension File No. 1601-10-23, submitted by Mr. Larry Pomerantz for an extension to temporary use Bylaw A(T-13) for three years be denied; and,
3. That, Committee and Council permit an extension of Temporary Use Bylaw A(T-13) for a period of 4 months, expiring on June 24, 2025, as found in the attached bylaw (Schedule D), which prohibits the storage of any additional barrels and to allow for the orderly removal of the barrels and restoration of the property; and,
4. That, the applicant provides a site plan showing the location of the stored buildings and provides adequate fire routes to the satisfaction of the Township Fire Department.

10.3 ITEM GS04-25

123

Director of Growth and Sustainability (Gerrit Boerema) & Senior Planner (Madyson Etlz)

Re: Recommendation Report PD-07-2025- Application for Zoning By-law Amendment – 7793 Young Street (File No. 1601-013-24)

RECOMMENDATION:

1. That, Recommendation Report PD-07-2025, titled “Application for Zoning Bylaw Amendment- 7793 Young Street” (File No. 1601-013-24) dated February 10, 2025, be received; and,
2. That, the application for Zoning Bylaw Amendment for 7793 Young Street, be approved in accordance with the attached Zoning By-law Amendment.

10.4 ITEM GS05-25

146

Senior Planner (Susan Smyth) & Director of Growth and Sustainability (Gerrit Boerema)

Re: Information Report PD-05-2025 - Zoning By-law Amendment Application (File No. 1601-003-23) and Draft Plan of Subdivision Application (File No. 2000-92-24) submitted by Kainthville Holdings Inc.

10.5 ITEM GS06-25

166

Senior Planner (Susan Smyth) & Director of Growth and Sustainability (Gerrit Boerema)

Re: Recommendation Report PD-04-2025- Backyard Chickens – Zoning By-law Amendment and Amendments to the Animal Care & Control Bylaw (File No. 1601-002-24)

RECOMMENDATION:

1. That, Recommendation Report PD-04-2025, titled “Backyard Chickens – Zoning By-law Amendment and Amendments to the Animal Care and Control Bylaw (File No. 1601-002-24)” dated February 10, 2025, be received; and,
2. That, Council APPROVE the amending by-law to Zoning By-law 2017-70, as found in Schedule D, that permits backyard chickens within residential zones in Hamlet Settlement areas and in the Agricultural area, subject to the prescribed regulations; and,
3. That, Council APPROVE the amendments to the Animal Care and Control By-law 2023-54, as found in Schedule B; and,
4. That, Council Authorize the CAO to enter into an amending agreement with the Niagara SPCA to additionally cover the enforcement of the amended Animal Care and Control By-law.

10.6 ITEM GS07-25

239

Director of Growth and Sustainability (Gerrit Boerema)

Re: Recommendation Report PD-06-2025- Interim Control Fulton Rural Employment Land Use Study

RECOMMENDATION:

1. That, Recommendation Report PD-06-2025, titled “Interim Control By-law Fulton Rural Employment Land Use Study” dated February 10, 2025, be received; and,
2. That, Council pass the interim control by-law as attached to this report.

11. OTHER BUSINESS

11.1 ITEM GS08-25

Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

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

13. CONFIDENTIAL MATTERS

There are no Confidential Matters.

14. ADJOURNMENT

The Chair to declare the meeting adjourned at the hour of _____.

DATE: February 10, 2025

REPORT NO: PD-05-2025

SUBJECT: **Information Report**
Zoning By-law Amendment Application (File No. 1601-003-23)
and Draft Plan of Subdivision Application (File No. 2000-92-24)
submitted by Kainthville Holdings Inc.

CONTACT: Susan Smyth, Senior Planner
Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- An application has been received by Kainthville Holdings Inc. (Owner/Developer) proposing amendments to the Zoning By-law and Draft Plan of Subdivision to facilitate a development consisting of residential, commercial, business park, parkland and environmental conservation uses.
- The proposed development consists of:
 - Five local roads with 20 metre right-of ways.
 - Trail Block between the railway line and commercial business park and expected to connect with a trail on adjacent lands to the east that abuts the Environmental Conservation Area Block.
 - 6-storey retirement home building with 104 dwelling units.
 - 8-storey apartment building with 152 dwelling units and 756 square metres (8,137 square feet) of ground floor commercial uses with 224 parking spaces (74 at grade spaces and 150 underground spaces).
 - 3 single detached dwelling units.
 - 36 semi-detached dwellings units.
 - 34 street townhouse dwelling units.
 - Single, semi-detached and street townhouse units will have 2 parking spaces per unit (tandem parking with one in the garage and one in the driveway).
 - 20 business park commercial units.
 - 0.63 hectares of parkland.
- On February 28, 2022, Township Council adopted Official Plan Amendment 60 which re-designated 34 hectares of land, including the subject property, located to the north of St. Catharine’s Street, and east of Industrial Park Road known as East Smithville. The purpose of the amendment is to provide for a greater mix of uses and densities and expected to function as a future prominent gateway into the urban area of Smithville.

RECOMMENDATION:

1. That, Information Report PD-05-2025 titled “Zoning By-law Amendment Application (File No. 1601-003-23) and Draft Plan of Subdivision (File No. 2000-92-24) submitted by Kainthville Holdings Inc.” dated February 10, 2025 be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1 and 2

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

BACKGROUND:

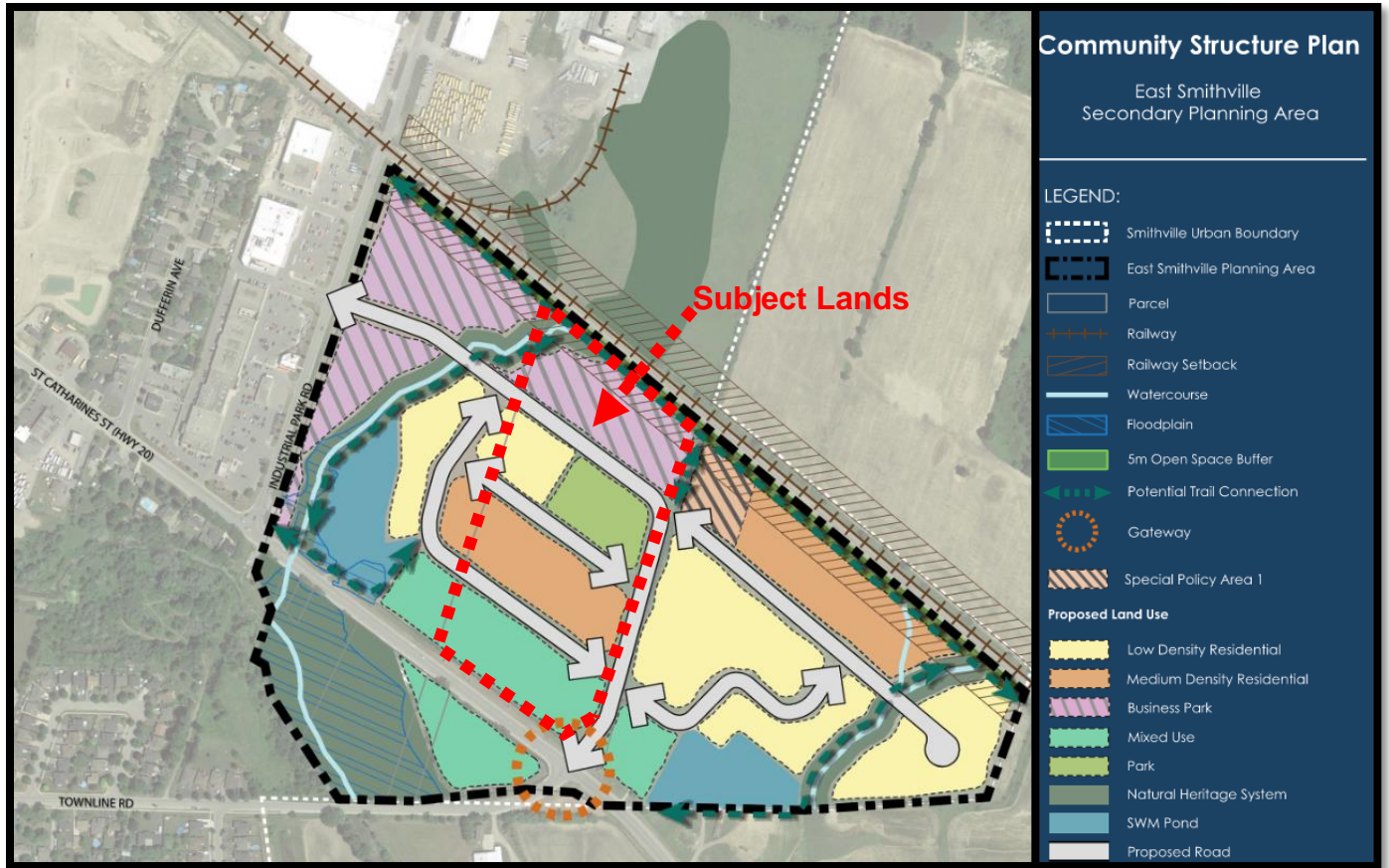
On February 28th, 2022 Township Council adopted Official Plan Amendment 60 (OPA 60) and passed By-law No. 2022-13 for the East Smithville Secondary Plan. OPA 60 amended the Township’s Official Plan and the policies related to the Secondary Plan are found under Section 6.11.6 and the land use designation map are found on Schedule ‘E-5’ of the Official Plan. The lands have been in the urban boundary since the 1990’s but were designated for employment uses. The East Smithville Secondary Plan and OPA 60 converted these lands to a mix of uses including residential.

The Secondary Plan area totals approximately 32 hectares in size and is located on the eastern edge of Smithville. The Secondary Plan lands are surrounded by existing commercial uses to the west, the Canadian Pacific Rail Line (CPKC Rail) and industrial uses to the north, primarily undeveloped agricultural land to the east, and residential/agricultural land uses to the south.

It is the intent of the East Smithville Secondary Plan for the lands be developed with a mix of uses and densities and to function as a future prominent gateway into the urban area of Smithville, with the potential to accommodate approximately up to 500 new residential units. This area is to be planned to reflect the small town character and provide an attractive, high-quality, safe, sustainable, interconnected, and pedestrian-friendly community for future residents of all ages and abilities to enjoy. Refer to Figure 1 that illustrates the community structure of the East Smithville Secondary Plan Area.

The majority of the lands within the Secondary Plan are identified as ‘Designated Greenfield Area’ located within the delineated Built-up Area in the Regional and Township Official Plans. The lands are planned to be developed as primarily low and medium density residential with the opportunity to develop a limited amount of local mixed uses including commercial uses at key locations.

Figure 1: East Smithville Secondary Plan Area



Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare. Under the Region’s growth target, a minimum of 40% of residential growth will be directed to Built-up Areas through intensification annually within the Region although 15% of this annual residential development is reserved for West Lincoln in the Built-up Area which includes Smithville.

To achieve the minimum density target of 50 persons and jobs per hectare in the Designated Greenfield Area and the 15% annual residential growth in the Built-up Area of West Lincoln, this will require the creation of complete communities that provide for housing needs and choices in a more compact, multi-modal, and higher density mix of uses which utilizes land, infrastructure and services efficiently.

Based on the land area and the density required to achieve the Designated Greenfield Area density target in the East Smithville Secondary Plan, it is expected to yield between 450-500 residential units which would support a population of approximately 1,000 to 1,200 people.

CURRENT SITUATION:

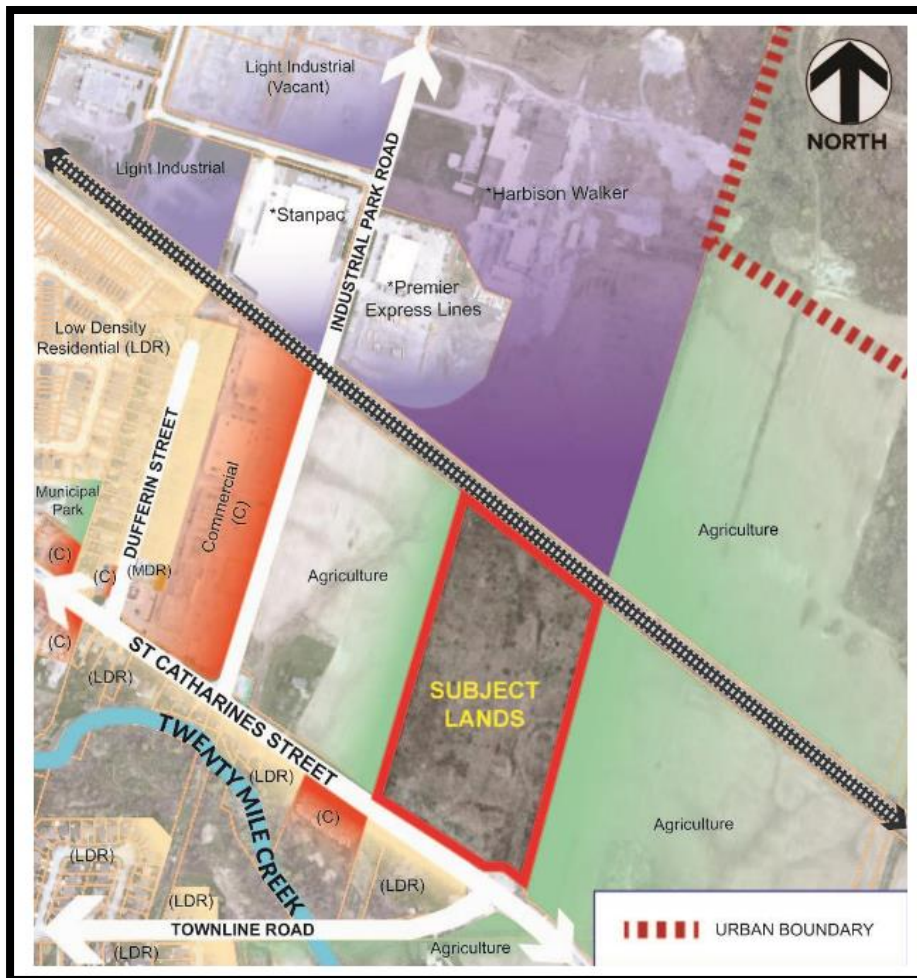
An application for Zoning Bylaw Amendment and Draft Plan of Subdivision have been

submitted by Niagara Planning Solutions Inc. on behalf of the owners Kainthville Holdings Inc. As the property is currently zoned Development 'D', a zoning bylaw amendment is required to rezone the lands for the appropriate new land uses. A draft plan of subdivision application has been submitted as well to create lots, blocks and public roads to facilitate the development. The details of the subject property and development is summarized below.

DETAILS OF THE SUBJECT LANDS

Niagara Planning Solutions Inc. (NPG) are the planning consultants for Kainthville Holdings Inc. (Owner). The subject lands have no known municipal address are legally described as South Grimsby Concession 9 Part Lot 5. Refer to Figure 2 which provides the general location of the subject lands.

Figure 2: Subject Lands



The subject lands have approximately 215 metres of lot frontage along St. Catharines Street (Regional Road 20), and lot depth of approximately 385 metres with a lot area of 7.68 hectares (18.98 acres).

The Regional Road 20 roundabout where Townline Road terminates at St. Catharines Street is located to the southeast of the subject lands and Industrial Park Road is located approximately 200 metres west of the subject lands. St. Catharines Street, running in a general east/west direction is characterized as a mixed use corridor that features a range of commercial, institutional, and residential uses including retail, restaurants, grocery stores, automotive services and service-based uses.

The subject lands are surrounded by a mix of land uses including agriculture uses to the east and west, and commercial and low density residential uses across St. Catharines Street to the south. These surrounding lands are intended for future development and designated for a range of uses including mixed use, low density residential, medium density residential, and business park as identified in the East Smithville Secondary Plan. To the north is the CPKC Railway line and the Smithville Industrial Park located across the railway line with industrial uses including manufacturing, commercial depot, packaging, distribution and trucking operations.

Public parks are located within 1 kilometre of the subject lands, including Hank MacDonald, Rock Street Park and Alma Acres Park. A public elementary school (Smithville Public School) is also located approximately 1 kilometre west of the subject lands on the northwest corner of Canborough Street and Colver Street. There are no public secondary schools located in proximity to the subject lands.

The subject lands have access to a range of transportation options including On-Demand Transit, a shared-ride public transit service without a fixed schedule or route and the lands are connected to the Region's Strategic Cycling Network with an existing bike lane along St. Catharines Street which connects to downtown Smithville. Refer to Figure 3 for the map that illustrates the community amenities in proximity to the subject lands.

PROPOSED DEVELOPMENT

The proposed development will require an amendment to the Zoning By-law 2017-70, as amended for site specific provisions and relief from the current regulations for residential uses, employment and commercial mixed uses.

Additionally, a Draft Plan of Subdivision is required for the development to legally create the public road network, blocks for the environmental conservation areas and parkland, block for the multi-use trail, blocks for the townhouse dwelling units, blocks dedicated to the retirement home building and commercial mixed use condominium apartment building, along with the lots dedicated for the single detached and semi-detached dwelling units, and lastly the block dedicated to the commercial business park.

Figure 3: Community Amenities

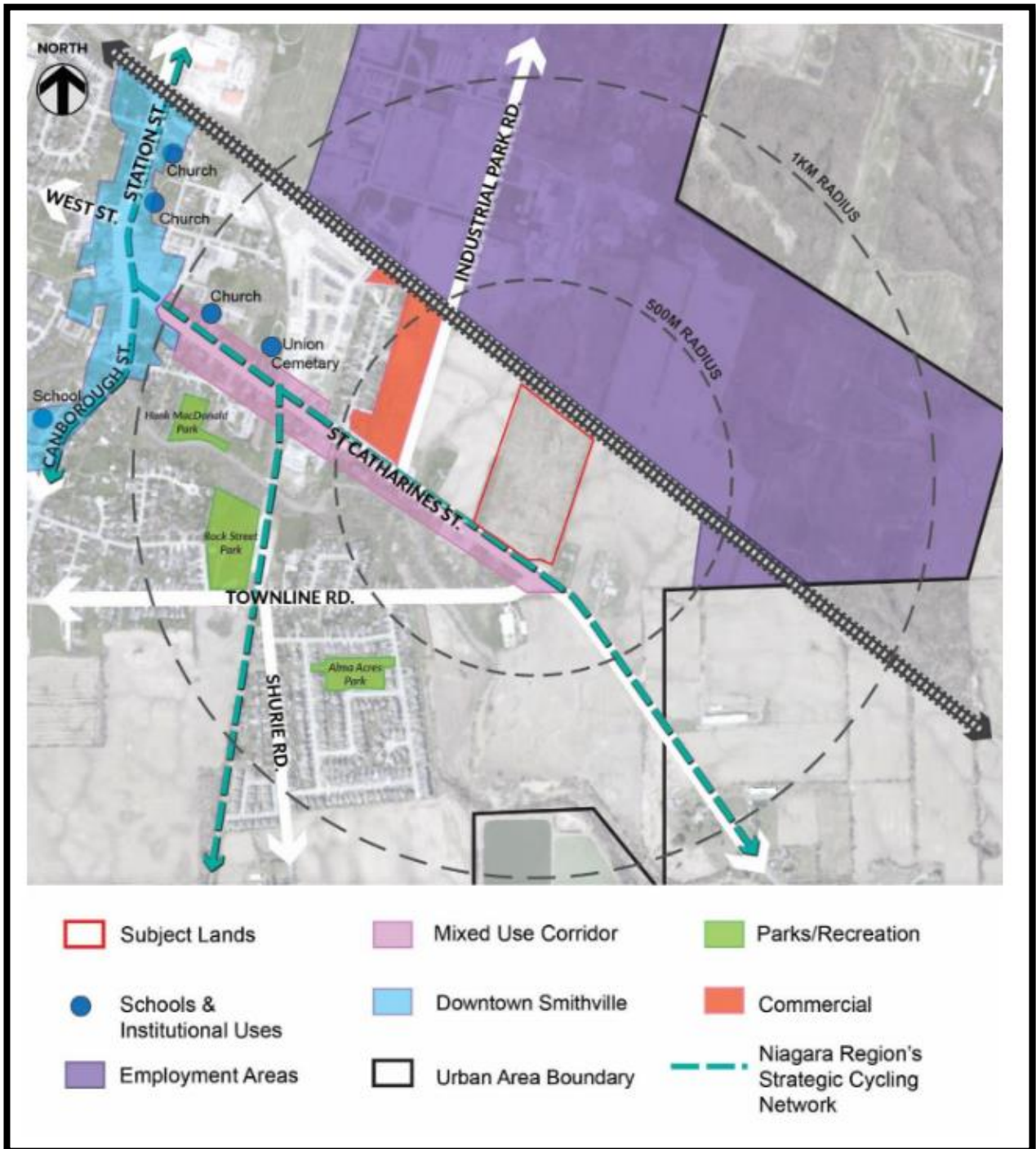


Table 1 below provides the land use schedule with the details of each use and reference to the lot or block in the Draft Plan.

Table 1 – Proposed Land Use Schedule

LAND USE	BLOCK/ LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.8%
Parkland Dedication (for other Lands)			0.33	4.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	36	1.07	14.0%
Street Townhouse	17, 19, 20, 28, 29	34	0.79	10.2%
Retirement Home	30	104	0.92	12.0%
Mixed Use Apartment	31	152	0.93	12.1%
Future Development	32, 33		0.02	0.3%
One-Foot Reserve	34, 35, 36		0.002	0.03%
Trail	37		0.065	0.85%
Right of way			1.74	22.7%
TOTAL		349	7.68	100%

Table 2 provides the breakdown of the proposed development and the intended land uses.

Table 2 – Proposed Development Breakdown

Proposed Use	Unit Count	Reference (Lot / Block) and Location
RESIDENTIAL		
Single Detached Dwelling	3	Lot 14 with frontage on Street 'B' Lot 15 and 16 with frontage on Street 'C'
Semi-Detached Dwelling	36	Blocks 4 – 11 with frontage on Street 'E' Blocks 12, 13 with frontage on Street 'B' Blocks 18, 22, 24, 26, 27 with frontage on Street 'D' Blocks 23, 25 with frontage on Street 'C'
Street Townhouse Dwelling	34	Blocks 17, 19, 28 with frontage on Street 'C' Blocks 20, 29 with frontage on Street 'D'
Retirement Home	104	Block 30
Mixed Use Apartment Condominium	152	Block 31
Total	329	

Proposed Use	Unit Count	Reference (Lot / Block) and Location
BUSINESS PARK		
Business Park Building	20	Block 2 with frontage on Street 'B'
Total	20	
Grand Total of Units	349	Residential and Commercial units

Refer to Attachment 1 for the proposed Draft Plan of Subdivision and Attachment 2 for the Conceptual Site Plan.

The proposed development is projected to yield the following densities as described in Table 3.

Table 3 – Proposed Residential Density

Land Use Designation	Estimated Unit Count	Land Area (ha)	Density Target (u/ha)	Planned Density
Low Density Residential	23	0.82	30 max	28
Medium Density Residential	50	1.23	30-50	40.7
Mixed Use	256	1.85	90	138.4

The proposed amendment to the Zoning By-law would facilitate the following residential densities for each of the land use designations as shown on Figure 4.

Figure 4 – Residential Densities Map



The density calculation excludes the Environmental Conservation Block (Block 1) being 0.18 hectares as well as the Future Development Block (Block 32) being 0.02 ha and Future Development Block (Block 33) being 0.0023 hectares, as these blocks are not proposed to be developed at this time, leaving a developable area of 7.477 hectares.

Block 1 is proposed to be rezoned to Environmental Conservation (EC) and be used for environmental conservation purposes. Block 3 is proposed to be dedicated as parkland. Block 37 is proposed to accommodate a noise-mitigating wall as well as a public multi use trail which will also be dedicated to the Township as parkland. Staff will note that the noise attenuation wall is to be separated from the public multi-use block and shall be solely located in its own block that belongs to the development (condominium ownership) and not dedicated to the Township for ownership and long term maintenance purposes.

Blocks 32 and 33 are not proposed to be developed at the moment and is slated for future development. Lastly, Blocks 34 to 36 will be dedicated to the Township as one-foot reserves at the western ends of Street 'B', Street 'C' and Street 'D'.

Table 4 provides the estimated population and number of residents being proposed for this development.

Table 4 – Proposed Number of Residents

Housing Type	Proposed Number of Units	Average People Per Unit (PPU)	Total Residents Estimated
Single Detached Dwelling	3	3.0	9
Semi-Detached Dwelling	36	2.6	93.6
Street Townhouse Dwelling	34	2.2	74.8
Retirement Home	104	1.5	156
Apartment Condominium	152	1.5	228
Total	329		561.4

The proposed development is estimated to generate 22 jobs in the business park. With that being said, the business park is determined to be an industrial use and the density used is 1,300 square feet per person. The proposed business park has an approximate gross floor area of 26,011 square feet.

Similarly, the proposed commercial gross floor area in the apartment condominium (ground floor) in Block 31 is anticipated to create 16 jobs, based on 500 square feet per employee.

The Township of West Lincoln has a work from home rate of approximately 9.9% based 2021 Census of Population and with this assumption it is estimated that 56 residents within the development would work from home, contributing to 56 more jobs.

Therefore, the combined residents and jobs planned by the proposed development is to accommodate 656 residents and jobs for the site, or 87.7 residents and jobs per hectare.

PROPOSED ZONING BY-LAW AMENDMENT

The subject lands are presently zoned Development (D) Zone and Environmental (EC) Conservation Zone.

The following provides a summary of the requested site-specific relief from the Zoning By-law 2017-70.

R3xx (Semi-Detached Dwelling)

- Reduced minimum lot frontage for semi-detached from 18 metres to 17 metres; and
- Where each private garage of a semi-detached dwelling is located on a separate lot, no interior side yard shall be required along the common lot line of the attached wall joining the two private garages.

RM2xx (Semi-Detached and Townhouse Dwelling)

- Semi-detached dwelling units are permitted on lands not within a Registered Plan of Condominium nor be tied to a common elements condominium private street; and
- Notwithstanding provision of Section 3.9.2, no planting strip is required along the interior side lot line and the rear lot line of a lot that is used for a street townhouse dwelling or a townhouse dwelling.

M1xx (Business Park)

- Permit personal service shops; retail stores and restaurant;
- Permit accessory uses including outside storage and renewable energy system;
- Reduced minimum front yard from 15 metres to 3 metres;
- Reduced minimum interior side yard when adjoining a lot in Residential Zone from 15 metres to 13 metres;
- No minimum amount of landscaped open space is required to be provided in the front yard whereas a minimum of 50% of landscape is required as per the by-law;
- No maximum retail gross floor area whereas a maximum of 10% of gross floor area can be retail as per the by-law; and
- Maximum gross leasable floor area per commercial unit 1,000 m².

CMxx (Ground Floor Commercial in the Apartment Condominium)

- Reduced minimum rear yard from 9 metres or one third of the building height whichever is greater to 6 metres ;
- Increase maximum building height from 15 metres to 28 metres or 8 storeys, whichever is less;
- Maximum gross leasable floor area: 50% of total lot area;

- Dwelling units are permitted on the ground floor provided they do not occupy more than 30% of the ground floor of the building. Dwelling units are permitted to abut the front wall of a building whereas 50% is the maximum as per the by-law;
- Notwithstanding the requirement to provide loading facilities in Section 3.12.5, where a loading space is provided for a commercial use, an apartment building on the same lot containing more than 50 dwelling units is not required to provide loading facilities;
- Notwithstanding the minimum numbers of parking spaces required for motor vehicles identified in Section 3.12.6, the minimum number of parking of parking spaces shall be provided in accordance with the following:

Apartment Dwelling 1.25 parking spaces per dwelling unit

All Commercial Uses 1 parking space per 30 m² gross leasable floor area

SUPPORTING STUDIES REVIEW

The Applicant attended two pre-consultation meetings with the first being held on September 16, 2021, and the second meeting on March 17, 2022 regarding the applications for the amendment to the Zoning By-law and Draft Plan of Subdivision. The pre-consultation meeting agreement identified several study requirements necessary to deem the applications complete and are summarized below.

Noise and Vibration Study

A Noise Feasibility Study was prepared by HGC Engineering dated December 8, 2023, and revised September 12, 2024 to address the updated conceptual plan and draft plan of subdivision.

The Noise Feasibility Study recommends various measures to mitigate impacts including the use of warning clauses, the provision of air conditioning, the use of brick or other masonry for exterior wall construction, acoustic barriers etc. The Noise Feasibility Study will need to be updated during the Site Plan stage when detailed site plan, floor plans and building elevations are determined.

Scoped Land Use Compatibility Study

A scoped Land Use Compatibility Study was prepared in support of the Applications by HGC Engineering dated December 8, 2023, and revised on September 12, 2024. The study indicated that the establishments on the west side of Industrial Park Road, south of the CP Rail line, are best categorized as Class I commercial operations, with no observable night-time activity, no outdoor operations, and no audible sound emissions.

The study indicated that the Class II classification (industrial uses) represents a place of business with medium scale processing and manufacturing, with outdoor storage of wastes or materials (i.e., it has an open process), periodic outputs of minor annoyance, and/or occasional outputs of fugitive emissions for noise, odour, dust and/or vibration. Daytime and/or night-time operations are permitted, and there can be frequent

movement of products and/or heavy trucks during daytime hours.

The study indicated that the facilities do not necessarily require an Environmental Compliance Approval (“ECA”) from the Ministry of the Environment, Conservation and Parks (MECP) to operate (for Air and Noise). Rather the air/noise environmental footprint is sufficiently minor that either self registration within the MECP Environmental Activity and Sector Registry (“EASR”), or no action is required with regard to permitting with the MECP.

To summarize, physical mitigation measures are not required for sound emissions for the commercial/industrial land uses, as such uses will comply with the MECP guideline limits at the future residential locations. Any future uses established in proximity to the subject lands would need to comply with Section 3.13 of the Zoning By-law which prohibits obnoxious uses throughout the Township.

Archaeological Assessments

A Stage 1 and Stage 2 Archaeological Assessments were prepared by ASI Heritage, dated November 12, 2021, and September 8, 2022, respectively. The Stage 2 Archaeological Assessment documented two Early Archaic Indigenous sites and required a Stage 3 Archaeological Assessment to be completed to identify the character, extent and significance of the archaeological deposits more fully, in accordance with Ministry Standards.

A Stage 3 and Stage 4 Archaeological Assessments were completed by AS&G Archaeological Consulting. Representatives of the Haudenosaunee Development Institute (HDI), Six Nations of the Grand River Elected Council (SNGREC), and Mississauga of the Credit First Nation (MCFN) participated in the Stage 3 fieldwork. Following the completion of the Stage 3 (report dated July 29, 2024) and 4 Archaeological Assessments (report dated August 7, 2024), the sites no longer retain further cultural heritage value or interest. As such, no further archaeological mitigation of site is required and the Ministry clearance letters are forthcoming.

Urban Design Brief

An Urban Design Brief was completed by NPG dated November 2024 and concluded that proposed development represents good urban design and adopts a comprehensive approach to design that enhances the livability and physical appeal of the subject lands.

The report indicated that the development ensures the sensitive integration of new development with existing and planned development. This sensitive integration is achieved through the incorporation of public and private spaces, varied land uses and built form, a wide range of housing choices, ample open space and recreational facilities, and convenient access to transportation options. Additional urban design matters will be addressed through future Site Plan Applications for Blocks 2, 30 and 31 for the business park, retirement home, apartment condominium building.

Constraints Analysis and Scoped Environmental Impact Study

A Constraint Analysis and Scoped Environmental Impact Study (EIS) was prepared by Barry Myler of Myler Ecological Consulting dated May 19, 2023 for an earlier application for Zoning By-law Amendment. An Addendum to the Scoped EIS was prepared dated December 1, 2023 to address the current proposal.

The Constraints Analysis and Scoped EIS was required due to the occurrence of a watercourse segment, including its designation as fish habitat that required a buffer/setback and to confirm whether there was a potential wetland on its banks. The investigation confirmed the absence of the wetland and that a 10 metre watercourse buffer would be more than sufficient to protect the quality and function of the feature in consideration of the absence of fish, its intermittent flow regime, and its diminutive channel dimensions.

A confirmation email received from Barry Myler dated March 19, 2024, stated there are no concerns with the trail crossing of the watercourse on Block 1 or with portions of the trail being within and adjacent to the watercourse and its buffer.

Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by S. Llewellyn & Associates Limited Consulting Engineers dated November 2023 and subsequently revised in September 2024. The following are proposed approaches to servicing the subject lands:

- Stormwater drainage within the subject lands will be serviced by a storm sewer system which will convey the 5-year storm event (minor system) to the neighbouring subdivision to the east. Major storm events (>10-Year) will convey through the road network towards the proposed SWM Facility located at 6063 Regional Road 20.
- There are no municipal sanitary sewers fronting the Subject Lands. The closest sanitary sewer network to the proposed development is located at the intersection of Regional Road 20 and Industrial Park Road. A sanitary sewer extension along Regional Road 20 is proposed to service the proposed development. According to the Niagara Region's Wastewater Master Servicing Plan, the Smithville Sanitary Pumping Station has existing capacity concerns under both design allowance peak wet weather flow and during a 5-year storm event. The pumping station is expected to be upgraded within the years 2025 – 2027. The FSR identifies two approaches to address sanitary capacity constraints should the upgrades to the Smithville Sanitary Pumping Station not occur at the time of development:
 - Completion of an Inflow and infiltration Study to identify segments of the trunk sewer that can be replaced to increase resilience to wet weather flows; or
 - Implementation of a phased approach to development until upgrades to the Pumping station.

- There are no municipal watermain fronting the Subject Lands. The closest watermain network to the proposed development is located at the intersection of Regional Road 20 and Industrial Park Road. The proposed watermain network follow the preferred strategies and recommendations presented in the Smithville Master Community Plan.
- It is anticipated that Owner will be expected to enter into a cost-sharing agreement with neighbouring landowners to facilitate the infrastructure upgrades required to service the East Smithville Secondary Plan and Urban Boundary Expansion.
- The Township has retained AECOM Canada to complete a peer review of the Functional Servicing Report to determine the capacity of the existing water system. The peer review will determine what level of infrastructure is needed to support the proposed subdivision.

Parking Plan

A Parking Plan was prepared by NPG dated August 20, 2024, showing up to 35 informal on-street parking spaces. Refer to Attachment 3 for the Parking Plan. These spaces are anticipated minimize any potential impacts from the requested off-street parking relief, necessary to accommodate the densities required as part of the East Smithville Secondary Plan for the proposed development. On-street parking is also provided to accommodate guests and visitors to the park.

Of note, the proposed development will accommodate the required number of parking spaces for all single-detached, semi-detached, townhouse dwelling units, business park units and the retirement home.

Parking relief is required for Block 31 being the mixed use block. Block 31 consists of 152 apartment dwelling units and 756 m² of commercial gross leasable floor area. The planned development of Block 31 would necessitate between 303.3 and 316.5 parking spaces, depending on the specific uses proposed for the commercial uses under the current requirement of the Township's Zoning By-law.

The architectural plans prepared by Raimondo + Associates Architects Inc. (refer to Attachment 4) provides 224 parking spaces for the proposed mixed-use development. Paradigm Transportation Solutions Limited dated September 2024 prepared a Parking to address the parking deficiency and confirmed that the provision of 190 apartment parking spaces (1.25 spaces per unit ratio), 25 commercial parking spaces (1 space per 30 m²) and 9 barrier-free parking spaces would be sufficient to meet parking demand.

The Parking Study also recommended the provision of 30 bicycle parking spaces on site for the residential and commercial uses.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL AND AGENCY COMMENTS:

Operations Department

The Operations Department noted that Block 37 cannot have a dead end as shown on the plan and will need to be consistent with the Township's Transportation Master Plan (TMP) Southeast Rail Trail (TMP Project ID TWL-Trail-09) as part of the East Smithville Secondary Plan.

The FSR needs to update the population densities to be consistent with the Township's Development Charge By-law Study and to confirm the person per unit (PPU) for the business park.

The Operations Department commented on the preliminary engineering design for East Smithville that shows one proposed watermain connection to the Township's existing 200mm watermain at Regional Road 20 and Industrial Park Road and is a deviation from the Water & Wastewater Master Plan (WWMP). The FSR states that confirmation of this watermain connection will be completed at detailed design. Staff stated if there is no capacity, there is the requirement to construct the 400mm looping to align with WWMP.

AECOM has been retained to maintain the Township's water and wastewater models. AECOM will need to update the model with data from the revised FSRs for both the Kaithville Holdings Inc. and the future development to the east to determine the extent to which the existing water system can support these developments. This modelling work will be completed at the cost of both developers.

Building Division

The Building Department noted that building permits with all of the required drawings and specifications along with the fees are required. Furthermore, development charges are required to be paid prior to issuance of building permits.

Additionally, fire break lots must be identified and shown on the plans for the townhouse blocks with 6 or more units and no more than 6 units can be constructed in a row and if there are more than 6 townhouses in a block, a fire wall is required.

Fire Services

Fire Services provided comments on the proposed development for consideration in regards to fire protection service delivery and the high buildings, one of them being a

retirement facility will substantially change the community risk profile, which will require additional firefighting resources and fire prevention efforts to address fires in this type of building and to ensure appropriate maintenance of fire protection systems are within the buildings.

Fire Services is preparing a Master Fire Plan, due for replacement in 2026, and should include the forecasted growth for the community, specifically these different types of buildings, additional residents requiring services and currently available firefighting resources. This should include updates to firefighting skills and equipment to ensure the Fire Service is properly prepared for the different needs and requirements placed on the Fire Service by this type of building, and by the increase in both population and number of commercial occupancies. Furthermore, underground parking can pose new/different risks to firefighting, especially with the growth in the Electric Vehicle market and proper planning for these types of different scenarios should be considered.

Region of Niagara

The Region noted that the proposed development will meet the greenfield density target and is consistent with the proposed uses with the East Smithville Secondary Plan.

The Region stated that the Ministry clearance letter for the Stage 1 -4 Archaeological Assessments will be required and the standard warning clause is to be included in the agreements of purchase regarding the potential for archaeological findings during construction.

The Region also noted that warning clauses be included in the agreements of purchase that relate to the traffic and railway noise that may exceed the Ministry guidelines and inform future occupants of the sound level excesses and presence of the roadways and railway. Also, the recommended mitigation measures in the noise study to be included as draft conditions of approval and an updated noise study be completed at the Site Plan Approval stage when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units to determine the impact of the proposed commercial uses on the site to determine noise mitigation.

The Region had no objection for the findings and recommendations of the Environmental Impact Study (EIS).

The Region commented on the road widening requirements at the round about and reserves along the Regional Road 20 frontage for Block 30 and 31.

The Region stated the site falls within the Smithville Sewage Pumping Station (SPS) sewershed and currently there is some available capacity at the SPS; however, as noted in the FSR the Region supports a combination of both a flow monitoring reduction and infiltration/inflow projects to project additional capacity for new developments as well as include a phasing plan for the development based on the owner's/developer's planned schedule. The Region would recommend that the subdivision agreement

include post flow monitoring to ensure the new system is not adding to the current infiltration and inflow in the system.

The Stormwater Management (SWM) plan requires that an offsite SWM facility, i.e., a wet pond be constructed within 6063 Highway 20, to service the subject development to meet SWM criteria. Staff noted that the proposed SWM facility location is different from that shown on the Community Structure Plan of ESSP. A preliminary assessment is necessary to confirm the plan is practical with respect to the installation of required storage and flow control to meet the allowed discharge rate of erosion and quantity control. The SWS required that Low Impact Development and Green Infrastructure to be explored in the development plan.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA stated there is a required 10 metre setback from the regulated watercourse is now shown on the plans to ensure the entire buffer is contained within in Block 1. The use of Block 1 is noted to be Environmental Conservation, the NPCA will still require that this use is maintained through the Zoning By-law Amendment process to recognize the regulated watercourse and 10 metre buffer.

The NPCA provided conditions into the agreement for erosion and sediment control, work permits, etc. and are provided in Schedule E.

CONCLUSION:

Administration has deemed the application for an amendment to the Zoning By-law and Draft Plan of Subdivision complete for the proposed development that includes low and medium density residential, business park, mixed use residential and commercial, open space and parkland, multi-use trail and environmental conservation, and this report has been presented for information purposes.

Once all stakeholder, agency, public and Committee/Council comments, concerns, issues and feedback is received and are appropriately addressed, Administration will complete a full assessment of the supplement information and prepare a recommendation report along with the associated By-law amendments and conditions of approval of the Draft Plan.

SCHEDULES:

- A. Draft Plan of Subdivision
- B. Conceptual Site Plan
- C. Parking Plan
- D. Architectural Plan (Retirement Home and Apartment Condominium)
- E. Agency Comments

Prepared & Submitted by:

**Susan Smyth
Senior Planner**

Approved by:

**Gerrit Boerema
Director of Growth and Sustainability**

Approved by:

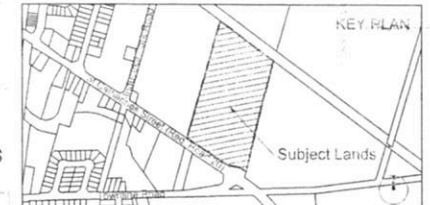
**Truper McBride
CAO**

SCHEDULE A- PD-05-2025

DETAIL A (SCALE 1 : 125)

DETAIL B (SCALE 1 : 125)

DETAIL C (SCALE 1 : 125)



LEGAL DESCRIPTION
PART OF LOT 5, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY (AS IN R0691284), SAVE AND EXCEPT PART 3, PLAN 30R-15491 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
I hereby authorize the firm of NPG Planning Solutions Inc. to submit this proposed Plan of Subdivision
Grant Family Aug 30, 2024
Owner (KAIN HVILLE HOLDINGS INC.) Date

SURVEYOR'S CERTIFICATE
I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown
Harry Kalantzakos
HARRY KALANTZAKOS
Ontario Land Surveyor Date: *Jul 29 2024*

- REQUIREMENTS UNDER SECTION 51(17) OF THE PLANNING ACT, 1990 (AS AMENDED)**
- a) SEE PLAN
 - b) SEE PLAN
 - c) SEE KEY PLAN
 - d) RESIDENTIAL COMMERCIAL EMPLOYMENT AND PARK BLOCK
 - e) SEE PLAN
 - f) SEE PLAN
 - g) SEE PLAN
 - h) MUNICIPAL PIPED WATER
 - i) SILTY CLAY, SAND AND GRAVEL
 - j) SEE PLAN
 - k) MUNICIPAL PIPED WATER AND SANITARY SEWER
 - l) SEE PLAN

LAND USE SCHEDULE

LAND USE	BLOCK/ LOTING	NO OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation		0	0.18	0.2%
Business Park	2	20	1.15	1.3%
Parkland Dedicated (for Subject Lands)		0	0.20	0.2%
Parkland Dedicated (for other Lands)			0.33	0.4%
Single Detached	14, 15, 16	3	0.18	0.2%
Semi-Detached	4, 5, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	28	1.07	1.3%
Street Townhouse	17, 19, 20, 20, 23	34	0.79	1.0%
Retirement Home	30	104	0.92	1.1%
Mixed Use Accommodation	31	152	0.93	1.1%
Future Developments	32, 33	0.02	0.03%	
One-Foot Reserve	34, 35, 36	0.002	0.003%	
Trail	37	0.005	0.006%	
Right of way		1.74	2.2%	
TOTAL		349	7.68	100%

REVISIONS

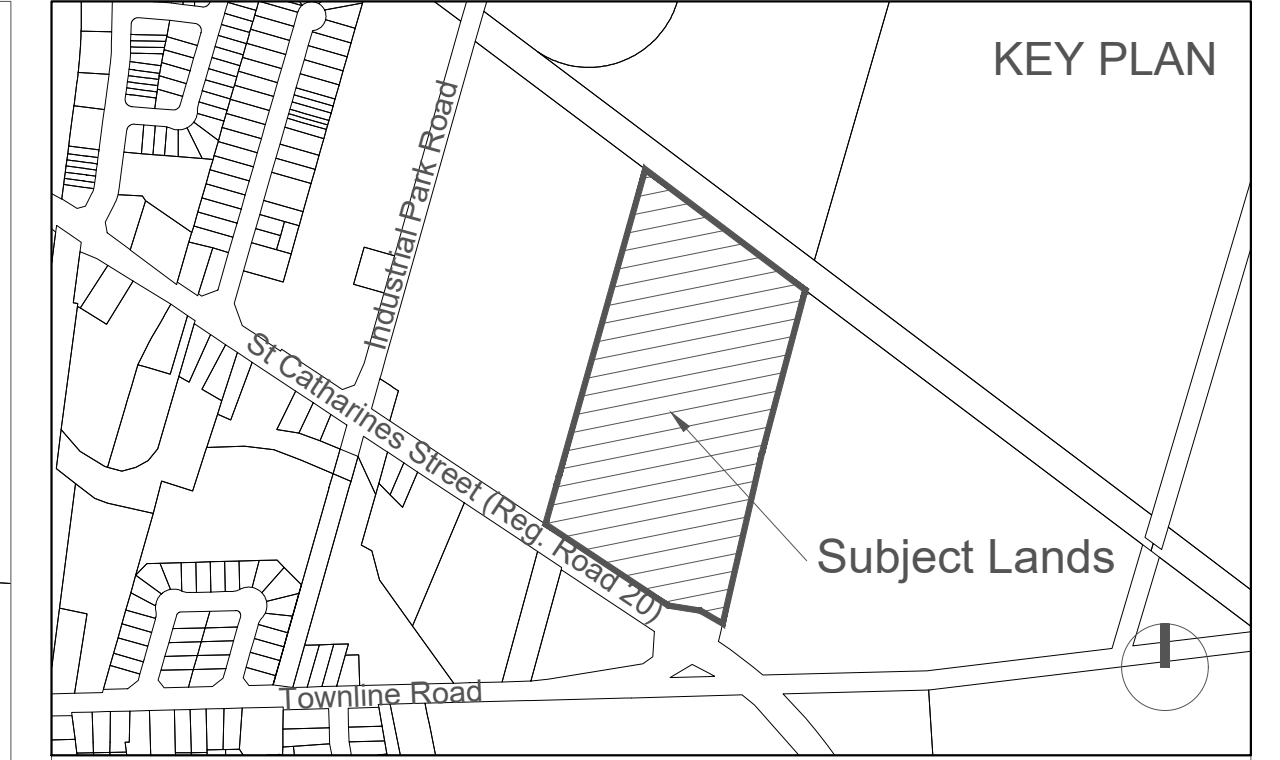
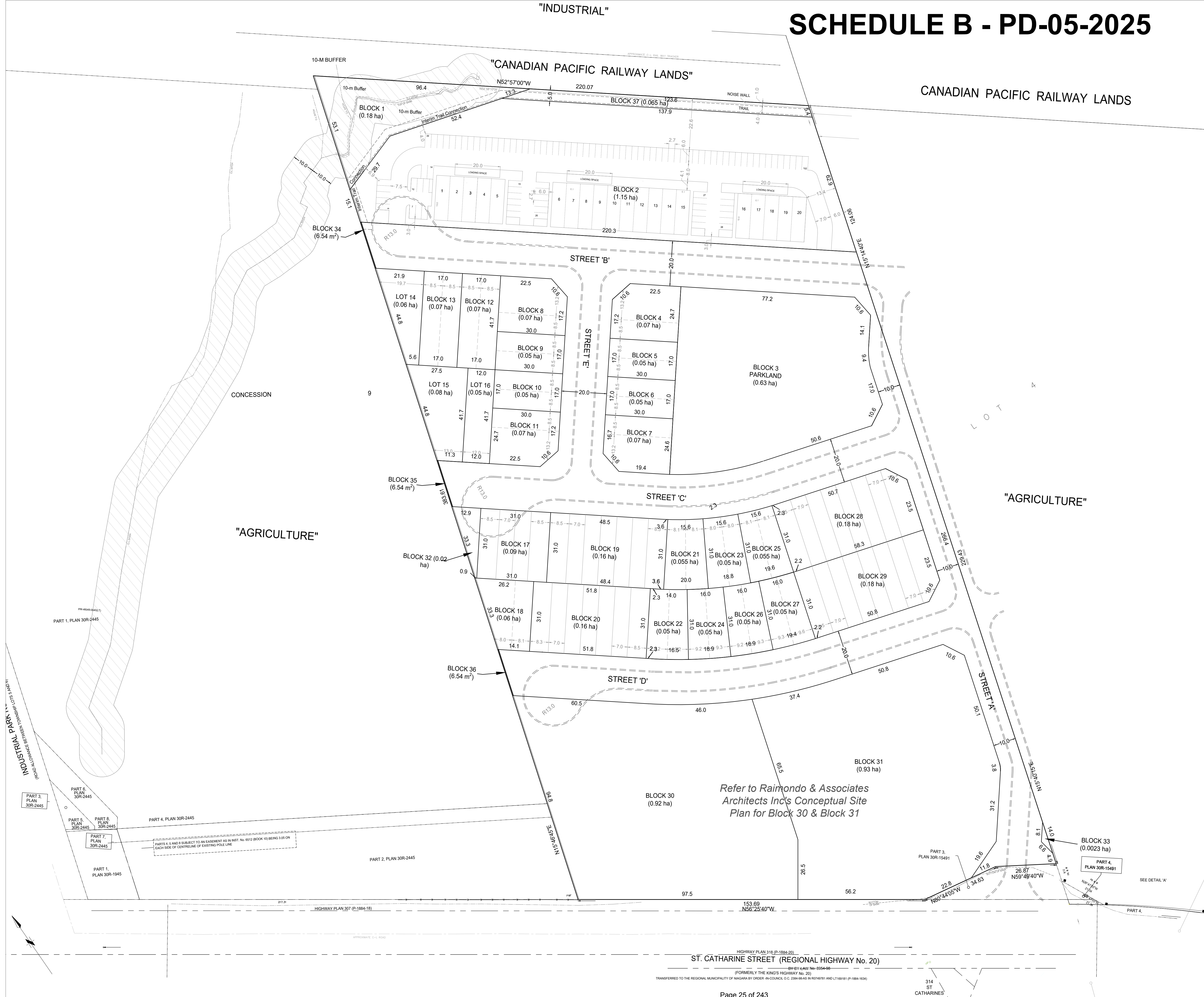
NO.	DATE	REVISION	BY	NO.	DATE	REVISION	BY
1	2024-08-17	DRG Plan Rev. 0	T	4	2024-08-27	DRG Plan Rev. 3	T
2	2024-08-27	DRG Plan Rev. 1	T	4	2024-08-27	DRG Plan Rev. 4	T
3	2024-08-27	DRG Plan Rev. 0	T				

DRAFT PLAN OF SUBDIVISION
LANDS ON THE NORTH SIDE OF ST. CATHARINE STREET, TOWNSHIP OF WEST LINCOLN
Plan: KAIN HVILLE HOLDINGS INC. Scale: 1:750
Drawing No: 21751-17 Date: August 22, 2024

THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF NPG PLANNING SOLUTIONS INC. THE USER OF THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. NPG PLANNING SOLUTIONS INC. IS NOT RESPONSIBLE FOR ANY LOSS OF DAMAGE SUFFERED BY THE USER OF THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON. ALL EXAMPLES ARE THE PROPERTY OF NPG PLANNING SOLUTIONS INC. AND WILL NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF NPG PLANNING SOLUTIONS INC.



SCHEDULE B - PD-05-2025



LEGAL DESCRIPTION
 PART OF LOT 5, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY (AS IN R0891284), SAVE AND EXCEPT PART 3, PLAN 30R-15491 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

LAND USE SCHEDULE

LAND USE	BLOCK/ LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.8%
Parkland Dedication (for other Lands)			0.33	4.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	36	1.07	14.0%
Street Townhouse	17, 19, 20, 28, 29	34	0.79	10.2%
Retirement Home	30	104	0.92	12.0%
Mixed Use Apartment	31	152	0.93	12.1%
Future Development	32, 33		0.02	0.3%
One-Foot Reserve	34, 35, 36		0.002	0.03%
Trail	37		0.065	0.85%
Right of way			1.74	22.7%
TOTAL		349	7.68	100%

REVISIONS

NO.	DATE	REVISION	BY	NO.	DATE	REVISION	BY
1	2023-08-14	1st Draft Plan	JT	6	2024-11-20	Interim Trail	JT
2	2023-09-12	2nd Draft Plan	JT				
3	2023-10-23	Edits to blocks	AM				
4	2023-12-12	Address comments	JT				
5	2024-08-20	Address comments	JT				

PRELIMINARY CONCEPT PLAN
 LANDS NORTH OF ST. CATHARINES STREET,
 TOWNSHIP OF WEST LINCOLN

For: KAINTHVILLE HOLDINGS INC. Scale: 1:750
 Drawing No.: 21751.3.8 Date: November 20, 2024

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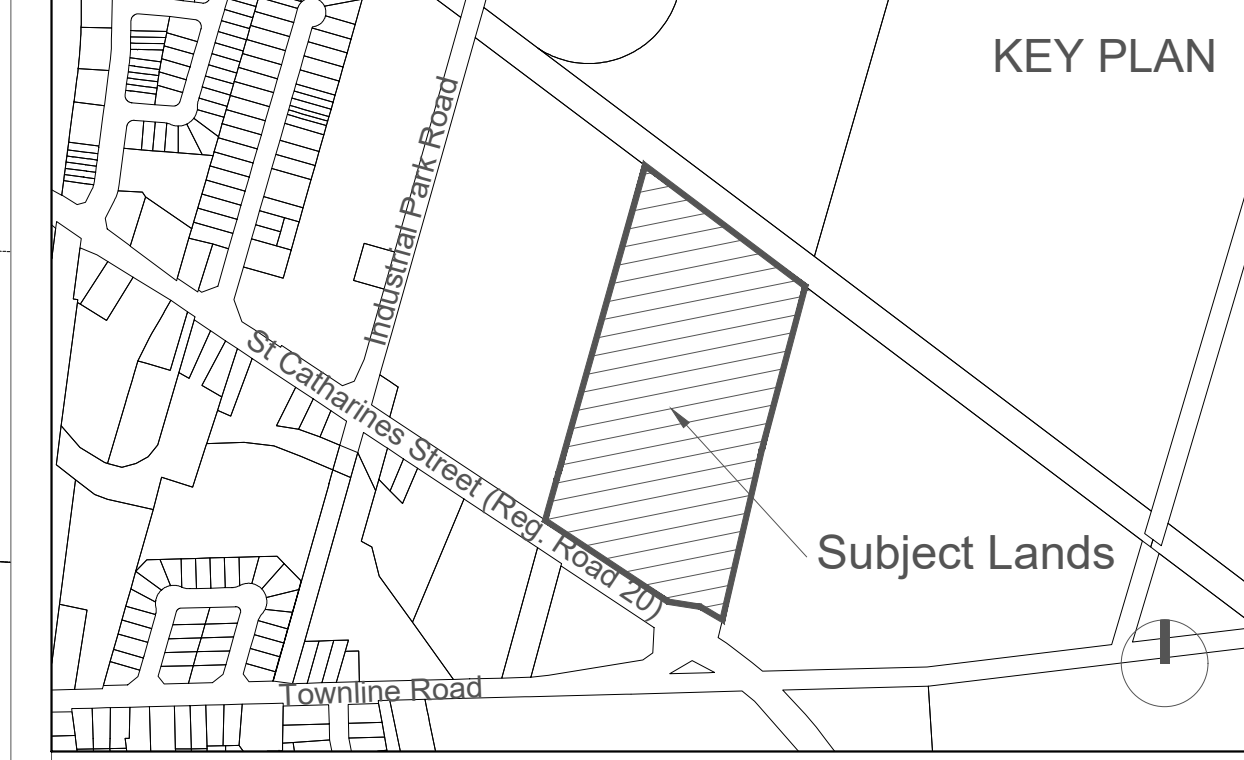
DO NOT SCALE THE DRAWING.



Refer to Raimondo & Associates Architects Inc's Conceptual Site Plan for Block 30 & Block 31

ST. CATHARINE STREET (REGIONAL HIGHWAY No. 20)

SCHEDULE C - PD-05-2025



LEGAL DESCRIPTION
 PART OF LOT 5, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY (AS IN R0691284), SAVE AND EXCEPT PART 3, PLAN 30R-15491 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

Disclaimer
 Locations of individual properties' accesses are conceptual for the purpose of illustrating the ability to provide on-street parking spaces within the proposed Draft Plan of Subdivision.

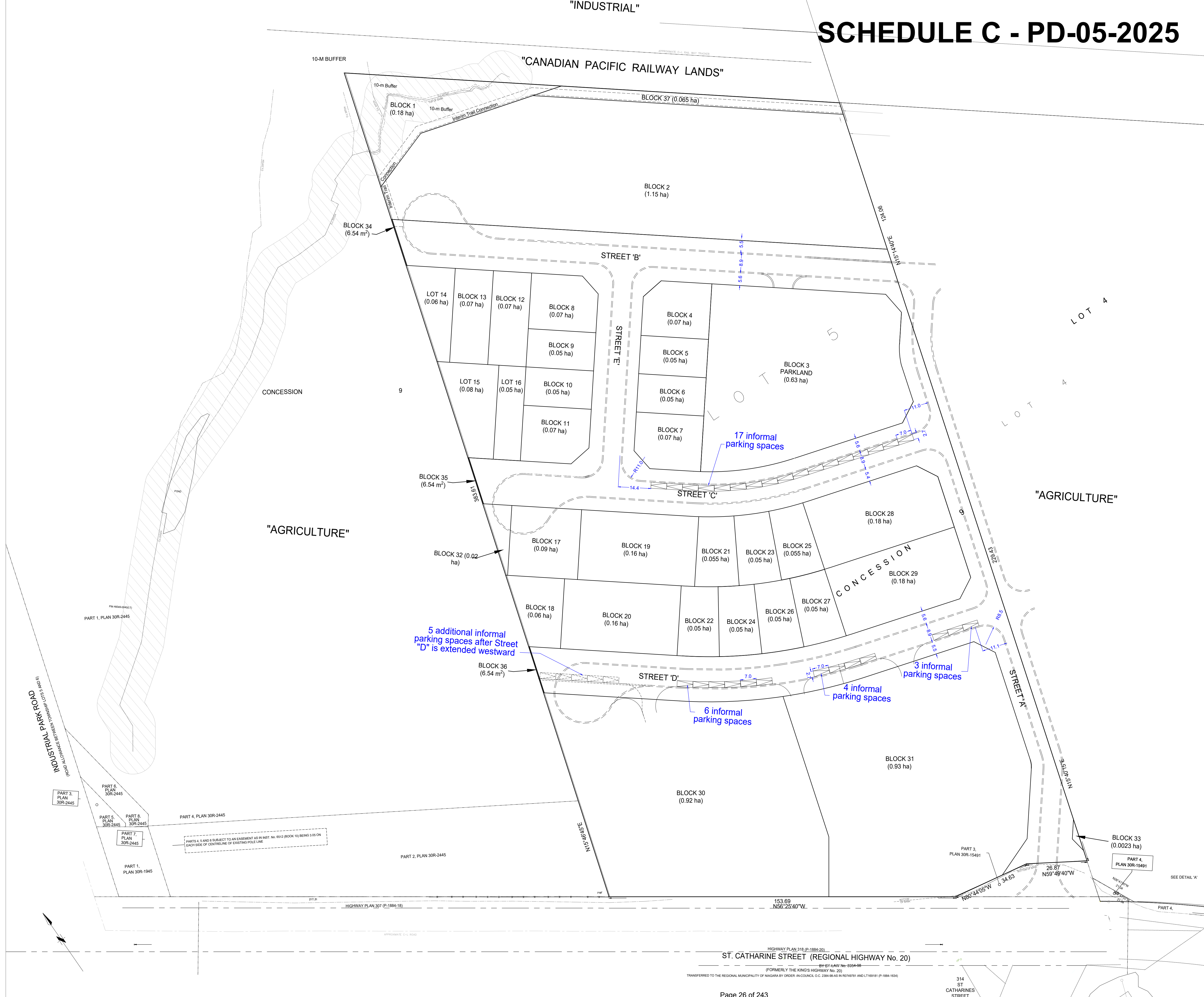
REVISIONS

NO.	DATE	REVISION	BY
1	2023-09-04	Parking Plan	JT
2	2023-09-07	1st Revision based on Staff's Inputs	JT
3	2023-12-04	2nd Revision (coordination with Draft Plan)	JT
4	2024-04-20	3rd Revision (coordination with Draft Plan)	JT
4	2024-11-20	4th Revision (coordination with Draft Plan)	JT

PRELIMINARY CONCEPT PLAN
 LANDS NORTH OF ST. CATHARINES STREET,
 TOWNSHIP OF WEST LINCOLN

For: KAINTHVILLE HOLDINGS INC. Scale: 1:750
 Drawing No.: 21751.3.8 Date: November 20, 2024

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ST. CATHARINE STREET (REGIONAL HIGHWAY No. 20)
 (FORMERLY THE KING'S HIGHWAY No. 20)
 TRANSFERRED TO THE REGIONAL MUNICIPALITY OF NIAGARA BY ORDER-IN-COUNCIL O.C. 2384-98 AS IN R0748781 AND L1169181 (P-1884-1834)





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E | mail@raimondoarchitects.com

CLIENT NAME

Torval Consultants Limited

PROJECT NAME

Proposed Residential Development

PROJECT ADDRESS

St. Catharine Street (Regional Highway No. 20), Smithville, Ontario

SHEET NAME

Site Plan

DRAWN BY: RN

DATE: 2024-08-19 10:45:29 PM

SCALE: 1" = 30'-0"

PROJECT NO.: 24-050

CHECKED: ---

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SHEET #

A1-000

REV.#

HIGHWAY PLAN 318 (P-1884-20)
ST. CATHARINE STREET (REGIONAL HIGHWAY No. 20)
(FORMERLY THE KING'S HIGHWAY No. 20)
BY BY-LAW No. 8954-98
TRANSFERRED TO THE REGIONAL MUNICIPALITY OF NIAGARA BY ORDER -IN-COUNCIL O.C. 2384-98-AS IN R0749781 AND LT169181 (P-1884-1634)

Site Plan
scale: 1" = 30'-0"

Property A (Condominium Building - with Commercial)

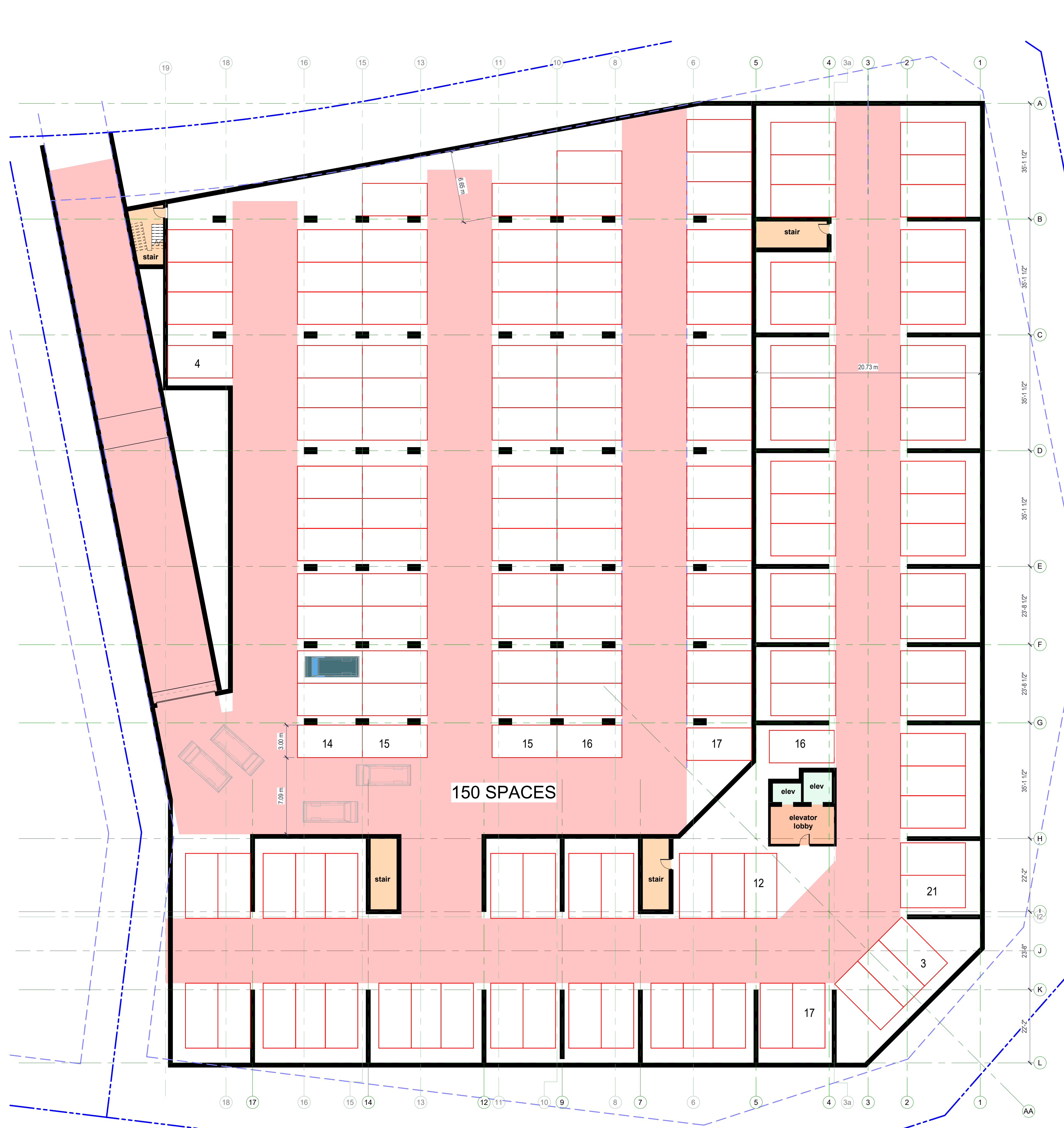
Property Area	9287 sm
Building Area	2907 sm
Paving Area	2867 sm
Landscaped Area	3513 sm

152 Residential Units
9 Commercial Units
224 parking Spaces

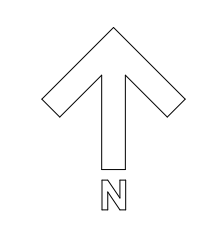
Property B (Retirement Building)

Property Area	9194 sm
Building Area	1933 sm
Paving Area	3142 sm
Landscaped Area	4119 sm

104 Residential Units
104 Parking Spaces



Parking Garage Level
scale: 1/16" = 1'-0"



D:\Projects\24-050 Apartments\Rev\24-050 Condo Building.rvt



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CLIENT NAME
Torval Consultants Limited

PROJECT NAME
Proposed Residential
Development -
Condominium Building

PROJECT ADDRESS
St. Catharine Street (Regional Highway No.
20), Smithville, Ontario

SHEET NAME
Floor Plan - Parking
Garage Level

DRAWN BY: RN

DATE: 2024-08-19 10:49:54 PM

SCALE: 1/16" = 1'-0"

PROJECT NO.: 24-050

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SHEET #

A2-000

REV.#



Elevation - North
scale: 1/16" = 1'-0"



Elevation - South
scale: 1/16" = 1'-0"



CLIENT NAME
Torval Consultants Limited

PROJECT NAME
Proposed Residential
Development -
Condominium Building

PROJECT ADDRESS
St. Catharine Street (Regional Highway No.
20), Smithville, Ontario

SHEET NAME
Building Elevations

DRAWN BY: RN

DATE: 2024-08-19 10:50:04 PM

SCALE: 1/16" = 1'-0"

PROJECT NO.: 24-050

CHECKED: ---

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SHEET #
A3-000
REV.#



Elevation - East
scale: 1/16" = 1'-0"



Elevation - West
scale: 1/16" = 1'-0"

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CLIENT NAME

Torval Consultants Limited

PROJECT NAME

Proposed Residential
Development -
Condominium Building

PROJECT ADDRESS

St. Catharine Street (Regional Highway No. 20), Smithville, Ontario

SHEET NAME

Building Elevations

DRAWN BY: RN

DATE: 2024-08-19 10:59:10 PM

SCALE: 1/16" = 1'-0"

PROJECT NO.: 24-050

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SHEET #

A3-001

REV.#



Elevation - North
scale: 1/16" = 1'-0"



Elevation - South
scale: 1/16" = 1'-0"



Elevation - West
scale: 1/16" = 1'-0"



Elevation - East
scale: 1/16" = 1'-0"



CLIENT NAME
Torval Consultants Limited

PROJECT NAME
Proposed Residential Development - Retirement Building

PROJECT ADDRESS
St. Catharine Street (Regional Highway No. 20), Smithville, Ontario

SHEET NAME
Building Elevations

DRAWN BY: RN

DATE: 2024-08-19 10:48:21 PM

SCALE: 1/16" = 1'-0"

PROJECT NO.: 24-050

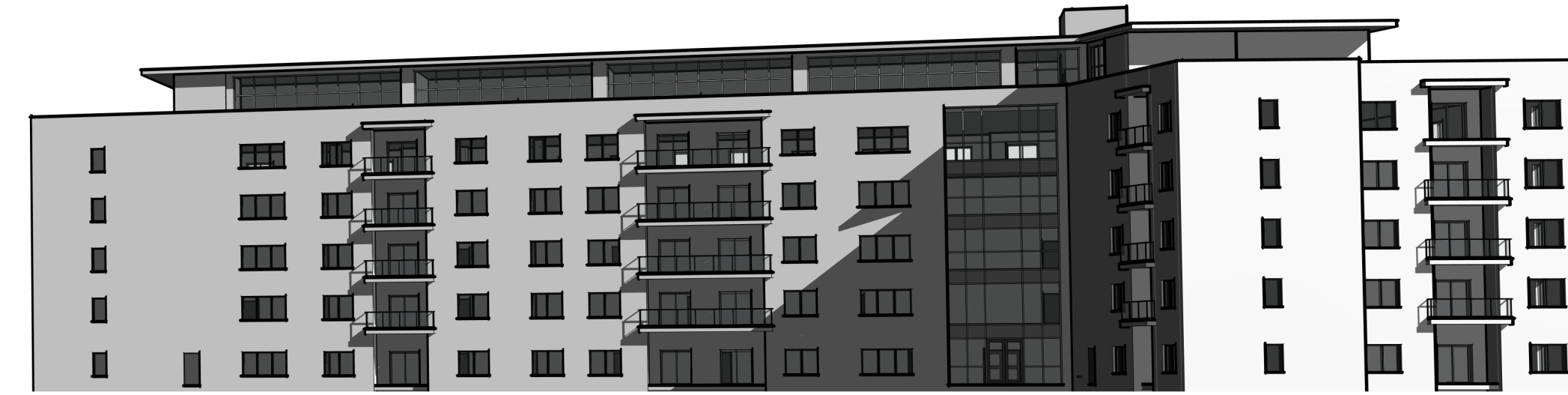
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SHEET #

A3-000

REV. #



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CLIENT NAME

Torval Consultants Limited

PROJECT NAME

**Proposed Residential
Development - Retirement
Building**

PROJECT ADDRESS

St. Catharine Street (Regional Highway No. 20), Smithville, Ontario

SHEET NAME

Isometric / Perspectives

DRAWN BY: RN

DATE: 2024-08-19 10:48:31 PM

SCALE:

PROJECT NO.: 24-050

CHECKED: Checker

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SHEET #

A3-200

REV. #

Public Works Growth Management & Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email

January 17, 2025

Region Files: PLSD202401804, PLZBA202401805

Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Regional and Provincial Comments
Zoning By-law Amendment & Draft Plan of Subdivision Applications
Township File(s): 1601-003-23; 2000-92-24
Owner: Kainthville Holdings Inc.
Agent: NPG Planning Solutions
Address: North Side of St. Catharines Street (Regional Road 20), East of
Industrial Park Road
Township of West Lincoln**

Regional Public Works Growth Management and Planning Division staff have reviewed the updated Zoning By-law Amendment and Draft Plan of Subdivision applications circulated by the Township for lands on the north side of St. Catharines Street (Regional Road 20), east of Industrial Park Road, located in the Township of West Lincoln (“subject lands”).

The applicant is proposing the development of 37 blocks for a mix and range of dwelling types and densities for a total of 329 residential dwelling units, a “business park”, commercial space, and parkland and other associated land uses, as follows:

- Three single detached dwellings
- 36 semi-detached dwellings
- 34 townhouse dwellings
- Retirement home with 104 units
- Apartment building with 152 units
- 20 business park units
- Approximately 756 m² of commercial gross floor area
- 0.63 hectares of parkland

Regional staff provided comments on the original submission of the applications in a comment letter dated March 12, 2024, followed by a revised submission on November 8, 2024 (copies are provided electronically for reference). In the revised submission, the northern parking lot had been reconfigured and Blocks 30 and 31 were readjusted from the original submission. Additionally, the resubmission included an additional 79 residential units relative to the original application submission which proposed 250 new residential units.

The following comments are provided from a Provincial and Regional perspective to assist the Township of West Lincoln with their review of the applications.

Provincial and Regional Policies

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

East Smithville Secondary Plan

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Archaeological Potential

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable. As requested, staff received acceptance letters from the Ministry of Citizenship and Multiculturalism (MCM) for the respective archaeological assessment reports outlined in the previous comment letter. As such, staff offer no further requirements from an archaeological perspective. A standard archaeological advisory clause is included in the attached Appendix.

Land Use Compatibility

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Noise Feasibility Study

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Land Use Compatibility Study

In the previous Regional comment letter (dated November 8, 2024), staff reviewed the *Land Use Compatibility Study* ("LUCS"), prepared by HGC Engineering (dated September 12, 2024), noting that the Harbison Walker facility is not currently operating and, as such, the sound level measurements would not have indicated any noise impacts. Nevertheless, any future operations could generate sound levels that may

impact the proposed development. Staff requested an Addendum to provide confirmation that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures in the LUCS remain valid.

Accordingly, the applicant submitted a letter response to the Region and Township's comments pertaining to the LUCS and Noise Feasibility Study (prepared by HCG Engineering; dated November 28, 2024). Based on the information provided in the letter, during the Ministry of the Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA) process, HCG Engineering visited the site in 2006 and 2020 when the facility was said to have been operating at full capacity, to complete acoustic assessments operating under worse-case operation conditions. The conditions observed at the time of these site visits did not meet the definition for Class III industrial facilities, defined as, *“the outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations”*, with *“the frequent outputs of major annoyance”*.

Staff relies upon the information provided by HCG Engineering and is satisfied with the rationale provided for the Harbison Walker facility to be classified as a Class II Industrial Facility. As such, the mitigation recommendations provided in the NFS and LUCS (summarized below) should be implemented to the satisfaction of the Township and Niagara Region. A condition to this effect is included in the attached Appendix.

Similar to the NFS, the LUCS noted that the sound emissions of the commercial / industrial facilities comply with the MECP D-6 guidelines and no physical mitigation measures are required to address stationary noise sources.

Mitigation Recommendations

The NFS and LUCS note that detailed designs are not available for the development and have, therefore, provided mitigation measures based on the worst-case scenario. With respect to transportation noise sources, the NFS and LUCS recommend that the following noise mitigation measures / devices be incorporated into the proposed development and any associated agreements:

Block 2

- That an updated noise study is provided when details of the commercial block, including rooftop mechanical equipment and trucking activities are known to ensure the block does not cause adverse impacts to the residential lots/blocks to the south.

Blocks / Lots 4-31

- An acoustic barrier according to CP rail requirements. This mitigation measure may be refined upon receiving detailed plans of the future residential units.
- Central air conditioning for residential units closest to the railway, with the provision for air conditioning for dwellings further away.

- Brick veneer exterior wall construction for all dwellings in the first row from the railway
- Upgrade building/window glazing construction for all dwellings with exposure to the railway.
- Warning clauses to inform future occupants of the sound level excesses and presence of the roadways and railway.
- An updated noise study when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units.

As noted in the NFS, staff request the submission of a detailed noise study at the Site Plan stage when floor plans and building elevations are available for the proposed development to refine acoustic requirements and to determine the impact of the proposed commercial uses on the site to determine noise mitigation. An appropriate condition has been included in the attached Appendix to address this.

Agricultural Land Use Compatibility

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Urban Design

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Natural Environment System

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Road Allowance

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable. A condition requiring revisions to the engineering plans to address the Transportation Engineering comments outlined in the previous comment letter is included in the attached Appendix (Condition 1).

Regional Road, Entrance and Permit Requirements

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Entrance/Construction Permits

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Sign Permits

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Legal Agreement

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Servicing

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Sewage Pumping Station

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Stormwater Management

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Waste Collection

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Bicycle Network

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

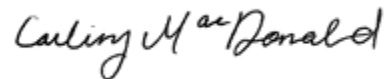
Conclusion

Based on the information provided, staff is of the opinion that the proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies for development within a designated growth area and Designated Greenfield Area, respectively. As such, Regional Public Works Growth Management and Planning Division offers no objection to the Draft Plan of Subdivision and Zoning By-law Amendment applications, subject to the satisfaction of the Township and the conditions of draft plan approval included in the attached Appendix.

January 17, 2025

If you have any questions related to the above comments, please contact the undersigned at Carling.Macdonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region

Josh Wilson, P.Eng., Acting Manager of Development Engineering, Niagara Region

Khaldoon Ahmad, MCIP, RPP, Manager of Urban Design, Niagara Region

Adam Boudens, M.Sc. Senior Environmental Planner, Niagara Region

Philippe Biba, Development Approvals Technician, Niagara Region

Appendix 1

Regional Conditions of Draft Plan of Subdivision Approval North Side St. Catharines Street, Township of West Lincoln

1. That revised engineering drawings to address the transportation engineering comments outlined in the Regional comment letter dated November 8, 2024, are to be submitted for review and approval by Regional staff.
2. That the owner dedicates to Niagara Region the necessary road widening and daylight triangles along Regional Road 20. All dedications must be free and clear of mortgages, liens and other encumbrances, and all associated costs will be borne by the applicant.
3. That the owner deed 0.3 metre reserves to Niagara Region along Regional Road 20.
4. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Niagara Region Public Works Department (Permits Section, Transportation Services Division). Road cuts required as part of the development into a recently reconstructed Regional Road 20 must be "as good as" or "better than" condition, at the completion of the works and all costs associated with curb cuts and road replacement will be at the owner's expense.
5. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
6. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Township.
7. That prior to approval of the final plan, the owner shall submit detailed sanitary sewer design information (flows, timing, revised flows for any changes to development plans) for the subdivision, and prior to final approval, the anticipated design flows will be submitted along with flow monitoring information to evaluate the capacity in the Smithville Sewage Pumping Station. The Report is to be sealed by a qualified professional engineer.

8. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
 - b) Detailed erosion and sedimentation control plans.
9. That the subdivision agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the stormwater management condition above.
10. That the subdivision agreement between the owner and the Township contain a condition that the owner agrees to comply with the requirements of Niagara Region's Corporate Waste Collection Policy and enters into an Indemnity Agreement with Niagara Region for the purpose of entering the subject property to provide waste collection services.
11. That the subdivision agreement between the owner and the Township includes the following clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."
12. That the subdivision agreement between the owner and the Township include the following warning clause and that the owner agrees to include the clause in all Agreements of Purchase and Sale or Lease or Occupancy:

"These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants."
13. That the subdivision agreement between the owner and the Township includes a clause(s) to implement the recommendations of the *Land Use Compatibility*

Study, prepared by HGC Engineering (dated September 12, 2024), to the satisfaction of the Township and Niagara Region.

14. That the subdivision agreement between the owner and the Township include a clause requiring the submission of a detailed noise study, prepared by a qualified acoustical engineer, with future development applications.
15. That the owner agrees to include the following warning clause in all agreements of purchase and sale and/or lease for all units:

“Purchasers and / or tenants are advised that due to the proximity of adjacent industrial and commercial facilities, the sound levels from the facilities may at times be audible.”
16. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
17. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage feature and/or its buffer will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage feature and its buffer.
18. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in the Constraint Analysis and Scoped Environmental Impact Study (EIS) (prepared by Myler Ecological Consulting, dated May 19, 2023). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Restoration Plan shall also outline how the success of the vegetative plantings and invasive species removals will be monitored. The Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
19. That the developer provides securities to the Township of West Lincoln in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above condition and that the subdivision agreement include provisions whereby the developer agrees that the Township may draw on the Letter of Credit, if required, to ensure installation of the plantings.
20. That the subdivision agreement between the owner and the Township contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Restoration Plan.

Clearance of Conditions

Prior to granting final approval, the Township of West Lincoln must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Public Works Growth Management and Planning Division

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

Via Email

November 8, 2024

Region Files: D.11.12.SD-24-0011
D.18.12.ZA-24-0015

Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Preliminary Regional and Provincial Comments
Resubmission - Proposed Zoning By-law Amendment and Draft Plan of
Subdivision Applications
Township Files: 1601-003-23; 2000-92-24
Owner: Kainthville Holdings Inc.
Agent: NPG Planning Solutions
North Side of St. Catharines Street (Regional Road 20), East of Industrial
Park Road
Township of West Lincoln**

Regional Public Works Growth Management and Planning Division staff have reviewed the updated Zoning By-law Amendment and Draft Plan of Subdivision applications circulated by the Township for lands on the north side of St. Catharines Street (Regional Road 20), east of Industrial Park Road, located in the Township of West Lincoln (“subject lands”). The Township has circulated the applications as a preliminary review.

The applicant is proposing the development of 37 blocks for a mix and range of dwelling types and densities for a total of 329 residential dwelling units, a “business park”, commercial space, and parkland and other associated land uses, as follows:

- Three single detached dwellings
- 36 semi-detached dwellings
- 34 townhouse dwellings
- Retirement home with 104 units
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- 20 business park units
- Approximately 756 m² of commercial gross floor area

- 0.63 hectares of parkland

Regional staff provided comments on the original submission of the applications in a comment letter dated March 12, 2024. The northern parking lot has been reconfigured and Blocks 30 and 31 have been readjusted from the original submission. Additionally, the resubmission includes an additional 79 residential units relative to the original application submission which proposed 250 new residential units.

Since the initial Regional comment letter was issued, the *Provincial Planning Statement, 2024* (“2024 PPS”) replaced the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*, effective as of October 20, 2024. As such, the following comments will reflect the policies of the 2024 PPS.

The following comments are provided from a Provincial and Regional perspective to assist the Township of West Lincoln with their review of the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications.

Provincial and Regional Policies

The property is located within the ‘Settlement Area’ under the *Provincial Planning Statement, 2024* (“PPS”), and within the ‘Designated Greenfield Area’ under the *Niagara Official Plan, 2022* (“NOP”).

The PPS directs growth to Settlement Areas, which are the focus of growth and development, and encourages the efficient use of land and resources and the optimization of existing and planned infrastructure and public service facilities. The PPS also encourages planning authorities to establish density targets for designated growth areas, based on local conditions, and to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options, employment, public service facilities and other institutional uses, among other land uses.

The NOP identifies that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly, and contiguous with existing built-up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. The NOP requires that local official plans achieve the minimum greenfield density target across the entire municipality and are encouraged to exceed this minimum. Staff note the subject land is located within the East Smithville Secondary Plan area.

Regional staff have reviewed the updated *Planning Justification Report* (“PJR”), prepared by NPG Planning Solutions Inc. (dated September 2024). Based on the information provided in the PJR, the proposed development has increased in density

from the original submission, from 67 residents and jobs per hectare to 87.7 residents and jobs per hectare. Staff acknowledge that this exceeds the above noted density target for Designated Greenfield Areas.

The Township is to monitor developments to ensure that the overall Greenfield density target will be achieved on a municipal-wide basis and should be satisfied that the proposal conforms to the neighbourhood density targets in the Township's Official Plan. Therefore, provided the Township is satisfied that the neighbourhood density target will be achieved, the proposed development is consistent with and conforms to Provincial and Regional growth management policies for designated growth areas/Designated Greenfield Areas, subject to the discussion below. Regional staff further acknowledge that local compatibility considerations and interface with neighbouring land uses are local planning matters to be addressed by Township staff and Council.

East Smithville Secondary Plan

The East Smithville Secondary Plan ("ESSP"), which was approved by Township Council on February 28, 2022, provides guidance for detailed planning and future development of East Smithville over the next 20 years. The ESSP is expected to function as a future prominent gateway into the urban area of Smithville.

The lands south of the rail line within the ESSP were considered locally identified employment land. Staff notes that through the Secondary Plan process, the Region required consideration of (former) Growth Plan policy 2.2.5.14, with respect to local employment land conversion. Staff, however, acknowledges that the PPS did not maintain the former Growth Plan's policies with respect to local employment lands. Nevertheless, the Region is satisfied that the supporting information and policy direction of the ESSP has addressed the Growth Plan policy requirement, which is also addressed in NOP policy 4.2.5.1. In consideration of this policy, Regional staff noted at the pre-consultation meeting that the business park block not be reduced and that there be mixed-uses along St. Catharines Street based on the direction of the Secondary Plan. Staff note that the proposed blocks appear to be consistent with the direction of the ESSP.

The Secondary Plan considers land use compatibility with the nearby industrial park and CP rail line. Applications made under the *Planning Act* may be subject to study requirements to demonstrate land use compatibility (e.g., Noise and Vibration, Air Quality, etc.).

Regional staff received circulation of the updated Land Use Compatibility Study and Noise Feasibility Study to address the policies outlined in the Secondary Plan. Regional comments regarding these studies is found in the Land Use Compatibility section below.

Archaeological Potential

The subject lands are mapped as an area of archaeological potential on Schedule 'K' of the NOP. The PPS and NOP state that development and site alteration is not permitted within areas of archaeological potential unless significant archaeological resources have been conserved.

In the previous Regional comment letter (dated March 12, 2024), staff reviewed the Stage 1 and Stage 2 Archaeological Assessment reports (prepared by Archaeological Services Inc.; dated November 12, 2021 and September 8, 2022, respectively) and received their associated Ministry acknowledgement letters (dated November 25, 2021 and February 15, 2024, respectively). The Stage 2 Archaeological Assessment identified six findspots and two indigenous sites and recommended that a comprehensive Stage 3 Archaeological Assessment be conducted of four of the six findspots (P3, P4, P7, P8, P11, and P12) and the two indigenous sites (AgGv-148 and AgGv-149).

Staff has reviewed the *Stage 3 Archaeological Site-Specific Archaeological Assessments of Site AgGv-148 and Site AgGv-149* (prepared by AS&G Archaeological Consulting Inc.; dated July 29, 2024) and *Stage 4 Archaeological Assessment* for the excavation of Site AgGv-148 (prepared by AS&G Archaeological Consulting Inc.; dated August 7, 2024). With respect to Site AgGv-148, a total of 88 artifacts were recovered during the Stage 3 Assessments. As such, Stage 4 mitigation by excavation was required for Site AgGv-148. With respect to Site AgGv-149, it was confirmed that the site has been fully documented and that it does not retain further cultural heritage value or interest. As such, no further investigation of Site AgGv-149 is required.

The Stage 4 Excavation of Site AgGv-148 was carried out between November 3 and November 20, 2023. A total of 205 lithic artifacts were recovered which indicated that the site was a multi-component site ranging from Early to Late Archaic periods, consistent with a typical small camping/hunting site. The licensed archaeologist has confirmed that it does not retain further cultural heritage value or interest. As such, no further archaeological investigation is required.

Staff request a letter from the Ministry of Citizenship and Multiculturalism confirming that the Stage 3 and 4 Archaeological Assessment reports have met licensing and resource conservation requirements. A condition to this effect is included in the attached Appendix.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff request that the following standard archaeological clause be included in the draft plan agreement:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop

immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>).”

Land Use Compatibility

The PPS and NOP state that sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. The subject property is adjacent to an active rail line (Canadian Pacific Railway corridor) and situated southeast of the Smithville Industrial Park.

ESSP Policy 9.1 requires compatibility between residential uses within the Secondary Plan Area and the rail line north of the Secondary Plan Area. The policy also requires the implementation of a 5.5-metre-high noise wall or berm between the rail right-of-way and the Business Park, Medium Density and Low-Density residential development (with a reduction to the noise wall if a detailed noise study is completed). The Business Park and Medium Density Residential designations include policies to implement central air conditioning, brick construction and upgraded glazing. The ESSP requires that warning clauses regarding noise and vibration to be included in agreements of purchase and sale for the Business Park, Medium Density and Low-Density designations that are within the rail line setback.

ESSP Policy 9.2 requires new sensitive land uses within 300 metres of lands within the Smithville Employment Area to undertake a land use compatibility study, or other required study, to identify potential adverse impacts.

Noise Feasibility Study

Staff has reviewed the updated *Noise Feasibility Study* (“NFS”), prepared by HGC Engineering (dated September 12, 2024). The primary sources of noise identified in the NFS include road traffic on St. Catharines Street and Industrial Park Road, as well as rail traffic on the Canadian Pacific Kansas City (“CPKC”) railway to the north of the site. The sound level predictions indicate that future traffic sound levels will exceed MECP guidelines at the proposed residents with exposure to the roadways and CPKC railway.

With respect to stationary noise sources, the NFS identified Harbison Walker and Premiere Express Lines to be acoustically insignificant and found Stanpac Inc. and West Lincoln Community Care Centre to operate within acceptable parameters for noise.

Staff notes, however, that the Harbison Walker facility is currently not in operation, which accounts for the determination of a negligible impact based on the sound level measurements. Further discussion in this regard is provided below.

Land Use Compatibility Study

Staff has reviewed the updated *Land Use Compatibility Study* (“LUCS”), prepared by HGC Engineering (dated September 12, 2024). Based on the MECP D-6 guideline classifications for industrial uses, the LUCS classified the establishments west of Industrial Park Road and south of the CP Rail line as Class I facilities. The LUCS classified three industrial operations located east of Industrial Park Road and north of the CP Rail line, as Class II facilities (Stanpac Inc. / WLCC Centre, Harbison Walker International, and Premier Express Lines). The LUCS determined these to be Class II facilities as they consist of medium scale processing and manufacturing, outdoor storage of wastes or materials, occasional outputs of fugitive emissions for noise, odour dust and / or vibration, with daytime and / or nighttime operations permitted.

In the previous comment letter (dated March 12, 2024), staff requested an addendum to the LUCS to clarify how Harbison Walker International was determined to be a Class II facility. In a letter dated September 12, 2024, HGC Engineering notes that several site visits were conducted where staff observations and sound level measurements indicated a negligible outdoor acoustical impact from Harbison Walker. Based on the information gathered on site, it was determined that the facility does not meet the MECP’s characterization of Class III facilities, as they did not observe “frequent outputs of major annoyance”, “outdoor storage of raw and finished products, large production volumes”, nor “continuous movement of products and employees during daily shift operations”.

As previously noted, Harbison Walker is not currently operating and, as such, the sound level measurements would not have indicated any noise impacts. Nevertheless, any future operations could generate sound levels that may impact the proposed development. The addendum letter should, therefore, be revised to provide confirmation that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures noted below remain valid.

Similar to the NFS, the LUCS noted that the sound emissions of the commercial / industrial facilities comply with the MECP D-6 guidelines and no physical mitigation measures are required to address stationary noise sources.

Mitigation Recommendations

The NFS and LUCS note that detailed designs are not available for the development and have, therefore, provided mitigation measures based on the worst-case scenario. With respect to transportation noise sources, the NFS and LUCS recommend that the following noise mitigation measures / devices be incorporated into the proposed development and any associated agreements:

Block 2

- That an updated noise study is provided when details of the commercial block, including rooftop mechanical equipment and trucking activities are known to ensure the block does not cause adverse impacts to the residential lots/blocks to the south.

Blocks / Lots 4-31

- An acoustic barrier according to CP rail requirements. This mitigation measure may be refined upon receiving detailed plans of the future residential units.
- Central air conditioning for residential units closest to the railway, with the provision for air conditioning for dwellings further away.
- Brick veneer exterior wall construction for all dwellings in the first row from the railway
- Upgrade building/window glazing construction for all dwellings with exposure to the railway.
- Warning clauses to inform future occupants of the sound level excesses and presence of the roadways and railway.
- An updated noise study when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units.

HGC Engineering states that, “a detailed noise study should be performed when a detailed site plan, floor plans and building elevations are available for the proposed development to refine acoustic requirements and to determine the impact of the proposed commercial uses on the site to determine noise mitigation.” An appropriate condition has been included in the attached Appendix to address this.

Both the NFS and LUCS recommend that a warning clause advising purchasers and future tenants of the proximity to adjacent industrial and commercial facilities be included in purchase, sale, rent or occupancy agreements and the subdivision agreement for all residential units.

Agricultural Land Use Compatibility

The subject lands are near agricultural uses. Regional staff recommend the inclusion of an agricultural warning clause with respect to potential adverse effects from activities and/or operations on these lands. An appropriate condition has been included in the attached appendix.

Urban Design

Regional Urban Design staff have reviewed the *Urban Design Brief*, prepared by NPG Planning Solutions (dated December 2023) which provides a concept demonstrating the interface between the development and the Regional Road. There is sufficient guidance in the brief to influence practical and positive design outcomes. At the Site Plan stage for development within Blocks 30 and 31, staff will provide additional technical urban design comments.

Natural Environment System

A pre-consultation meeting for the proposal was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (ROP) apply to the proposal.

Under the ROP, the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish habitat; however, recent studies for the Smithville Master Community Plan (MCP) and ESSP indicated that the area mapped as woodland was a cultural thicket. Consistent with ROP Policy 7.B.1.15, an Environmental Impact Study was required to characterize CNHS on the subject property and confirm that the proposed development will have no significant negative impact on any features present or their ecological function.

Staff reviewed both the Constraint Analysis and Scoped Environmental Impact Study (EIS) as well as the Update to the EIS (prepared by Myler Ecological Consulting, dated May 19, 2023 and December 1, 2023, respectively), which concludes that the only CNHS feature present on-site is a watercourse that contributes and provides indirect fish habitat as a conveyance feature. Based on this characterization, the EIS recommends a 10-metre buffer, measured from the top of bank associated with the watercourse.

Based on review of the EIS and updated EIS, staff support the conclusions of the EIS and as such offer no objection to the recommended 10 metre buffer.

As it relates to the proposed ZBA application, staff offer no objection from an environmental perspective provided the proposed ZBA schedule provided in *Appendix F* of the Planning Justification Report (prepared by NPG Planning Solutions, dated December 12, 2023) is implemented as outlined.

As it relates to the proposed DPS application, staff offer no objection from an environmental perspective subject to implementation of the recommended conditions of approval in the attached Appendix.

Road Allowance

The subject property has frontage along Regional Road 20 (St. Catharines Street). The current width of Regional Road 20 at the subject property is approximately 28 m to 30 m and satisfies the NOP policy width of 20.1 m.

The proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout. The land needed to accommodate the roundabout will be required to be transferred to the Region.

To ensure future accesses are from the private road, a 0.3 m (1ft) reserve will be required along Regional Road 20 on Blocks 30 and 31. The applicant is, therefore, required to gratuitously grant the following daylight/widening/reserve to the Region:

- A right of way at the round about will be required at the intersection of Regional Road 20 and the new municipal road.
- 1 ft / 0.3 m reserve alongside the frontage of Regional Road 20 along the area of Blocks 30 and 31.

The requested widening and daylighting triangles are to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271.
E-mail: jordan.hadler @niagararegion.ca
(Inquiries - specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325,
E-mail: normans.taurins@niagararegion.ca
(Inquiries - specific to the reference plan)
The road widening, round about right of way and reserves are to be shown on future draft plans and all future engineering drawings.

Regional Road, Entrance and Permit Requirements

Transportation Engineering staff have reviewed the preliminary engineering drawings provided and note the following high-level comments. Detailed comments will be provided when detailed engineering plans have been provided.

- Proposed 'Street A' is missing a splitter island for the roundabout.
- '*Preliminary General Plan of Services*' is missing information, i.e. staff require the plan to show proposed servicing up to where the proposed infrastructure is being connected to existing and all restorations (as per Niagara Region Construction Encroachment Spec)

- The Region will require proposed infrastructure within the Right of Way i.e. Watermain, Sanitary, to be constructed solely within the boulevard on the north side of St. Catharines Street and to avoid all vehicularly travelled areas, i.e. the road, including the roundabout. The roundabout and St. Catharines St. to the west were recently reconstructed. Proposed servicing is to avoid impacting these areas.

Future engineering drawings are to provide details of the proposed roundabout leg and restoration details for all works within the Regional road allowance.

Regional Entrance/Construction Permits

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Regional staff have reviewed the comment-response table prepared by S. Llewellyn & Associates Ltd. dated September 6, 2024, including the concern relating to the Region's and Township's preference for the sanitary and watermain location. Staff would require additional supporting materials (e.g. design plans) to substantiate SLA's position. At this time the Region's position remains unchanged, and this matter will need to be addressed at the detailed design phase.

Regional Sign Permits

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of St. Catharines Street will require a Regional Sign permit.

Permit applications can be made through the following link:

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

Legal Agreement

The construction of the last leg of the roundabout will be at the developer's cost and responsibility to construct the works as part of the draft plan. A condition is included in the attached Appendix requiring that the owner enter a legal agreement and post letters of credit for the work related to the addition of the road connection to the roundabout.

Servicing

Regional staff note that servicing is under the jurisdiction of the Township of West Lincoln. The Region will have to confirm capacity in the Regional system prior to the municipality signing off on the CLI ECA forms if required.

Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Smithville relative to the existing infrastructure capacity. The report identifies a number of future servicing upgrades that are required to address transmission and capacity constraints for both the existing water and sanitary systems.

Regional Sewage Pumping Station

The site falls within the Smithville Sewage Pumping Station (SPS) sewershed. The Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Smithville relative to the existing infrastructure capacity. The report identifies a number of future servicing upgrades that are required to address transmission and capacity constraints for both the existing water and sanitary systems. <https://www.niagararegion.ca/projects/www-master-servicing-plan/default.aspx>.

Currently the Region has identified improvements to the Smithville SPS in the 10 year capital budget schedule and are working to identify design solutions to support the anticipated growth in the Smithville Secondary Plan areas. Timing for the projects could change based on budget restrictions and pressures and is not guaranteed until the budget year is approved by Regional Council.

Currently there is some available capacity at the SPS; however, as noted in the Functional Servicing Report the Region supports a combination of both a flow monitoring reduction and Infiltration/inflow projects to project additional capacity for new developments as well as include a phasing plan for the development based on the owner's/developer's planned schedule. The Region would recommend that the subdivision agreement include post flow monitoring to ensure the new system is not adding to the current infiltration and inflow in the system.

Conditions have been included in the Appendix to address the above Regional servicing requirements.

Stormwater Management

Further to staff's previous comments (based on the review of the conceptual stormwater management (SWM) plan included in the submitted 'Functional Servicing Report', prepared by S. Llewellyn & Associates Ltd. (dated November 2023)), staff note that the SWM plan requires that an offsite SWM facility, i.e., a wet pond be constructed within 6063 Highway 20, to service the subject development to meet SWM criteria. Staff noted that the proposed SWM facility location is different from that shown on the Community Structure Plan of ESSP. As the detailed analyses required to support this SWM facility sizing and engineering plan of the pond and outlet have not been submitted to the Region, staff are not able to provide further comments from the previous comments dated March 12, 2024.

In this regard, staff previously noted that since the development is within the ESSP area, the following comments are offered based on the Subwatershed Study (SWS) requirements:

- a) This development is required by the SWS to meet water quality, quantity, and erosion control. The SWM plan is missing how to manage the site's storm water meeting the erosion control criteria of the Table 2.2.3 of SWS Phase 3 Report.

- b) The plan proposes on-site storm water quality and quantity control in catchments 201 & 203 (refer to the report Appendix A). A preliminary assessment is necessary to confirm the plan is practical with respect to the installation of required storage and flow control to meet the allowed discharge rate of erosion and quantity control.
- c) The SWS required that Low Impact Development and Green Infrastructure to be explored in the development plan.

Conditions requiring the submission of a detailed SWM plan and implementation of the approved plan are included in the Appendix.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner brings the waste to the curbside on the designated pick-up day and that the following limits are not exceeded (based on current waste collection contract).

Residential

- No Limit green containers; and,
- 2 Garbage containers (Biweekly)
- **Curbside Collection Only**

Commercial

- Green – containers to a maximum equivalent of 8 carts (weekly)
- Waste – 8 containers bi-weekly
- **Curbside collection only**

The residential units proposed along the future municipal roadways would be eligible for Regional curbside collection, subject to the above noted curbside collection limits. Road designs will need to be in accordance with the current policy and will be reviewed through future engineering drawing submissions. Regional staff will provide detailed waste collection comments through future planning applications.

The applicant should be advised that if the site is unable to meet the requirements for Regional curbside waste collection, then the owner will be responsible for providing this service through a private waste collection contractor and not the Niagara Region.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Regional Bicycle Network

The subject property has frontage on St. Catharines Street which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

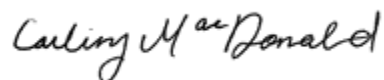
Conclusion

Regional Public Works Growth Management and Planning Division is satisfied that the materials provided are sufficient for deeming the Draft Plan of Subdivision and Zoning By-law Amendment applications complete. As noted above, as Harbison Walker is not currently operating a revised addendum letter should be provided to confirm that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures remain valid.

Preliminary conditions of Draft Plan approval are outlined in the Appendix for the Township's information.

If you have any questions related to the above comments, please contact the undersigned at Carling.Macdonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Connor Wilson, Development Planner, Niagara Region
Josh Wilson, P.Eng., Acting Manager of Development Engineering, Niagara Region
Adam Boudens, M.Sc. Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

From: Dunsmore, Susan [mailto:Susan.Dunsmore@niagararegion.ca]

Sent: December 20, 2024 7:21 AM

To: Colin Dougan <cdougan@sla.on.ca>

Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Biba, Philippe <Philippe.Biba@niagararegion.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Wilson, Josh <Josh.Wilson@niagararegion.ca>

Subject: Kainthville Holdings Inc.

Good Morning

As noted at the last meeting I have reviewed the request to have the sanitary sewer in the newly constructed Regional road. Transportation staff agreed. They have noted the following, we will need to ensure that areas disturbed by the installation of the servicing, or Street A, are fully restored per the requirements identified in our [Construction encroachment restoration specifications](#) including within the roundabout and approaches. We would also suggest that VC3 be relocated to within the roundabout centre island and not in the truck apron.

Restoration will be more than the normal requirements due to the age of the pavement, please show a full lane restoration on your plans and engineering plans to start staff will review and provide any additional comments as required. Please submit the engineering drawings and the detour information when you provide your submissions for this proposed sewer.

Thank you,

Susan M. Dunsmore, P.Eng.

ACTING DIRECTOR, INFRASTRUCTURE PLANNING & DEVELOPMENT ENGINEERING
Niagara Region, 1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7

P : (905) 980 - 6000 ext. 3661

W : www.niagararegion.ca

E : susan.dunsmore@niagararegion.ca

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Susan Smyth

From: Taran Lennard <tlennard@npca.ca>
Sent: January 17, 2025 8:48 AM
To: Susan Smyth
Subject: NPCA Response: FORMAL SUBMISSION - COMPLETE APPLICATION: Zoning By-law Amendment Application (File No. 1601-003-23) & Draft Plan of Subdivision Application (File No. 2000-92-24) (Kainthville Holdings Inc.)
Attachments: NPCA Response Regarding Submission #2 - Kainthville Holdings Subdivision.pdf

Hi Susan,

I can confirm for you that the Draft Plan conditions as outlined in my colleague's letter (attached) remain applicable for this subdivision, and shall be included within the Agreement for this file.

Please include me on future submissions or condition clearances on this application as my colleague Meghan is off on maternity leave for 2025.

Thank you.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277
www.npca.ca
tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Susan Smyth <ssmyth@westlincoln.ca>
Sent: December 11, 2024 11:16 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; clark.euale@ncdsb.com; jim.sorley@npei.ca; consultations@metisnation.org; hdi@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; lonnybomberry@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; Municipal Planning <MunicipalPlanning@enbridge.com>; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; megan.devries@mncfn.ca; dlaforme@sixnations.ca; Ben Agro <bagro@westlincoln.ca>; Paige Pearson <ppearson@npca.ca>; Taran Lennard <tlennard@npca.ca>; DELL, Thomas <Thomas.Dell@canadapost.postescanada.ca>; Michelle.McPhee@dsbn.org
Cc: Gerrit Boerema <gboerema@westlincoln.ca>



250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2
905.788.3135 | info@npca.ca | npca.ca

October 21, 2024

Via Email Only

Susan Smyth, Senior Planner
Township of West Lincoln
318 Canborough St.
Box 400
Smithville, ON L0R 2A0

Subject: Zoning By-law & Draft Plan of Subdivision Application
- **Submission #2 Response**

Regional Road 20 (ARN 260203001320700)
- **Part Lot 5, Concession 9 South Grimsby as in RO691284, Part 3, Plan30R15491 (Kainthville Holdings Inc.)**

Township of West Lincoln
Municipal File Nos.: 1601-003-23 & 2000-92-24
NPCA File No.: PLSUB202400178

Good afternoon Susan,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the Zoning By-law Amendment and Draft Plan of Subdivision Applications –Submission #2 package from the Township of West Lincoln regarding Regional Road 20 (ARN 260203001320700) for Kainthville Holdings Inc. The application was submitted by NPG Solutions Inc. (Agent) on behalf of Kainthville Holdings Inc. (Owner) to facilitate a subdivision with thirty-seven (37) blocks, which uses include residential, commercial, business park, parkland and environmental uses.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 41/24 of the Conservation Authorities Act*. The *NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains a regulated watercourse, which is associated with Twenty Mile Creek.

Following a review of the Submission #2 package the NPCA offers the below comments/ requirements regarding the provided information.

The NPCA has reviewed the *Preliminary Concept Plan – Kainthville Holdings Inc., prepared by NPG Planning Solutions, revision 5, dated August 20, 2024*, and the NPCA notes that the initial comments from the preliminary review have now been addressed:

- 1) The required 10 metre setback from the regulated watercourse is now shown on the Plans to ensure the entire buffer is contained within in Block One.
- 2) The use of Block One is noted to be Environmental Conservation, the NPCA will still require that this use for Block One is maintained through the Zoning By-law Amendment process to recognize the regulated watercourse and 10 metre buffer.

Further, the NPCA notes that the comments provided February 27, 2023, remain the same regarding the *Constraint Analysis & Scoped EIS – Kainthville Holdings Inc., prepared by Myler Ecological Consulting, dated May 19, 2023*, and the *Update - Constraint Analysis & Scoped EIS – Kainthville Holdings Inc., prepared by Myler Ecological Consulting, dated December 1, 2023*.

The NPCA has had a review of the *Comments and Response Table, prepared by NPG Planning Solutions, Dated September 18, 2024*, and note that there is discussion about a future Trail. Further that the discussion is around the trail potentially crossing the watercourse within Block 1. Please note that any development within 10 m of the watercourse will require NPCA review and approval along with a work permit.

Based on the above, the NPCA is supportive of the proposed development subject to the following Conditions of Draft Plan Approval:

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.
2. That the Developer provide appropriate limit-of-work fencing along the boundary of Block 1 and Blocks 2 and 37, to the satisfaction of the Niagara Peninsula Conservation Authority.

3. That the Developer provide a Buffer Enhancement Plan to the watercourse buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the Buffer Enhancement Plan is to be obtained from the Niagara Peninsula Conservation Authority and implementation of the Buffer Enhancement Plan is to be done through an NPCA Work Permit
4. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any Buffer Enhancement works within any lands regulated by the Niagara Peninsula Conservation Authority prior to beginning any site works.
5. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any future trail crossings of the watercourse prior to the commencement of those works.
6. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any other works or site alterations within any lands regulated by the Niagara Peninsula Conservation Authority prior to beginning any site works (such as stormwater outfalls).
7. That the watercourse and approved 10m buffer shown as Block 1 on the Concept Plan be zoned EC or another appropriate zone category which ensures long term protection of the feature.
8. That conditions 1 to 8 above be incorporated into the Subdivision Agreement between the Developer and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

CONCLUSION

At this time, NPCA staff have no objections to the applications subject to the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please reach out to the NPCA.



250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2
905.788.3135 | info@npca.ca | npca.ca

Yours truly,

Meghan Birbeck
Watershed Planner
(905) 788-3135, ext. 278
mbirbeck@npca.ca

October 7, 2024

Susan Smyth
Senior Planner
Township of West Lincoln
Planning Department
318 Canborough Street
P.O. Box 400
Smithville, ON L0R 2A0

Dear Susan,

Re: Draft Plan of Subdivision, Zoning By-Law Amendment – Second Submission
Kainthville Holdings Inc.
Part Lot 5, Concession 9
Township of West Lincoln
File No.: 2000-92-24, 1601-003-23

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>

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.
(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Sincerely,



Casey O'Neil
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



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From: Real Estate Canada <Real_EstateCanada@cpkcr.com>

Sent: January 22, 2025 4:39 PM

To: Justin Paylove <jpaylove@westlincoln.ca>

Subject: Comments on - File No.: 1601-003-23 (Zoning By-Law Amendment) and File No.: 2000-92-24 (Draft Plan of Subdivision)

Good Afternoon,

Name: Kainthville Holdings Inc.

File No.: 1601-003-23 (Zoning By-Law Amendment) and File No.: 2000-92-24 (Draft Plan of Subdivision)

Comments on, within 500m of CPKC Rail line

Please note that CPKC's Hamilton Subdivision is classified as a principal mainline track.

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity.

Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Thank you,

Real Estate Canada



Real_EstateCanada@cpkcr.com

7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

Memo

To: Susan Smyth, Senior Planner
From: Jennifer Bernard, Coordinator of Engineering Services
Date: November 11, 2024
Re: Kainthville Holdings Inc.
Draft Plan of Subdivision Application

Public Works has completed a review of the Draft Plan of Subdivision Application for Kainthville Holdings Inc. located in the East Smithville Secondary Plan area.

Site Concept Plan

The East Smithville Secondary Plan and the Township's Transportation Master Plan (TMP) identified the need for a trail connection through these lands. The TMP identified this trail as the Southeast Rail Trail (TMP Project ID TWL-Trail-09) between Industrial Park Rd and the eastern limit of the East Smithville Secondary Plan area. Block 37 on the Site Concept Plan has been provided for this trail however it dead ends. Correspondence has been provided with the submission with Myler Ecological Consulting noting a crossing of the watercourse or portion of the trail being located within the watercourse buffer may be acceptable. The Township will need more information on the proposal as a dead end trail will not be supported.

Functional Servicing Report

- The population densities used are from the Niagara Region Development Charge Background Study. The Township's Development Charge Background Study has been finalized and is available on the Township website. The population densities should be updated using that document.
- In Table 3.1, why was the P.P.U. for the business park reduced by half from the previous FSR submitted when the same number of units is being proposed?
- Section 4.4 of the report notes that the modelling completed as part of the Township's Master Community Plan (MCP) indicated that *the Niagara Region's DC projects together with water servicing upgrades highlighted in the Smithville MCP would provide adequate water supply to meet future growth.*

The MCP shows the East Smithville lands with two connections to the future Regional 400mm watermain down Industrial Park Rd. This watermain is in the Region's DCs to support Phase 2 of the growth in Smithville with the timing of that project shown as 2032-2041.

The preliminary engineering design for East Smithville shows one proposed watermain connection to the Township's existing 200mm watermain at RR20 and Industrial Park Rd. This is a deviation from the Water & Wastewater Master Plan. The FSR states that *confirmation this watermain connection can support the development will be completed at detailed design* however any significant servicing issues for the site needs to be confirmed now.

Aecom has been retained to maintain the Township's water and wastewater models. Aecom will need to update the model with data from the revised FSRs for both the Kaithville Holdings Inc and DiLeonardo developments to determine the extent to which the existing water system can support these developments.

This modelling work will be completed at the cost of both developers. Please confirm agreement in writing to have this work completed and invoices will be issued by the Township.

Parking Study

- The study discusses the parking for the apartment blocks but does not identify how many spaces are provided for each unit in the other residential blocks.

DATE: February 10, 2025

REPORT NO: BLDG-02-2025

SUBJECT: **Information Report**
Changes to the Ontario Building Code 2024

CONTACT: Ben Agro, CBO
Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- The new Ontario Building Code under Ontario regulation 163/24 is now in effect as of January 1st 2025.
- Building permits issued on or before December 21st 2024 or for which working plans and specifications are substantially completed on or before December 31st 2024, and for which an application for a permit is made before March 31st 2025 will still be regulated under the former building code.
- The new Ontario Building Code has made changes with respect to: Accessibility Requirements, Change of Use, Defined Terms, Environmental and HVAC, Fire Protection, Houses and Small Buildings, Large Buildings, Large Farm Buildings, Plumbing and Septic systems, Radon Mitigation, and Two Unit Houses.
- A summary of the changes can be found in Schedule A to this report as well as on the [Township's website](#).

RECOMMENDATION:

That, Information Report BLDG-02-2025 titled “Changes to the Ontario Building Code 2024” dated February 10, 2025 be received for information.

ALIGNMENT TO STRATEGIC PLAN:

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

BACKGROUND:

The new Ontario Building Code under Ontario regulation 163/24 is now in effect as of January 1st 2025. However, for permits that have been issued on or before December 21st 2024 or for which working plans and specifications are substantially completed on or before December 31st 2024, and for which an application for a permit is made before March 31st 2025 continues to fall under the previous building code, providing construction has commenced within 6 months after the permit is issued.

CURRENT SITUATION

The Township has updated its website to include a summary of the building permit changes. A summary of the changes can also be found attached to this report. Some of the most notable changes includes increased accessibility requirements for new buildings, additions and renovations, and significant requirements for large agricultural buildings over 600 square metres, including in some cases sprinkler systems and fire alarms.

Administration has been encouraging builders and designers to learn about the new code changes in order to ensure that building permit applications submitted after March 31st 2025 comply with the new building code.

FINANCIAL IMPLICATIONS:

The changes to the code have required additional training for Building staff covered in the 2024 and 2025 operational budgets. Due to the number of changes to the code there will be additional work required as part of building permit review. The increase in time to review these permits will need to be reflected in the building permit fees. The Township has already retained BMA Consultants to initiate a building permit fee review to ensure cost recovery.

Any new Township facilities, or additions or renovations to existing facilities would trigger the new Building Code requirements, and would most likely increase the cost of construction.

INTERDEPARTMENTAL COMMENTS

This report has been reviewed by the Director of Corporate Services/CFO and the CAO.

CONCLUSION:

The new 2024 Ontario Building Code is now in effect in an effort to be more in line with the National Building Code. The highlights of changes have been added to the Township's website under the [Building and Demolition Permits page](#).

SCHEDULE(S):

1. Schedule A Highlights of Changes 2024 Ontario Building Code

Prepared & Submitted by:

Approved by:

Ben Agro
CBO

Gerrit Boerema
Director of Growth and Sustainability

Truper McBride
CAO

Summary of Building Code Changes

ACCESSIBILITY REQUIREMENTS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

PEDESTRIAN ENTRANCES TO BE BARRIER-FREE

All entrances to a barrier-free storey of a building shall be barrier-free and shall connect to a barrierfree path of travel. (3.8.1.2)

ACCESS TO PARKING AREAS

Access to parking areas has been changed to Barrier-Free Paths of Travel to Building Entrances, Exterior Passenger Loading Zones, and Access to Parking Areas. A sentence has been added to include storage garages.

IMPROVEMENTS TO SIGNAGE

Signs providing visual information shall be installed to indicate the location of barrier-free entrances, ramps, exterior passenger loading zones, barrier-free washrooms, showers, elevators, parking spaces and assistive listening systems or adaptive technologies. Tactile information signs required (Braille).

WATER-BOTTLE FILLING STATIONS

Provisions added for water-bottle filling stations, at least one shall be designed barrier-free to be equipped with controls that are automatic, located on a barrier-free floor level, accessible height and clearances for operation.

POWER DOOR OPERATORS

Doors equipped with a self-closing device shall be equipped with power door operators. (3.8.3.3)

SERVICE COUNTERS

In each location where information, goods or services are provided to the public at service counters in buildings of assembly occupancy, at least one of the service counters shall be equipped with:

- (a) an assistive listening system or adaptive technology, and
- (b) an amplification system, where there is a barrier to communication, such as a glass screen. (3.8.3.7)

SHOWER ROOM AND DRESSING ROOM

At each location where a showering facility is provided for use by the general public or customers, or as part of a common-use area for employees, at least one universal dressing and shower room shall be

provided. (3.8.3.13)

CHANGE OF USE, RENOVATION AND DESIGN

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

CHANGE OF USE

FARM BUILDINGS

These parts have been modified to include Group G classification for farm buildings and to include houses with secondary suites.

HVAC

Additional provisions for heating and air conditioning for buildings with not more than four residential units. New provisions for change of major occupancy to Group B2 HVAC systems.

DIVISION C DESIGN

UNDERPINNING

Added requirement for underpinning to be designed by Professional Engineer and defined term underpinning.

GENERAL REVIEW

New requirements for Agricultural Building General review.

DEMOLITION PERMIT

The exemption requirements revised to only exempt farm buildings on farms, rather than all buildings on farms.

OCCUPANCY REQUIREMENTS REVISED

An occupancy permit cannot be issued unless compliance with section 168.3.1 of the Environmental Protection Act has been achieved.

DEFINED TERMS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

There are approximately 20 new definitions added to Division A 1.4.1.2:

Adfreezing means the adhesion of soil to a foundation unit resulting from the freezing of soil water.

(Also referred to as “frost grip”)

Agricultural occupancy (Group G) means the occupancy of a building or part thereof that is located on land that is associated with and devoted to the practice of farming, and is used for the purpose of producing crops, raising farm animals, or preparing, marketing, storing or processing agricultural products.

Agricultural occupancy with no human occupants (Group G, Division 4) means an agricultural occupancy that is not intended to be occupied by persons under normal use and is generally used for the storage of agricultural materials and by-products.

Alloyed zinc means an alloy of zinc having the corrosion resistance and physical properties of an alloy containing 0.15% titanium, 0.74% copper and 99.11% zinc, and so tempered as to be capable of being formed into the shape required for watertight joint.

Back pressure means pressure higher than the supply pressure.

Braced wall panel means a portion of a wood-frame wall where bracing, sheathing, cladding or interior finish is designed and installed to provide the required resistance to lateral loads due to wind or earthquake.

Braced wall band means an imaginary continuous straight band extending vertically and horizontally through the building or part of the building, within which braced wall panels are constructed.

Carbon monoxide alarm means a carbon monoxide detection device with an integral audible alarm device designed to sound an alarm within the room, suite or space in which it is located when the concentration of airborne carbon monoxide exceeds a pre-determined level and duration.

Combustible dusts means dusts and particles that are ignitable and liable to produce an explosion.

Schedule A to BLDG-02-2025

Demountable stage means a structure that

- (a) consists of one or more platforms together with any wall, roof or other structures attached to or located on any of the platforms,
- (b) is intended to be used for public or private performances or events, other than performances or events associated with movie or television productions,
- (c) is intended to be erected, assembled or installed for a limited specified time.
- (d) is capable of being dismantled at its location and moved to be reconstituted elsewhere or is erected for one-time use,
- (e) is not located inside a fully enclosed building
- (f) is primarily for use by performers and workers, and
- (g) may or may not be mounted on wheels

Demountable support structure means any structure that

- (a) is capable of supporting banners, stage sets, props, sound equipment, lighting equipment or other equipment,
- (b) is intended to be used for public or private performances or events, other than performances or events associated with movie or television productions,
- (c) is intended to be erected, assembled or installed for a limited specified time,
- (d) is capable of being dismantled at its location and moved to be reconstituted elsewhere or is erected for one-time use,
- (e) is not attached to or located on a demountable stage,
- (f) is not located inside a fully enclosed building,
- (g) is primarily for use by performers and workers, and
- (h) may or may not be mounted on wheels.

Greenhouse agricultural occupancy (Group G, Division 3) means an agricultural building or part thereof that is primarily constructed of roofs and walls designed to transmit natural light.

High-hazard agricultural occupancy (Group G, Division 1) means an agricultural occupancy containing sufficient quantities of highly combustible and flammable or explosive materials which, because of their inherent characteristics, constitute a special fire hazard.

Mechanically vented (as applying to a fuel-fired space-or water-heating appliance) means an appliance

and its combustion venting system in which the products of combustion are entirely exhausted to the

ENVIRONMENTAL AND HVAC

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

ENVIRONMENTAL

AIRTIGHTNESS

New requirements and details added related to the installation of air barriers and requirements for airtightness. Below grade airtightness requirements updated to include radon and soil gases.

HVAC

NEW SETBACKS

Outdoor air intakes shall be installed not less than 0.3m above roofs, landscape grades or other surfaces, taking into account anticipated snow accumulation levels. Provisions added for required setbacks for vented products of combustion.

EVAPORATIVE HEAT REJECTION SYSTEMS

This has been added to minimize the potential proliferation and transmission of disease-causing micro-organisms.

AIR HANDLING SYSTEM

Air handling systems shall incorporate smoke detectors.

CARBON MONOXIDE ALARM

A carbon monoxide alarm must now be installed in a suite of residential occupancy or care occupancy where:

- there is a fuel burning appliance or flue installed,
- a forced air fuel burning appliance provides heated air directly to the suite,
- is located in a room or suite or area that share a common wall or floor or ceiling assembly,
- or a storage garage shares a common wall or floor to ceiling assembly with the suite.

When a carbon monoxide alarm is required to be installed, it should be installed in service rooms, each sleeping room, in public corridors serving suite of residential occupancy. Where carbon monoxide alarms are required in a public corridor, it shall be installed so that there is at least one

alarm in each portion of the corridor and not more than 25m apart.

FIRE PROTECTION

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

COMBUSTIBLE DUST

Relates to standpipe requirements for grain handling and storage facilities as well as design of hazardous areas. Definition for Combustible Dusts added to Div. A 1.4.1.2 Dusts and particles that are ignitable and liable to produce an explosion.

SPRINKLER SYSTEM

If a storey in a building or a floor area is required to have an automatic sprinkler system installed throughout, the automatic sprinkler system shall also be installed throughout all lower storeys in the building. Buildings classified as Assembly Building in conformance with 3.2.2.21, 3.2.2.22, 3.2.2.29, and 3.2.2.32 are now required to be sprinklered. Buildings classified as Group B3 any height, any area and sprinklered now added in 3.2.2.42. Buildings classified as Group D, any height, any area, is now required to be sprinklered.

FIRE ALARM AND DETECTION SYSTEM

A fire alarm system shall be installed in buildings in which an automatic sprinkler system is installed, with the exception of a building containing fewer than 9 sprinklers. The actuation of each waterflow detecting device shall be separately indicated on the fire alarm system annunciator. Where a fire alarm system is installed, a manually operated fire alarm station shall be installed on the roof at each exit from a helicopter landing area. Audible signal devices in sleeping rooms in a building of residential or care occupancy shall emit a low frequency signal.

HOSE STATIONS

Hose connections shall be located in exits, in accordance with NFPA 14, and shall be provided with sufficient clearance to permit the use of a standard fire department hose key. Hose stations shall be located in the floor area within 5m (used to be 3m) of exits and at other locations to provide coverage of the entire floor area. Where a building or part thereof is

Schedule A to BLDG-02-2025

used as a distillery and the building is sprinklered, a small hose (38 mm) stations are permitted to be supplied from interior sprinkler piping. Where a hose station is provided in grain handling and storage facilities in which combustible dusts are produced in quantities or concentrations that create an explosion or fire hazard, fog and fine spray nozzles shall be used instead of nozzles that discharge a solid stream of water to prevent combustible dusts from being raised into suspension.

LIGHTING AND POWER

MINIMUM LEVEL OF ILLUMINATION

The minimum level of illumination is now required for the entire length of escalators and moving walks, controls, signs displaying visual information, locations where doors are equipped with an electromagnetic lock, universal washrooms and showers.

EMERGENCY POWER

Two (2) hour emergency power now required for equipment that supplies water for fire suppression, if the supply depends solely on electrical power supplied to the building.

HOUSES AND SMALL BUILDINGS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

STAIRS

Additional provisions and changes to stairs, change in size for nosing, new requirements for open stair risers.

WINDOWS

Most windows located on the second storey or above in dwelling units will now require a guard, a limiter, or be located 900mm above the floor.

FIRE SAFETY

Additional provisions for fire separations and smoke-tight barriers to include requirements for passage of smoke, testing and firestops. Decibel level of audible signaling device added for smoke alarms.

ICF FOUNDATION SYSTEMS

ICF foundation walls have been updated to include up to 2-storey buildings instead of just houses.

NEW REQUIREMENTS IN WOOD-FRAME CONSTRUCTION

Connections to preservative-treated wood have been added. New tables and fastening requirements have been added for fastening sheathing and subflooring. Anchorage requirements for buildings have been increased based on seismic region. New anchor bolt spacing table added. All exterior steel beams must now be primed. New support requirements for braced wall panels. New subsection added relating to bracing requirements for wood frame buildings. New provisions added relating to the installation of rafters and ceiling joists. The rafter-to-joist nailing chart has been updated to include 300mm on centre rafters and increased nailing requirements. Updated to include additional requirements for high winds and seismic areas.

INSULATION/VAPOUR BARRIER

Insulation requirements increased to full height of foundation and crawl space walls. Protection from mechanical damage provisions amended. Additional vapour barrier materials are permitted in foundations. Requirements have been added regarding the protection of vapour barrier. Additional requirements have been added to vapour barrier conformity testing.

Schedule A to BLDG-02-2025

CLADDING

New requirements for the attachment of siding to ICF forms. Additional siding types are permitted to be attached directly to some types of sheathing. New subsection for polypropylene siding.

LARGE BUILDINGS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

FURTHER CLARIFICATION FOR RESTAURANTS

Restaurants with not more than 30 seats must be designed under Part 3, rather than Part 9. This was not clear in the 2012 OBC.

MIDRISE WOOD FRAME CONSTRUCTION OVER 4 STORIES

Wood framed midrise buildings that exceed 4 stories have additional compliance paths for combustible cladding. In the 2012 OBC, this design was required to have noncombustible cladding.

NEW NOTES ADDED TO THE OCCUPANT LOAD TABLE

Occupant load of two person per sleeping room, applies now only to dwelling units (not other suites).

MEZZANINES AND INTERCONNECTED FLOOR SPACE

Low occupancy mezzanines and platforms in non-combustible F2 or F3 buildings are no longer exempt from being considered a storey. Buildings with interconnected floor space must now be sprinklered throughout, rather than wholly or partially. Requirements now specified for protected floor space. Provisions for draft stops added to be provided at each floor level within an interconnected floor space. Provisions have been added to address combustible content limits within the interconnected floor space.

NEW REQUIREMENTS IN WOOD-FRAME CONSTRUCTION

Connections to preservative-treated wood have been added. New tables and fastening requirements have been added for fastening sheathing and subflooring. Anchorage requirements for buildings have been increased based on seismic region. New anchor bolt spacing table added. All exterior steel beams must now be primed. New support requirements for braced wall panels. New subsection added relating to bracing requirements for wood frame buildings. New provisions added relating to the installation of rafters and ceiling joists. The rafter-to-joist nailing chart has been updated to include 300mm on centre rafters and increased nailing requirements. Updated to include additional requirements for high winds and seismic areas.

Schedule A to BLDG-02-2025

SAFETY WITHIN FLOOR AREA

Travel distances for egress in a floor area not sprinklered throughout have been reduced from 25m to 10m and 15m. Tactile attention indicators shall be installed at the top of flights of stairs that are unenclosed, and at drop-off edges with a change in elevation greater than 300 mm that are unprotected by a guard. Doorways in occupancy classifications A, B-1, C, D, E and F now min. 850mm width. An exit sign displaying the word "EXIT" in tactile form shall be mounted on the approach side of exit doors in the direction of travel to the exit.

BUILDING FACING STREET

A building that is classified as Group D, up to 6 storeys, sprinklered and non-combustible, or Group E, up to 3 storeys, and sprinklered: changed from a minimum of 10% to 25% of the building perimeter to be located within the 15m of the street 3.2.2.10.

ROOF ASSEMBLY FIRE RESISTANCE RATING

The permission to have the roof assembly fire-resistant rating waived applies now only to gymnasiums, swimming pools, arenas and rinks, as long as specific provisions are met. Currently roof assemblies can be waived for all building classifications provided the buildings are sprinklered, the sprinkler system is electrically supervised, and the operation of the sprinkler system will cause a signal to be transmitted to the fire department.

LARGE FARM BUILDINGS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

NEW BUILDING CLASSIFICATION

All farm buildings that are more than 600m² in building area or more than 3 storeys in building heights used for major occupancies classified as Group G, Division 1, 2 or 3 agricultural occupancies with no human occupants, and

Farm buildings or part of buildings containing an agricultural occupancy that has an occupant load of not more than one person per 40m² shall be classified according to their major occupancy as belonging to Group G, Division 1, 2, 3 or 4.

Small Farm Buildings that are not more than 3 storeys in building heights and not more than 600m² in building area used for major occupancies classified as Group G Division 1, 2 or 3 agricultural occupancies, shall conform to the National Building Code of Canada.

GROUP DIVISION DESCRIPTION OF AGRICULTURAL OCCUPANCIES

G 1 High-hazard agricultural occupancies

G 2 Agricultural occupancies not elsewhere classified in Group G

G 3 Greenhouse agricultural occupancies

G 4 Agricultural occupancies with no human occupants

ADDITIONAL HIGHLIGHTS

FIRE PROTECTION

Fire alarm provisions, firefighting provisions (similar to Part 3 content)

SAFETY WITHIN FARM BUILDINGS

Travel distance, exits, emergency lighting

HAZARDOUS SUBSTANCES PROCESSES AND EQUIPMENT

Exhaust ventilation and explosion venting, liquid manure storage, storage of pesticides, cannabis operations

STRUCTURAL LOADING

Loads due to use and occupancy, snow and earthquake loading (similar to Part 4 content)

Schedule A to BLDG-02-2025

HVAC

Ventilation for greenhouses, silos, and grain storage bins, below-floor liquid manure (similar to Part 6
Content.

PLUMBING AND SEPTIC SYSTEMS

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

PLUMBING

PLUMBING DESIGNED FOR SEISMIC FORCES

Plumbing systems in Part 3 buildings shall be designed and installed to accommodate seismic forces.

SHUT OFF VALVES

Pipes that convey water from a gravity water tank or from a private water supply system shall be fitted with a shut-off valve at the source of supply. All other buildings shut-off valves shall be provided on the water supply to every fixture or group of fixtures in the same room.

MAXIMUM FLUSH CYCLE

New restrictions on maximum amount of water used in a flush cycle for water closets and urinals. A new table has been added for maximum water flow rates.

NEW PROVISIONS FOR NON-POTABLE RAINWATER HARVESTING SYSTEMS

For the purposes of distributing rainwater from a storage tank by the way of plumbing appurtenances. Permitted to be used for water closets and urinals, clothes washers, floor-mounted service sinks and laundry trays, trap primers, irrigation systems, hydronic systems, make-up water systems for heat rejection systems, or any other system where the rainwater is not ingested. These systems must be designed, fabricated and installed in accordance with good engineering practices.

CATCH BASINS

New requirements for maintenance holes and catch basins.

TRAPS

Interceptors can now be used as a trap under certain parameters. A floor drain that drains to a storm drainage system shall be protected by a trap.

SUMPS OR TANKS

Provisions added for sumps or tanks that receive subsurface water from a subsoil drainage pipe, it shall be provided with a water-and-air-tight cover.

MAKE-UP WATER CONNECTIONS

Schedule A to BLDG-02-2025

Make-up water connections shall be equipped with backflow prevention devices.

SEPTIC SYSTEMS

Ontario has updated its standard for prefabricated septic tanks and sewage holding tanks, which will include a safety screen below cleanout covers. Ontario has also made changes related to Type A Dispersal Beds to distinguish materials used for the 'mantle'.

RADON MITIGATION

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

ROUGH-IN FOR RADON MITIGATION REQUIRED

Ontario has harmonized with the NBC on mitigating the effects of radon – new houses require a rough-in for a subfloor depressurization system if subsequently required (changes will include corresponding revisions to reference Supplementary Standard SB-9 and a new Appendix Note to clarify buildings occupied for a few hours a day may not be required to follow suit).

ROUGH-INS

Rough-ins for radon control systems will be required in most new residential buildings. Non-residential buildings will also require planning for future radon ingress. Prescriptive requirements for a rough-in of radon control system have been added.

TWO UNIT HOUSES

2024 Ontario Building Code Changes

These are highlights only. A digital copy of the 2024 Building Code Compendium is available on the provincial website.

MOSTLY HARMONIZED WITH THE NATIONAL CODE

Ontario's two-unit house provisions have mostly harmonized with the National Building Code's (NBC's) requirements for secondary suites, except for overall suite size provisions.

DEFINITIONS REVISED

Definition of house has been removed from Division A 1.4.1.2. New has been added for a Secondary Suite: A self-contained dwelling unit located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity.

LOWER CEILING HEIGHTS

Currently ceiling heights in residential occupancies are a minimum of 2.3m and 2.1m in the basement, secondary suites are permitted to have not less than 1.95m. Lower ceiling heights over stairs located under beams serving a secondary suite, not less than 1.85m.

EGRESS

A new egress exception has been added for houses with secondary suites.

SMOKE ALARMS

New provision requiring smoke alarms in secondary suites with houses to be interconnected throughout the entire building.

DATE: February 10, 2025

REPORT NO: PD-03-2025

SUBJECT: **Recommendation Report – Application for Temporary Use Extension 9127 Regional Road 20 File No. 1601-10-23**

CONTACT: Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- An application to extend a Temporary Use Bylaw 2024-10 (Agricultural ‘A’ (T-13)) has been made by Mr. Larry Pomerantz on behalf of the property owner of 9127 Regional Road 20.
- The property, located in the Hamlet of Fulton, was granted a 12 month temporary use bylaw to permit the storage of rain barrels and composters on 0.97 hectares of the property, subject to a temporary use agreement in February of 2024.
- A temporary use agreement was signed and completed on March 18, 2024 and a site and grading plan was approved in August of 2024.
- The temporary use bylaw approval lapses on February 26, 2025.
- The agent has applied for a three year extension to the temporary use, or until the Fulton Rural Employment Land Use study is completed.
- A public meeting was held on January 13, 2025 where a number of members of the public provided oral comments.

RECOMMENDATION:

1. That Recommendation Report PD-03-2025 title “Recommendation Report – Application for Temporary Use, 9127 Regional Road 20” dated February 10th, 2025, be received; and,
2. That, application for Temporary Use Extension File No. 1601-10-23, submitted by Mr. Larry Pomerantz for an extension to temporary use Bylaw A(T-13) for three years be denied; and,
3. That, Committee and Council permit an extension of Temporary Use Bylaw A(T-13) for a period of 4 months, expiring on June 24, 2025, as found in the attached bylaw (Schedule D), which prohibits the storage of any additional barrels and to allow for

- the orderly removal of the barrels and restoration of the property; and,
4. That the applicant provides a site plan showing the location of the stored buildings and provides adequate fire routes to the satisfaction of the Township Fire Department.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Champion Strategic Responsible Growth**

BACKGROUND:

An application for an extension to a temporary use bylaw has been submitted by Mr. Larry Pomerantz on behalf of the owner of 9127 Regional Road 20 to allow for a three-year extension to Bylaw 2024-10. The subject property is nearly 20 hectares in size and is located in the Hamlet of Fulton.

In February of 2024, the agent and owner were granted approval of Temporary Use Bylaw 2024-10 which added rain barrel and composter storage as a permitted use on the property for a period of 12 months, ending on February 26, 2025. This approval was subject to the owner entering into a temporary use agreement with the Township and the provision of a grading plan for the site.

An application has now been received to extend the temporary use on the property by three years or until the Fulton Rural Employment Land Use study has been completed.

Staff have attended the site in December of 2024 and found that there were a number of deficiencies, mainly related to grading and erosion control for the site.

A public meeting was held on January 13th 2025 where a number of residents provided oral comments regarding the application. [Staff Report PD-02-2025](#) was also presented to Committee and Council providing additional background on the application and the property.

CURRENT SITUATION:

Administration has now completed a review of the application against the applicable planning policies and have also taken into account a Planning Justification Letter completed by Mike Sullivan of LandPro Planning Solutions, received just prior to the public meeting and the comments raised by members of the public and committee. Administration also received an additional Planning report from LandPro Planning Solutions in late January.

Planning Act

The Planning Act in [Section 39](#) allows for local municipalities to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the

bylaw through the approval of a Temporary Use Bylaw. These bylaws cannot exceed a period of three years from the date of the passing of the bylaw. Council's may grant further extensions provided that they do not go beyond three years as well.

The Planning Act states that upon the expiry of the bylaw, the use is no longer permitted to continue.

The Planning Act requires that Temporary Use Bylaw's follow the same public consultation and approval process as a Zoning Bylaw Amendment.

Provincial Policy Statement 2024

The subject property is designated as being within a Rural Settlement in the [Provincial Planning Statement](#). Prior to the new Niagara Official Plan approved in 2022, the property was designated as Prime Agricultural Area. Provincial policy states that Rural Settlement Areas are to be the focus of growth and development within rural areas and that Planning Authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

The Township has commenced the Fulton Rural Employment Land Use Study to review the subject property as well as the surrounding lands to determine what is appropriate rural development and scale in this area.

Based on Administration's review of the site and the use, as well as the number of concerns from neighbouring residents and farmers, this use is not appropriate in this location.

Niagara Official Plan

The subject property is also designated as Rural Settlement in the Niagara Official Plan as well as has a special policy 8.13.4 which requires the lands to be designated in the Township's Official plan for rural employment uses.

The Niagara Official Plan, in alignment with the Provincial Policy Statement requires the protection and enhancement of the character of rural settlements. This includes ensuring that development in rural settlements are planned to have adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community.

The use on the property does not appear to have a direct connection to nearby agricultural community, but rather supports rain barrels sales in urban centres and internationally.

West Lincoln Official Plan

The Township's Official Plan has the subject lands designated as Hamlet Settlement Area. Similar to the Region's Official Plan, the policies in the Township's Official Plan support

uses that provide service to the larger agricultural and rural community. Further the Township’s Official Plan requires that uses be compatible within the hamlet. The Official Plan also states that Council shall have due regard to the compatibility of the proposal with neighbouring uses.

Based on the number of complaints and concerns raised by neighbouring residents and members of the public during the public meeting, it is evident that the temporary use is not compatible with the surrounding existing uses and does not appear to provide service to the larger agricultural community.

As mentioned previously in this report, the Township is undertaking a study of the Fulton Hamlet expansion area to develop land use policy and zoning regulations to ensure that future employment uses in this area will be compatible with surrounding land uses and that the character of the hamlet be protected.

Township Zoning Bylaw

The subject property is currently zoned Agricultural ‘A’ with a temporary use (T-13) which expires on February 26, 2025. A small portion of the property is also zoned Environmental Protection ‘EP’ near the north east corner of the property.

The Temporary Use Bylaw permits the following:

Temporary Use Provision	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-13	A2	A	Concession 8, Part Lot 34 and 35	<i>Outdoor storage for rain barrels/ composters for 12 months</i>	As per the parent zone, subject to a Temporary Use Agreement	February 26, 2024	February 26, 2025

The applicants are requesting that this zoning be extended for an additional three years or until the Fulton Rural Employment Area Study is completed.

The applicants have submitted a professional planning opinion on January 9th to the Township regarding the extension request. The letter appears to focus on the agreement rather than the expiration of the temporary use bylaw, and appears to argue that the storage of rain barrels is an agricultural and agricultural related use. Administration does not agree with this interpretation, and believes the storage of these materials is an employment related use. The use has little to no benefit to surrounding agriculture and further based on the public comments received at the public meeting, the use has, or could have a negative impact on agriculture in the area.

As stated previously, this area is intended for future rural employment uses, and to

understand what uses are appropriate for this area, the Township is completing a rural employment land use study.

A further justification report was submitted in late January which focused on the completion of site works on the property. Additionally two letters from an Engineering outlining the remaining site plan deficiencies were received on February 3rd. Due to receiving the letters late, Administration has not been able to verify if the works have been completed as stated in the letter.

The Planning Addendum report prepared by LandPro Planning can be found in Schedule C and provides a list of mitigation measures that the applicant could implement to reduce or eliminate many of the concerns raised by members of the public and Committee. Administration does not believe that implementing these mitigation measures will eliminate the concerns raised as it appears that the use is not compatible with the surrounding land uses.

Administration are recommending that the three year extension be denied, and that a four month extension be granted to allow for the orderly removal of the barrels and the restoration of the site. The applicant has indicated to Administration that the barrels will be sold and completely removed from the site by the end of June.

FINANCIAL IMPLICATIONS:

The Township is currently holding \$20,000 in security for the grading and drainage works required to be completed on the site for the rain barrel storage. As the works have not yet been completed, the Township continues to hold this security.

The Township also collected \$5,000 from the agent as part of the Temporary Use Agreement, as security to ensure that the use was removed following the lapsing of the temporary use bylaw. This security amount would not be sufficient to remove and dispose of the majority of the barrels on the property if the Township became involved in their removal. As such, Administration is recommending a temporary use extension of four months to allow for the agent and owner to remove the barrels from the site, which they indicated would occur regardless by the end of June. The bylaw has been drafted to not permit any further barrels being brought to the site.

A new temporary use agreement has also been prepared, which is found in Schedule E. The new agreement is to ensure that the barrels are removed and that the site is restored to its former condition. It also combines the security into one \$25,000 security to ensure that the barrels are removed and that the site is restored by the lapsing date of the four-month extension.

PUBLIC COMMENTS:

The statutory public meeting was held on January 13, 2025 at the Growth and

Sustainability Committee Meeting. Five members of the public provided oral comments before Committee with concerns and opposition around the request for extension.

The concerns raised included: drainage, environmental impacts, the impacts to surrounding farmland, operation of a waste disposal site, the origin and toxicity of the barrels, Ministry of Environment inspections, fire protection plan, exit clean-up plan, impacts to economic development and issues regarding the landowner's involvement.

Administration conducted a scheduled site visit in December and do note that there are a number of drainage and sediment control issues on the property which need to be addressed. What has been constructed on the property is not compliant with the Temporary Use Agreement. Administration inspected a few of the barrels when on site following a delivery, and can confirm that the labels on the black barrels indicated they were originally from Asia and were used for shipping cucumbers to Mississauga. Staff only looked at a small number of barrels, however, the applicant has confirmed following the public meeting that all barrels are food grade.

In additional correspondence with LandPro Planning Solutions, they have also indicated that the barrels are sold to municipalities and charities for rain barrel sales, including the City of Hamilton which is a large customer. Administration contacted the City of Hamilton Rain Barrel program and they indicated that they only purchase new rain barrels and do not accept any used or refurbished rain barrels. Administration has also reached out to the City of Guelph but has not yet heard back at the time of writing this report. As such, Administration has concerns regarding the accuracy of the information provided in the application and planning reports received.

Administration Staff have reached out to the Ministry of the Environment, Conservation and Parks (MECP) compliance division. They have indicated that there may be compliance issues related to the subject property for run-off and the water retention pond which they will begin investigating.

The West Lincoln Fire Services has also been involved and has provided comments further in this report.

COMMITTEE COMMENTS:

Committee raised concerns with the site works not being completed as per the temporary use agreement, involvement of the owner, and increase of security to ensure the clean-up and restoration of the site, firefighting protection, height of barrels, accuracy of information being provided, berm height and alteration and the grade and source of the barrels.

Based on the concerns raised by members of the public and Committee, the use of the property is not compatible with the surrounding land uses and community.

INTER-DEPARTMENTAL COMMENTS:

FIRE SERVICES – The Township Fire Department has requested that a 6 metre fire lane be provided throughout the site to provide access for firefighting. The approved site plan does not show details regarding where the barrels are stored. The Fire Department is not aware of any additional special regulations regarding the storage of plastics, such as rain barrels under the Fire Code. It is the Fire Department’s understanding that the barrels are made of HDPE plastic which is difficult to ignite and sustain burning and as such is not covered in the Ontario Fire Code.

OPERATIONS DEPARTMENT– Administration has completed a site visit in December of 2024 and can confirm that the site works, as required by the approved grading and drainage plan, have not been completed. The Township is holding \$20,000 in security for the completion of the site works, including grading and stormwater management works.

BUILDING DIVISION – There is nothing in the Ontario Building Code that would apply to the storage of barrels as they are not located within a building but stored outside.

This report was also reviewed by the Director of Corporate Services/CFO, the CAO, and the Clerk’s Department.

CONCLUSION:

Administration is recommending that the application for a three year extension to the temporary use be denied and that a four month extension be approved to allow for the orderly removal of the barrels and the restoration of the site. Due to the number of barrels on the property, it would be challenging for the applicant to remove all the barrels prior to the lapsing of the current temporary use. Further, if the Township was to be involved with the removal of the barrels, this could generate a large expense for removal, and would require a significant timeline to get to compliance.

SCHEDULES:

- A. Location Map
- B. Planning Justification Report LandPro Planning
- C. Addendum Report – LandPro Planning
- D. Draft Temporary Use Bylaw
- E. New Temporary Use Agreement

Prepared & Submitted by:

Approved by:



**Gerrit Boerema
Director of Planning & Building**

**Truper McBride
CAO**

Schedule A - Location Map



Legend

-  Zone Boundary
-  Subject Property

Location Map
 9127-9129 Regional Road 20
 0 125 250 500 Meters

West Lincoln
 Your Future Naturally



LandPro Planning Solutions Inc.
204-110 James St. St. Catharines, ON L2R 7E8
St. Catharines Simcoe

January 9, 2025

Planning & Development Department
Township of West Lincoln
Smithville, ON

Professional Planning Opinion
9127 Regional Road 20
Fulton Hamlet

Susan Smyth
ssmyth@westlincoln.ca

This letter is provided in response to the Township of West Lincoln's request for justification to extend a Temporary Use By-law to permit the continued use of the property for outdoor storage of rain barrels, which the Township considers to be a Garden Centre at 9127 Regional Road 20.

1 BACKGROUND

1.1 TEMPORARY SITE PLAN USE AGREEMENT

In 2024, Larry Pomerantz (Client), entered an agreement to purchase 9127 Regional Road 20, from Giovanni DiFlavio (Owner), to establish:

"an outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) for a period not to extend beyond 12 months, in accordance with Temporary Use By-law 2024-10 passed for that purpose or extensions thereto;"

The Agreement, which is between DiFlavio and the Township, also references Pomerantz as the tenant. It requires that full Site Plan Agreement is required for permanent establishment of:

1. Rain barrels/composters, OR
2. Other commercial/industrial use of the lands

We understand that the current property owner may have a history of using this property for uses which may be questionable under the Zoning By-law. This includes the importation and grading of fill, without a permit, among other activities. This unrelated activity could have resulted in a bias with the Township. Our client, in response, is seeking permission for this use, independent of the current owner's activities. This puts the proposed development at a distinct disadvantage when seeking permission for their proposed use.

This Agreement includes a series of definitions that we can only assume are taken from the Townships Official Plan and related documents. The terms of this Agreement seem reasonable and directed towards a full Site Plan Agreement, which may be appropriate for this purpose.

We have reviewed these definitions and found that they have been interpreted literally for this matter, which limits the choices of uses to more traditional agricultural ones, including agriculture related, per the Province's Guidelines.

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

The storage of rain barrels, as are the focus of this Temporary Agreement and its renewal, support agricultural uses. As a result, they meet the definition of “Agricultural Use” and “Agriculture-Related Use.” The Township has interpreted the definitions literally, which do not acknowledge or support the proposed use. This is unfortunate and, in our opinion, contrary to the intent of this business or the use of rain barrels. This position will be further explored later in this letter.

It is our opinion that the definitions of “Agricultural Use” and Agriculture-Related uses” both focus on primary uses. This application proposes rain barrel storage as a secondary or accessory use, which is not specifically addressed in the definitions provided. It is also our opinion that rain barrels are regularly used by agricultural operations and gardeners, to reduce reliance on municipal water supplies, wells and cisterns, while also demonstrating sustainability in their operations.

We view this application as appropriate for Agricultural lands on which it is currently operating. We also view it as compatible with the WSP Employment Lands Study planned for 2025.

2 PROJECT CONTEXT

In reviewing the subject property, the applicant has an option to purchase 9127 Regional Road 20 and currently operates a portion of his business at this location. To date, he has received a temporary use permit to operate rain barrel storage at this location for a period of up to one (1) year, which expires in January 2025.

The Township has recently retained WSP Canada to undertake a Fulton Hamlet Employment Study, which will result in the redesignation of lands within the newly created Fulton Hamlet, to employment. Subject to Council approving the requested extension, it will coincide with the completion of the Fulton Study, which will be implemented with Official Plan and Zoning By-law Amendments, that will presumably redesignate and zone the properties within Fulton to employment uses. This would include the subject property.

We understand that the Region of Niagara approved the creation of Fulton Hamlet in 2022, which effectively brings the subject lands into a hamlet (urban area), ultimately removing them from the agricultural designation. However, the lands remain designated and zoned Agricultural until they are converted to an appropriate designation to facilitate their use as employment lands. More recently, the Township has retained WSP Global to undertake the Fulton Hamlet Employment Lands Study, which will result in Amendments to both the Official Plan and Zoning By-law that will facilitate future establishment of employment (commercial & industrial) uses within Fulton. While this study is yet to commence, it is clear from reviewing the Request for Proposal, that the Township envisions this change being implemented.

It is finally our understanding that the property owner’s relationship with the Township may have muddied the opportunity to operate a non-traditional use, that of storing rain barrels for commercial use, at this location. The tenant, being Mr. Pomerantz, wants to gain permission for using this property for rain barrel storage before purchasing the property from Mr. DiFlavio. The Temporary Site Plan Agreement is written to Mr. DiFlavio, with references to Mr. Pomerantz, as is legally required. However, this is one reasonable way to write the Temporary Agreement. Ideally, Mr. Pomerantz would like his proposed use to be longer than one (1) year prior to purchasing the subject property. Normally Temporary Agreements are for three (3) year durations, which would

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

give Mr. Pomerantz some certainty before investing further in this property. In this instance, we understand that Township staff determined that 1.5 years was appropriate, while Council ultimately approved one (1) year. We suggest this is based on confusion as to the applicant's intention for this property, and possibly the property ownership itself. From a land use planning perspective, it is difficult to quantify the risk to the Township of extending this approval.

3 THE PROPOSED DEVELOPMENT

The development proposed for this property includes rain barrel storage and other goods for sale at local greenhouses.

It is understood that this development will focus on permitting uses, including open outside storage. No new buildings are understood to be involved at this time.

The business has already been in operation for one year, without public comment or complaint.

4 PLANNING FRAMEWORK

In reviewing this matter, it appears that the proposed use does not "fit" with any of the traditional agricultural uses. As a result, Township staff appear to be interpreting the definitions of "Agricultural Use" and "Agriculture-Related Use" literally, recognizing that rain barrel storage, and indeed outdoor storage of goods is not specifically recognized by either definition.

4.1 PROVINCIAL POLICY STATEMENT, 2024

The PPS sets policy for all land uses in Ontario. To be considered good planning, an application must be consistent with the PPS. While there is no specific definition on how to be consistent, it is our understanding that an application must make best efforts to meet the PPS.

With this application, being consistent with the PPS means using this property for agricultural or agriculture-related purposes, which we view as including the storage of rain barrels. The PPS, for example, speaks to permitted uses, yet remains vague on secondary, accessory or supportive land uses. This application focuses on the storage of such uses, being rain barrels.

4.2 GUIDELINES FOR PERMITTED USES ON PRIME AGRICULTURAL LANDS

These are guidelines, which are neither policy nor zoning. They are meant to assist in interpreting the PPS policies. Several municipalities treat them as policy, or worse zoning. Neither is correct.

In our opinion, the rain barrel storage use supports the primary agricultural use, whether it be on-site or off-site.

The Guidelines suggest 2% of a property's land can be used for On-Farm Diversified Uses (OFDU). In this instance, our rough calculations show:

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

$$19.8\text{ha} \times 2\% = 0.396\text{ha (OFDU calculation)}$$

$$0.65\text{ha}/19.8\text{ha} = 3.3\% \text{ (approximately)}$$

The applicant is requesting that approximately 3.3% of the total property be dedicated to OFDU, an increase from the 2.0% set by the Guidelines. The uses proposed for this area include outdoor storage of rain barrels and a garden centre.

Based on our review of drawing C1 prepared by Luban Engineering, the exact dimensions of proposed storage area may be flexible. From our review of the drawing, the area appears to follow a natural drainage channel. This provides a natural limit to the area for storage and results in less, even no removal of agricultural land, which is the principle upon which the Guidelines were approved.

A desktop review of property mapping identifies the area being used for storage of the rain barrels as not being actively farmed. This is likely due to the natural drainage channel's presence and general route, which makes active cultivation of this land difficult.

Based on the above, it is our opinion that this application meets the general intent of the Guidelines and is appropriate for the subject property. However, the development is considered to be commercial by the Township, which complicates matters.

4.3 NIAGARA REGION OFFICIAL PLAN (2022)

A review of the Niagara Region Official Plan notes that the subject property is in a "Rural Settlement." Based on Regional mapping

(<https://navigator.niagararegion.ca/portal/apps/webappviewer/index.html?id=4500745f3cd141ddb707913a444e7886>), the Hamlet is known as Fulton. Presently it includes lands on both sides of South Grimsby Road 18, north of Regional Road 20. Regional mapping, however, shows it is to expand west to South Grimsby Road 19. This will result in a significantly increased hamlet size.

The NROP notes that all lands surrounding Fulton are Prime Agricultural, while the subject property and other lands are identified as "No information exists" at the parcel level, while they are included in the Fulton settlement area.

This correlates with the Township's initiative to prepare Official Plan and Zoning By-law Amendments to facilitate Fulton's transition into an employment area. It also leaves the subject and adjacent properties in a "land use planning limbo," where the lands are no longer Agricultural but not yet Employment. This state of limbo effectively means that no development can occur within the expanded Hamlet boundaries until the Township's Amendments are approved. For any landowners hoping to develop, this results in a multi-month-long delay, which is unreasonable.

The NROP has already accommodated Fulton by including this and adjacent properties within its borders. It is now up to the Township to do the same.

This application conforms to the NROP.

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

4.4 TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The Township of West Lincoln Official Plan (WLOP) is consistent with the PPS and is seeking to conform with the NROP. As a policy document, the WLOP provides more specific policy direction on agricultural and related uses.

Fulton is identified as a Hamlet Settlement Area on Schedule B-3 (Land Use – South Grimsby). The surrounding lands, including the subject property, are designated “Good General Agricultural.” Based on the NROP data, however, the Good General Agriculture designation is obsolete and will be updated based on the outcome of WSP’s contract.

This application will conform to the WLOP, once this application has been approved, and subject to the Township’s Amendments related to Fulton.

5 ANALYSIS

In Ontario, property owners and their municipality have the right to change zoning. Tenants do not. However, with the owner’s permission, the Temporary Agreement could be tailored to the property rather than to the individual who owns the property. This would simplify the Temporary Agreement and result in less confusion and related risk for Township Council to approve it.

Agricultural Uses

Our interpretation of the 2% guideline is that it affords best efforts to meet. Where the need is greater, as is demonstrated here, 3.96% may be justified. Extending the Temporary Use Agreement by up to three (3) years makes sense from a planning perspective. It provides Township Council with an opportunity to review and consider any comments from neighbours or the public as to any impacts (negative or positive). Subject to this, the Temporary Agreement could be made permanent or revised to address any comments. The Guideline applies to the PPS, and by extension the NROP and WLOP, both of which conflict with the applicable policy. In our opinion, relying on the 2% rule from the Guidelines is inappropriate for this application given that the property is no longer considered agricultural.

The NROP identifies the subject property as being within a Settlement Area, known as the Hamlet of Fulton. More specifically, the Good General Agricultural area designation has been removed such that the subject property is now without an approved designation. This leaves the subject property in planning policy limbo, where no changes in land use can be requested until Township Council approves the Amendments, which is scheduled for the end of 2025. This is, of course, subject to change. At issue is the uncertainty this creates for affected property owners, which includes the subject property.

Fulton Employment Study

We understand that Township staff have encouraged the applicant, among others, to wait for the completion of the Fulton Employment Study and its related Amendments until proceeding with their plans. This seems counterproductive to both the Township and the applicants, as the Employment Study may experience delays in receiving approval, which will have resulting delays for applications as is the case here.

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

We believe the Township has a low risk, no cost opportunity to guide the Fulton Employment Study towards completion based on existing demand for employment related matters such as this. The WSP study team can easily accommodate any such changes into its work before the final report is approved. Deferring development applications in the study area is a disservice to the Township and affected residents, who can benefit from multiple opportunities to comment and influence the study outcome.

Agricultural or Commercial Uses

Key to this application is the proposed use. Initially, the uses included outdoor storage or rain barrels with a garden centre also proposed. Both uses can be considered either agricultural or commercial depending on scale. Mr. Pomerantz focuses his business on agricultural and rural residential customers for rain barrels.

The storage of rain barrels is not a use per se. It would be classified as outdoor storage from a zoning perspective. Likewise, garden centres are often found in agricultural areas. Although they may be sold to residential customers in urban areas.

The Township kindly provided their definition of a greenhouse use, which seems to rely on a more traditional view of agricultural use, including percentage uses and even setting minimum and maximums for the use of certain areas (retail, office, vegetation storage, etc.). The greenhouse proposed with this application will comply with the Township rules in force at the time of the application.

Purpose of a Temporary Use Agreement

As a last note, it is important to reflect on the purpose of this request to extend a Temporary Use Agreement. The purpose is to allow the use for a limited time, in order to determine if there is any negative impact to adjacent and nearby lands. This is normally quantified by complaints, usually to by-law enforcement. As of the time of this report, we are not aware of any complaints received by the Township.

It is our opinion that based on the above analysis, there are no significant negative impacts resulting from the Temporary Use Agreement which would preclude its extension.

6 PROFESSIONAL OPINION

The applicant has clearly followed the Township's direction to obtain Council approval for a Temporary Use Agreement. This approach has demonstrated good faith in following the Township's requirements for the permitted uses. In applying for an extension to the Temporary Use Agreement, the application further confirms that the Township rules will continue to be followed.

It is our understanding that given the operational space needed for their business, if the Township is unable to approve the extension, they will look elsewhere for a suitable property to continue operations.

It is also our opinion that the uses proposed should eventually be able to occupy more space on the subject property once the Fulton Employment Study and its resulting Amendments are approved. The property is anticipated to be zoned employment, which will facilitate an enlarged area for use by this business. At that

9127 Regional Road 20, Smithville: Extension of Temporary Use Agreement

Larry Pomerantz

point, the lands will no longer be agricultural, but rather focused on employment. Removal of agricultural productivity will no longer be an issue.

For the applicant, they simply wish to continue operating their business at this location until the Township rules allow them to expand to their full potential.

In our opinion, there is no risk to the Township of approving an extension to the Temporary Use Agreement. The risk is to the applicant, who seeks permission to continue his business at this location.

7 RECOMMENDATION

Based on our research of this application, we recommend the following:

1. That this Temporary Agreement be extended for up to three (3) years, or until the Fulton Employment Lands Study is completed and approved by Council.
 - a. This is to provide the applicant with some much needed certainty to operate his business.
 - b. It also accounts for delays in completing the Township approvals process.
2. That the processing of this application be made concurrent with the WSP Study and its expected outcome.
3. That the Temporary Use Agreement be tied to the future property owner with the cooperation of the current property owner.
4. That the Temporary Use Agreement be updated to reflect the points noted in this Report.

8 CLOSING

The applicant continues to operate on a good faith basis with the Township. Spatial needs, uses proposed, and the location for said uses are all presented openly to the Township.

If we are agreeing to a Temporary Use Agreement, it should be for three (3) more years in case there are any unexpected delays.

We respectfully request that this brief be considered and acted on in advance of the January hearing date. Please contact me with any questions. We will be attending the hearing and available to discuss as required.

Sincerely,

LANDPRO PLANNING SOLUTIONS Inc



Michael Sullivan, MCIP, RPP
President | Founder



LandPro Planning Solutions Inc.
204-110 James St. St. Catharines, ON L2R
7E8
St. Catharines Simcoe Waterloo

January 30, 2025 (**UPDATED**)

Township of West Lincoln
Canborough Road
Smithville, ON

Planning Addendum – Extension of Temporary Use Agreement
9127 Regional Road 20
Rain Barrel Storage Business

Susan Smyth
ssmyth@westlincoln.ca

This letter is to supplement LandPro Planning Solutions Inc. (LandPro) Planning Opinion, dated January 2025, regarding the suitability of seeking an extension of the Temporary Use Agreement for the open storage of rain barrels at 9127 Regional Road 20 in Smithville, ON.

1 BACKGROUND

LandPro was retained in mid December 2024 to assist Mr. Pomerantz with a request to extend a Temporary Site Plan Use Agreement (TUA) prior to its expiry in February 2025. As you know, this TUA is between the Township of West Lincoln, Mr. Giovanni DiFlavio (property owner), and Mr. Larry Pomerantz (tenant).

Mr. Pomerantz is committed to fulfilling all the requirements as stated in the Agreement. While several public comments were directed towards our client, our goal is to focus on the facts towards generating a positive outcome in the extension of this TUA for all parties.

We understand that Mr. Pomerantz is within his rights to store rain barrels on the property so long as he complies with the following items. At issue is the degree to which he is complying with the terms of the TUA, namely:

1. **Grading and Drainage Plan** – A site grading and erosion control plan was done by Luban Engineering Ltd. in March 2024, which was submitted to the Township.
2. **Stormwater Management System** – A stormwater and sediment control basin was designed and constructed in accordance with the Luban Engineering report.
3. **Security Deposits** – We cannot confirm the status of these deposits.

After learning about some of the requirements yet to be completed, namely the planting of trees and sod around the berm, we have advised Mr. Pomerantz to complete these items in order to comply with all Township requirements as stated in the TUA. We look forward to working with the Township so that we can bring this matter to an amicable resolution.

2 PRELIMINARY PLANNING OPINION

LandPro submitted a Preliminary Planning Opinion, dated January 9, 2025, which was based on information provided to us by the applicant and was therefore of a limited scope. The focus of this opinion is on the suitability of the rain barrel storage to be considered an agriculture-related or on-farm diversified use.

Based on the information received at the public meeting, this preliminary opinion was insufficient for the Township to consider our rationale towards the extension of the TUA.

This Addendum addresses our updated opinion on this matter.

3 PUBLIC COMMENTS

During the public meeting held on January 13, 2025, several members of the public provided comments on this application. Their concerns included:

1. Localized Flooding
2. Toxicity of Barrels
3. Truck Traffic
4. Dumping Activities
5. Height of Barrels
6. Fire Hazard

We will address each comment directly below.

3.1 LOCALIZED FLOODING

The TUA requires that a Stormwater Management Plan be created and implemented to manage surface water flow. Luban Engineering, a professional civil engineer, completed a Grading & Erosion Control Plan on March 24, 2024, which was submitted to the Township to address this.

We understand that the property was graded to implement the requirements of this Plan. Luban Engineering has confirmed by letter, refer to **Appendix A**, that the grading was conducted properly.

Based on our site visit of January 17, 2025, no standing water was present, aside from local pooling from snow/ice melt. The stormwater pond was constructed, and no standing water was visible due to it being covered in snow. The outlet from the SWM pond, which followed a route between berms, showed no moving water.

1. Erosion and Sedimentation

Any erosion throughout the majority of the 2.5 acres is captured by the sediment pond.

All lands north of the spillway are covered by the sediment pond.

There is already a grass and naturalized buffer all the way around the exterior base of the berm to prevent erosion.

Only clean water is discharged from the pond.

The area on the far side of the berms was not altered, so they remain naturalized. During our site visit, there was no visible evidence of local erosion. Any exposed areas should be covered by geotextile, or a natural grass mixture.

A letter from Luban Engineer detailing stormwater management efforts is forthcoming that will provide a more detailed explanation of works completed. This letter is provided as **Appendix A**.

3.2 TOXICITY OF BARRELS

Our understanding is that Mr. Pomerantz is only storing BPA-free, food grade barrels. The barrels are used to store pickles, emptied, and rinsed before being brought onto the property. As a result, the barrels delivered to the site are empty and suitable for outdoor storage.

The applicant has confirmed to LandPro that the barrels are rinsed off-site. They are inverted and when emptied, they arrive on-site free from any liquid or other contaminants. The barrels are sourced directly from food processors and manufacturers and meet all applicable regulations.

It should be noted that Mr. Pomerantz supplies his barrels to cities and municipalities throughout Canada and the United States, who then provide them to residents as a way to store/recycle rainwater and reduce the burden on local infrastructure. He also works with not-for-profit partners involved with animal rescues, schools, community and church groups, environmental organizations, healthcare, and local youth groups.

To address public comments, we recommend the Township contact the Ministry of the Environment, Climate and Parks (MECP) for further guidance on this matter, if desired.

During our site visit, the barrels were observed to be empty. Lids are manually applied to each barrel to permit safe storage. All barrels observed were sealed by lids. Photographic evidence of this is attached as **Appendix B**.

3.3 TRUCK TRAFFIC

We understand that truck traffic varies daily and seasonally with most deliveries occurring in the fall and winter at an average of about two truckloads per day, and most pick-ups occurring in the spring and early summer.

The trucks travel along the existing driveway, pass to the west of the barn, and park in a cleared space some 20m from the barn.

During LandPro's site visit earlier this month, we witnessed two transport trucks delivering barrels to the site. We understand that this is unusually high activity for January, yet it is possible. While both trucks were unloading, we were able to converse without raised voices at a distance of ~30m from the trucks. This suggests that the unloading of barrels does not generate significant noise.

Members of the public noted significant concern with truck traffic to and from the site. LandPro saw no evidence of this being a major issue, other than the two transport trucks during our visit. We do understand that truck traffic varies by day and season but noted that the 2.4 acre area was fully occupied during our visit. This

suggests that potential traffic will be minimal until spring when the barrels begin to move off-site. Site photos demonstrating this are provided in **Appendix B**.

3.4 DUMPING ACTIVITIES

A total of 2.5 acres of land is being used for the storage of barrels. During our site visit, which was photographed extensively, there was no evidence of dumping activities witnessed.

In addition, the lands adjacent to the east and west of the site were visually reviewed and no evidence of dumping was observed. We do understand that the remaining part of this property may have been active with the importation of fill, which normally requires trucks to deliver. This activity is not related to the application by Mr. Pomerantz.

We note that the adjacent lands are not used for, or proposed to be used for, the storage of rain barrels. Photographs of the site are attached in **Appendix B**.

3.5 HEIGHT OF BARRELS

The rain barrel storage piles were measured at approximately 5m (16 feet), which is less than the 15m (49 feet) permitted by Section 5.3 of the Township’s Zoning By-law. Also noted is that the Zoning By-law limits outside storage to 15% (AR zone).

In our original opinion report, we calculated the area used for the storage of rain barrels to be ~ 5.0%, which is significantly below the 15% permitted. The Zoning By-law regulates “*Maximum Height*” and “*Maximum Outside Storage*”, both of which inform this application. **Table 1** (below) demonstrates these regulations.

Table 1 - Agricultural zoning requirements

Regulation		Zone Requirements		
		A	APO	AR
Minimum rear yard	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<i>Other main building</i>	20m		7.5m
Maximum lot coverage	<i>Greenhouses</i>	70%		40%
	<i>Dwelling⁽⁴⁾</i>	10%		
	<i>Other buildings or structures</i>	10%		
Maximum height		15m		15m
Minimum landscaped open space		No minimum		10%
Maximum outside storage		5% of lot area ⁽³⁾		10% of lot area ⁽³⁾
Maximum distance from an accessory building or main building		The nearest point of a wall of any building must be located within 50 metres of all other related residential or agricultural building respectively.		

9127 Regional Road 27, Fulton: Rain Barrel Storage Business (UPDATED)

Mr. Larry Pomerantz

While the A zone limits the height of buildings to 15m (49ft), there are no specific restrictions on the height of outside storage. That said, the rain barrels are not themselves considered a use. Rather, the storage of rain barrels is zoned based on them being outside.

We have taken a conservative approach here, using the AR zone provisions, which arguably no longer apply to this site. In our view, this property and those that have been included in the Hamlet have neither OP designations, nor Zoning, until the Township Amendments are complete.

As a result, Zoning provisions arguably don't apply to this matter. That said, we have demonstrated that this application does comply with the requirements of the AR zone.

Public comments noted the visual impact from the height of the barrel storage piles. Guidance will be required from the Township as to their preference for reduced footprints, or minimal heights for the storage. If reduced footprints are desired, the height of the piles will need to increase.

From our perspective, the storage of the barrels complies with the outdoor storage requirements in the Township's Zoning By-law and complies with the TUA as it is no more than 2.4 acres in area. It is our opinion that the storage piles currently comply with the provisions of the AR zone.

3.6 FIRE HAZARD

We understand that the applicant has worked with the Township Fire Department, which directed Mr. Pomerantz to maintain a distance of at least 16 feet from any existing building or structure, to act as a fire buffer.

We confirmed visually that the barrels are indeed placed at the required distance from existing buildings and structures. While we were unable to confirm exact measurements, it appeared to be at least 16 feet.

Further, we note that the materials used in the rain barrels are food grade and thus likely require exposure to intense flame or other sources of heat, such as a lightning bolt, to ignite.

In consultation with the Fire Department, the applicant has incorporated their recommendations into the functionality of the property.

Based on our visual review of the site, all matters raised by the Township Fire Department have been implemented and are being maintained.

4 ANALYSIS

4.1 PUBLIC COMMENTS

Several points were raised by the public. In reviewing these comments and when considering LandPro's site visit and discussions with Township staff and the applicant, LandPro has recommended mitigation measures be put in place to address certain issues, including:

9127 Regional Road 27, Fulton: Rain Barrel Storage Business (UPDATED)

Mr. Larry Pomerantz

1. Erosion & Sedimentation
2. Truck Traffic
3. Height of barrel storage
4. Dumping activities

We believe that Mr. Pomerantz is complying with the Zoning By-law; that his barrels are non-toxic and not causing any adverse effects to the surrounding environment or community; public disturbances related to his operation are minor in nature; and that he has put the necessary engineering controls in place to mitigate sediment runoff from his property. Furthermore, Mr. Pomerantz is eager and willing to satisfy all Township requirements concerning his TUA and any fire prevention measures.

4.2 FULTON EMPLOYMENT STUDY

We understand this study is in progress, with WSP Global leading the initiative. The outcome of this contract is to amend both the Official Plan and Zoning By-law, which will facilitate the transition of the study area from an agricultural/residential area, to one likely focused on employment uses (commercial/industrial).

Awarded recently, we understand the Township intends to have this study completed in calendar 2025. This normally would require Council adoption of the changes, which would then require a Township Amendment to be successfully implemented.

Given Niagara's Regional Planning function will cease on March 31, 2025, Regional approval is not required for an Official Plan Amendment. This shortens the time period required for implementation.

Township staff, we understand, are recommending an 18 month extension to the TUA. Ideally, the TUA would be tied to Council approval of the Amendments, rather than a specific timeline.

LandPro will be working actively with WSP on this project to ensure that the applicant's position is known and addressed, as appropriate.

4.3 PROPOSED USE – GARDEN CENTRE/OTHER

As per the West Lincoln Zoning By-law 2017-70, a garden centre means "a premises used for the display and retail sale of goods related to gardening and landscaping."

Based on our understanding of the applicant's business, it is currently limited to the outdoor storage of rain barrels. The sale of rain barrels is directly related to gardening and landscaping. The applicant's customers include municipalities, and charities, with limited direct sales to the public. As the Township's definition includes the term "retail," it is difficult to determine how this word is defined and how this business would meet such a definition.

Once Mr. Pomerantz has successfully established his business at this location, he intends to purchase the property. At that time, further discussions with the Township would occur where a longer term vision for the property would be initiated. This might include a garden centre. Ownership of the property is required before a fulsome vision can be considered. Legally establishing the existing business on the site is a necessary first step.

We are of the opinion that the storage of rain barrels is a temporary and unique use which is difficult to link to traditional zoning definitions. Working with WSP and the Township, a new definition for this and related uses may be required in forthcoming Amendments.

4.4 SUMMARY

In analyzing the above, most public and Township comments can be mitigated or eliminated. Current Township zoning (AR) was used in reviewing the height of the barrel piles, which is actually not applicable to this matter, as the property is not presently zoned.

We believe that working with WSP and the Township through the Fulton Employment Study will yield positive results for both parties.

5 RECOMMENDED MITIGATION

Based on the issues identified above and our work to date on this project, additional mitigation measures may be appropriate to minimize visual impacts of this operation, and reduce the opportunity for negative impacts to the community:

1. Any exposed (non-vegetated) areas should be covered by geotextile fabric, and ideally a natural grass mixture to prevent erosion.
2. Planting of native grasses (annual rye grass) or hydro-seeding should occur as soon as possible, to stabilize all berms and minimize spring run-off the stormwater pond.
3. Native tree species should be used for all visual screening. The caliper size of such plantings needs to be confirmed by the Township.
4. Create a definition for the proposed rain barrel use in forthcoming Amendments.
5. Fire protection measures as directed by the Township Fire Department should be implemented.
6. Delivery and pick-up of barrels are restricted to daylight hours, ideally between 8am and 5pm, where possible, to minimize noise pollution to adjacent and nearby properties.

We believe that implementation of the above mitigation measures will reduce or eliminate many of the concerns addressed by the public and Committee at the February meeting.

Ideally, these mitigation measures would be implemented as part of a formal Site Plan Agreement. However, given that an extension to the Temporary Use Agreement is currently being requested, we recommend the following measures be considered for immediate implementation:

1. Any exposed (non-vegetated) areas should be covered by geotextile fabric, and ideally a natural grass mixture to prevent erosion.
2. Planting of native grasses (annual rye grass) or hydro-seeding should begin as soon as possible, to stabilize all berms and minimize spring run-off from the stormwater pond.
3. Fire protection measures as directed by the Township Fire Department will be implemented.

Extension of Temporary Use Agreement (TUA)

January 31, 2025

9127 Regional Road 27, Fulton: Rain Barrel Storage Business (UPDATED)

Mr. Larry Pomerantz

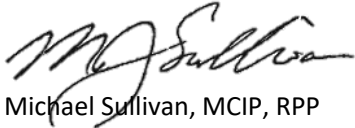
6 CLOSING

We trust the above demonstrates an understanding of the issues raised by the public and Committee, as well as a willingness to reduce/eliminate significant issues in the short term, and to comply with the terms of an extended Temporary Use Agreement.

We welcome further discussion on this matter and can be available to discuss this application further at the February Council meeting, if desired. Please advise if an updated presentation is deemed necessary by Council. We can be reached at mike@landproplan.ca and by phone at 289-687-3730.

Sincerely,

LANDPRO PLANNING SOLUTIONS Inc.



Michael Sullivan, MCIP, RPP
President | Founder

Michael Black, C.Tech
Planning Assistant

Gerrit Boerema

From: Mike Sullivan <mike@landproplan.ca>
Sent: February 3, 2025 11:06 AM
To: Susan Smyth
Cc: Gerrit Boerema; info@rainbarrel.ca; Michael Black
Subject: Re: Updated Engineer's Letter - Highway 20, Fulton property

Good morning Susan,

Thanks to Michael for forwarding the updated letter.

I wanted to note that we have collectively been struggling to determine Larry's business and how its use fits with Township Zoning and Official Plan policy. In short, we tried to explain this in our report, though a bit more detailed understanding of his business might be helpful.

My understanding is that Recycling Service, Larry's company, deals in recycling food grade quality barrels, originally used for pickles, transforming them into residential rain barrels. Larry has kindly confirmed the nature of this transformation. It is a unique and easily misunderstood business to many, likely including Council.

Larry's customers are both municipalities and charities. For example, the City of Hamilton is a large customer. They buy rain barrels from Larry's company and distribute them to taxpayers for use at the property level. Likewise, charities may use the rain barrels for fundraising purposes. Some other clients of Larry's include the City of Guelph and City of Chicago.

I trust this provides some additional clarity on this matter.

Kind Regards,

Mike Sullivan, MPlan RPP MCIP

Founder

Principal Planner



 LandPro Planning Solutions
 204-110 James Street
 289-687-3730
 mike@landproplan.ca
 www.landproplan.ca/

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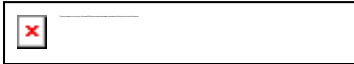
On Mon, Feb 3, 2025 at 9:59 AM Michael Black <mblack@landproplan.ca> wrote:
Good Morning Susan,

I have attached the latest version of the Luban Engineering letter regarding 9127 Highway 20 (Pomerantz), as the one you have may not be the updated version. Apologies for any confusion.

--

Kind Regards,

Michael Black



 LandPro Planning Solutions
 204-110 James Street
 289-687-3730
 416-895-1095
 mblack@landproplan.ca
 www.landproplan.ca/

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Luban Limited

7373 Lionshead Ave, Niagara Falls, Ontario L2G7S4

☎: 226-688-7928

Feng.Shi@hotmail.ca

January 31, 2025

Via: Email

Mrs. Susan Smyth, Senior Planner
Township of West Lincoln
318 Canborough St. Box 400
Smithville, ON L0R 2A0

CC: Mr. Larry Pomerantz

Re: Site Grading & Erosion Control Insepction
Temporary Use Agreement - Highway 20, Fulton property
9127 Highway 20, Smithville, ON L0R 2A0

A Luban Ltd. engineer conducted a site inspection on January 26, 2025, regarding the Site Grading & Erosion Control construction at 9127 Highway 20.

The site has been generally graded, and the temporary sediment control pond has been constructed in accordance with the Grading & Erosion Control Plan designed by Luban Ltd. However, the east-side swale was obstructed by rain barrels, and the berm slope is too steep, requiring slope protection.

We spoke with the owner, Mr. Larry Pomerantz, who confirmed that due to snow cover, the remaining work will be completed in spring 2025. The planned work includes:

- Remove the rain barrels from the east side swale and place straw bales at 20m intervals.
- Install geo-textile cloth on the south-end berm slope, beyond the spillway.
- Extend the riprap by an additional 5m along the outlet channel of the temporary sediment control pond.

Yours Truly

A handwritten signature in black ink, appearing to read "Feng Shi".

Feng Shi, P.Eng.
Princial Engineer

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025 – 04

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 AND 39 OF THE PLANNING ACT, 1990;

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

1. THAT Schedule ‘A’ Map ‘A2’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 8, Part Lot 34 and 35, municipally known as 9127 Regional Road 20 (“Subject Lands”), shown on Schedule ‘A’, attached hereto and forming part of this by-law.
2. THAT Schedule ‘A’ Map ‘A2’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands as shown on Schedule ‘A’ of this By-law from Agricultural Zone A (T-13) Zone to a site specific Agricultural zone with a temporary use number A(T-15).
3. THAT for the purpose of this By-law, a temporary outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) and for a period not to extend beyond four (4) months from the date this By-law is passed (“Expiry Date”), to allow for the orderly removal of the existing rain barrels and no additional barrels are permitted on the Subject Lands.
4. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-15	A2	A	Concession 8, Part Lot 34 and 35	<i>Temporary Outdoor storage of rain barrels/ composters to allow for the orderly removal of barrels by the Expiry Date of this Bylaw.</i>	As per the parent zone, limited to and area of 0.97 hectares, subject to a Temporary Use Agreement signed upon bylaw approval, and that no additional barrels be permitted and that the owners upon approval of the bylaw present to the Fire Department a site plan showing the location of barrel storage	February 10, 2025	June 10, 2025

5. THAT all other provisions of By-law 2017-70, as amended continue to apply.
6. THAT the Owner and Tenant of the Subject Lands are required to enter into an

agreement, containing the conditions of this Temporary Use.

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
10th DAY OF FEBRUARY, 2025.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, INTERIM CLERK

DRAFT

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2025-04

Location:

This By-law involves a parcel of land legally known Concession 8; Part Lot 34 and 35, municipally known as 9127 Regional Road 20, Township of West Lincoln, Regional Municipality of Niagara.

Purpose & Effect:

Temporary Use By-law for outdoor storage for the rain barrels/composters with the site specific provision for the outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) for a period not to extend four months beyond the date of the passing of this By-law, in order that the existing rain barrels may be removed and the site restored to its original condition.

Public Consultation:

The Public Meeting was held on January 13, 2025. All written and oral comments have been considered in the making of the decision by Council.

File: 1601-010-23

Applicant: Larry Pomerantz (Agent) and Giovanni Diflavio (Owner)

DRAFT

TOWNSHIP OF WEST LINCOLN
TEMPORARY SITE PLAN USE AGREEMENT
GIOVANNI DIFLAVIO
9127 REGIONAL ROAD 20

THIS AGREEMENT made this _____ day of _____, 2025, and authorized by By-law No. 2025-04 of the Corporation of the Township of West Lincoln.

BETWEEN: THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
(“TOWNSHIP”)

AND: GIOVANNI DIFLAVIO
(“OWNER”)

AND: LARRY POMERANTZ
(“TENANT”)

(Owner and Tenant are collectively, “Applicant”)

WHEREAS:

1. The Owner warrants and represents it is the registered Owner, in fee simple, of the lands legally described in Schedule 'A' attached hereto (“**Lands**”) and forming part of this Agreement;
2. The Applicant has established an outdoor storage area for rain barrels/composters to not to exceed 0.97 hectares for a period not to extend beyond the time permitted in the Temporary Use By-law 2024-10 passed for that purpose and extensions thereto;
3. The Applicant acknowledges that the lands are subject to this Temporary Use By-law pursuant to the provisions of Section 39(1) of the *Planning Act*, R.S.O., 1990, , Site Plan Control By-law 2014-18, and this Temporary Site Plan Use Agreement pursuant to Section 41 of the Planning Act.
4. The Township is of the opinion that this agreement is necessary to ensure the orderly removal of barrels from the Lands by the date specified in the Temporary Use Bylaw and to restore the site to its original condition.
5. The Applicant agrees to enter into this Temporary Site Plan Use Agreement with the Township as a condition of site plan control and the Township's Temporary Use By-law.
6. The Applicant agrees that the Temporary Use Agreement dated March 18, 2024 becomes null and void on the signing of this Agreement.
7. The Municipality deems it expedient and advisable to enter into an agreement with the Owners regarding the temporary use of the Lands, which will be implemented by By-law and is enforceable *inter alia* Section 442 of the *Municipal Act, 2001*, as amended.

NOW THEREFORE, in consideration of the mutual covenants expressed herein and other good and valuable consideration, the parties agree as follows:

1. DEFINITIONS

In this Agreement:

- (a) "Agricultural Use" means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.
- (b) "Agriculture-Related Use" means premises used for commercial uses and industrial uses that are directly related to agricultural uses in the area, require a location that is in close proximity to agricultural uses, and directly provide products and/or services to agricultural uses as the primary business, including agricultural service and supply establishments, commercial kennels, veterinary clinics, and farm produce processing and storage facilities.
- (c) "Chief Building Official" means the Chief Building Official, or designate, of the Township.
- (d) "Clerk" shall mean the Clerk, or designate, of the Township.
- (e) "Director of Planning" means the Director of Growth and Sustainability, or designate, of the Township.
- (f) "Director of Public Works" means the Director of Public Works and Engineering, or designate, of the Township.
- (g) "Lands" means the lands described in Schedule 'A' and shown on Schedule 'B' Site Plan attached hereto and forming part of this Agreement.
- (h) "Outside Storage" means an area of the Lands used for the storage of goods and materials accessory to a principle use for a business located within a building or structure on the same lot.
- (i) "Owner" means Giovanni Difflavio, or any successor thereto.
- (j) "Required", where not specified, means required by this Agreement and/or an appropriate authority.
- (k) "Tenant" means Larry Pomerantz (Rain Barrel.ca) to occupy or temporarily have possession of the Lands.
- (l) "Township" means The Corporation of the Township of West Lincoln.

2. STORMWATER MANAGEMENT

- (a) The Applicant shall construct a stormwater management system to adequately drain the lands and all or any portion of the ultimate drainage area in which the lands are located. This drainage system shall be constructed in accordance with the design and plans approved by the Township and Region of Niagara and the construction and materials shall be in accordance with the requirements of the Township. The Owner covenants and warrants that the stormwater management system will be designed and installed such that surrounding lands are not adversely impacted and that there is no increase in post development flow rate. The Consulting Engineer shall confirm that the stormwater management facility has been designed to accommodate stormwater flows in terms of quantity and quality with approval from the Ministry of Environment, Conservation and Parks.

- (b) Upon completion of the project, the Consulting Engineer shall certify that all grading, and stormwater management system have been constructed in general conformity to the approved drawing to the satisfaction of the Township and the Region of Niagara.

3. GRADING AND DRAINAGE

- (a) The Applicant agrees that no soil shall be added to or removed from the lands in accordance with the Township Site Alteration Bylaw. All fill material, whether originating from this project or another site must comply with O. Reg. 406/19 (New Access Soil Regulation) and O. Reg. 153/04 (Provincial Standard for the Assessment and Cleanup of the environmentally impacted land) and be contained within the Lands to which this Agreement applies.
- (b) The Applicant agrees to establish the original grades prior to the approval of the Temporary Use Bylaw and any works completed on the site related thereto.
- (c) Adequate sediment and erosion control measures shall be in place for any additional alterations to the site, including restoration of the site to its former state.

5. NOTIFICATION

Any Notice or Notification pursuant to the terms of this Agreement may be effected by prepaid First Class Mail:

- (a) By the Township upon the Applicant at its address: 9127 Regional Road 20, Smithville, ON, L0R 2A0, unless otherwise advised.
- (b) By the Owner upon the Township at its address: P.O. Box 400, 318 Canborough Street, Smithville, Ontario L0R 2A0

Service of such Notice or Notification shall be deemed to have occurred seven (7) days after the date of the mailing of same.

8. GENERAL

- (a) The Applicant hereby constitutes any successor-in-title to the Lands with full authority to enter into this Agreement with the Township to be amended from time to time.
- (b) The Applicant agrees that no additional barrels are to be imported to the lands. The Owner agrees that all barrels will be removed from the property by the expiry date of the Temporary Use Bylaw 2025-04.
- (c) The Applicant agrees not to extend the area used for the temporary storage of barrels.
- (d) The Owner agrees that upon the execution of this Agreement, the Lands are charged with the performance of this Agreement.
- (e) It is understood and agreed that this Agreement and everything contained herein shall be to the benefit of and be binding upon the heirs, executors, administrators, mortgagees, successors-in-title and assigns of each of the parties hereto as the case may be and shall constitute a covenant running with the Lands.
- (f) The Applicant grants to the Township, its servants, agents and assigns, permission to enter upon the lands for the purpose of inspection of any work referred to in this Agreement and for the purpose of completion of any site alteration or works in accordance with this Agreement, and such entry and inspection shall not be deemed an acceptance of any of the works by the Township or an assumption by the

Township of any liability in connection therewith or a release of the Applicant of its obligations under this Agreement.

- (g) The Applicant understands and agrees that the Lands will be maintained in accordance with the terms and conditions of this Agreement. Failure of the Applicant to do so can result in the Township doing so at the sole expense of the Owner.
- (h) In the event of failure by the Applicant to carry out any provisions of this Agreement (the determination of which shall be at the sole discretion of the Director of Planning), the Township may provide Notice to the Applicant of the nature of the failure.
- (i) If the Applicant fails to remedy any failure of which it has been notified pursuant to this Agreement within twenty-one (21) days after Notice by the Township, the Township shall have the full authority, power and right to enter upon the lands to employ such labour and to use such equipment and machinery as is deemed, in the sole discretion of the Township, to be necessary to complete and perform any work that is required to remedy the failure. The Applicant agrees to pay the Township the costs to remedy the failure. Without limiting the foregoing, such costs may include legal, planning, engineering or any other professional or administrative costs incurred by the Township. In the event of the failure of the Applicant to pay such costs within thirty (30) days of serving Notice thereof upon the Applicant, the Township shall have the right to recover such costs by action or in like manner as Municipal taxes.
- (j) The Applicant will at all times indemnify and keep indemnified and save harmless the Township from any losses, costs, damages and injuries which the Township may suffer or be put to for or by reason of the construction, maintenance or existence of any use or work done by the Applicant, its contractors, servants or agents on the Lands or on any lands adjacent to such Lands and such indemnity shall constitute a first lien and charge on the lands in favour of the Township.
- (k) The Applicant understands and agrees that there shall be no use, work performed on, or development of, the Lands except in conformity with all applicable municipal by-laws and Provincial legislation, and that this Agreement or approval of plans does not exempt the Applicant from any applicable statute, regulation, or code of any other authority having jurisdiction contrary to the requirements of this Agreement or prevent the Township from taking action to rectify any non-compliance resulting from said use, work or development taking place.
- (l) The Applicant shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any Administrative Tribunal the right of the Township to enter into this Agreement and to enforce each and every term, covenant and condition herein contained and this Agreement or this Clause may be pleaded as an estoppel against the Applicant in any such proceeding.

9. SECURITIES

- (a) The Applicant agrees to provide a total security deposit of \$25,000 for security for this Temporary Use Agreement ("Security Deposit").
- (b) The Security Deposit will be returned upon the complete removal of all rain barrels/composters and related products on the Lands and the restoration of the property to its former state prior to the approval of Temporary Use Bylaw 2024-10.
- (c) The Security Deposit shall be forfeited if any of the Applicant fails to comply with the terms of this Agreement.
- (d) The Applicant agrees that the securities provided as part of the Temporary Use Agreement dated March 18, 2024 be transferred to the terms of this agreement.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper signing officers duly authorized in that behalf.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

**THE CORPORATION OF THE
TOWNSHIP OF WEST LINCOLN**

Gerrit Boerema,
DIRECTOR OF GROWTH AND SUSTAINABILITY
I have authority to bind the Corporation

GIOVANNI DIFLAVIO

WITNESS

SIGNATURE

PRINT NAME:_____

DATE SIGNED:_____

LARRY POMERANTZ

WITNESS

SIGNATURE

DATE SIGNED:_____

SCHEDULE 'A'

LEGAL DESCRIPTION

All and singular that certain parcel or tract of land, situation lying and being composed of Concession 8; Part Lot 34 and 35 Township of West Lincoln, Regional Municipality of Niagara, municipally known as 9127 Regional Road 20.

SCHEDULE 'B'
CONCEPTUAL SITE PLAN

DATE: February 10, 2025

REPORT NO: PD-07-2025

SUBJECT: **Recommendation Report- Application for Zoning By-law Amendment – 7793 Young Street (File No. 1601-013-24)**

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

OVERVIEW:

- A Zoning Bylaw Amendment application for was submitted by Serberras Engineering Group on behalf of the property owners of 7880 Concession Road 7 and 7793 Young Street. Agri-plastics, a local plastic manufacturing business that supports the agricultural sector, located on 7880 Young Street and this rezoning is to facilitate a future expansion and recognize a parking lot.
- This application for rezoning is required as a condition of consent for a Severance File B01/2024WL. This consent application was approved on February 18th 2024 to permit a boundary adjustment where 1.2 acres from 7880 Concession Road 7 was added to 7793 Young Street to accommodate an existing parking lot as well as a future 2,679 square meter building addition which will connect the three existing warehouse buildings. The full planning review for the boundary adjustment can be found in the [Committee of Adjustment Report COA-03-2024](#).
- Staff previously brought [Technical Report PD-01-2025](#) to Planning Committee outlining the zoning amendments and specific details of the proposed expansion.
- There have been no additional comments submitted at the time of writing this report and after reviewing the application against the applicable policies, Administration can recommend approval of this zoning bylaw amendment application.

RECOMMENDATION:

1. That, Recommendation Report PD-07-2025, titled “Recommendation Report- Application for Zoning Bylaw Amendment- 7793 Young Street” (File No. 1601-013-24) dated February 10th 2025, be received; and,
2. That, the application for Zoning Bylaw Amendment for 7793 Young Street, be approved in accordance with the attached Zoning By-law Amendment.

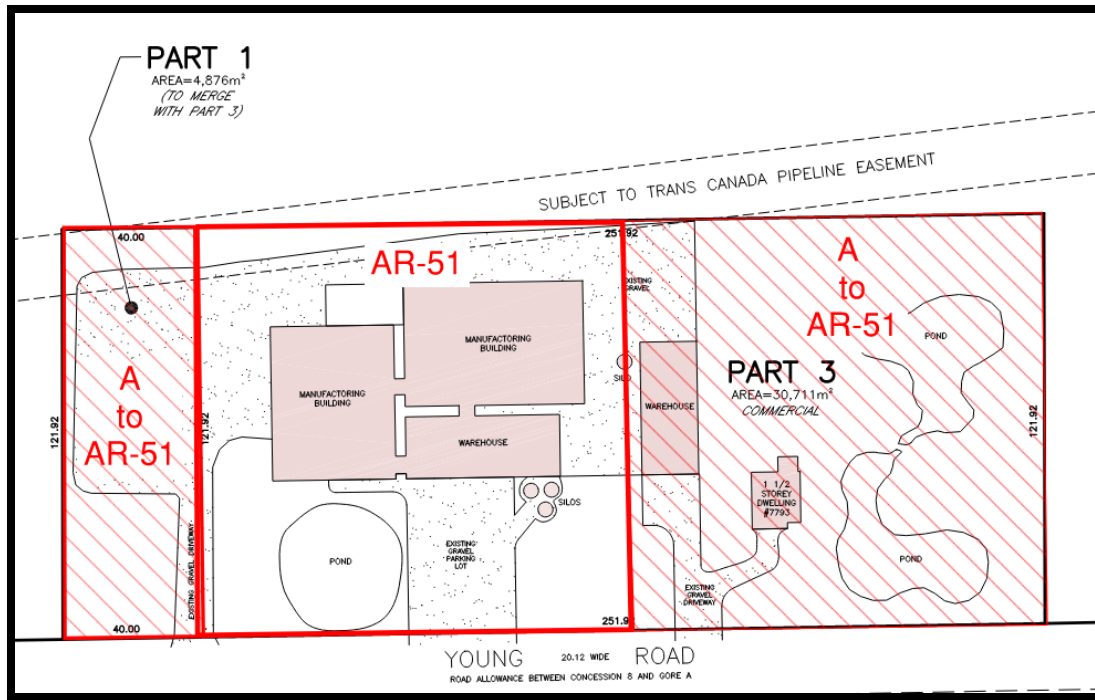
ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

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

BACKGROUND:

The rezoning application proposes to zone Part 1 and Part 3 from Agricultural ‘A’ to Agricultural Related ‘AR-51’ to match the existing zoning of the business. Part 3 currently contains a dwelling and a portion of the business and is zoned Agricultural ‘A’.



This application was presented at a previous Public meeting at the Township’s Growth and Sustainability Committee meeting on January 13th 2025. Staff presented an overview of the proposed zoning bylaw amendment application through [Planning Report PD-01-2025](#) in which there were no additional comments from members of council or members of the public.

CURRENT SITUATION:

Administration has completed a preliminary review of the application to determine alignment with the relevant Provincial, Regional and Local policies.

Provincial Planning Statement 2024

The Provincial Planning Statement permits agriculturally related uses in the Prime Agricultural Area provided that the agriculturally related use is compatible and shall not hinder surrounding agricultural operations. Further criteria has been established through the provincial guidelines on permitted uses in Ontario's Prime Agricultural areas.

The existing and proposed expansion is an agriculturally related use that services the local and international agricultural sector and the existing use has not had any negative impacts on surrounding agricultural operations.

Niagara Official Plan, 2022 and Township of West Lincoln Official Plan 2014

The Niagara Official Plan (NOP) designates the subject property as Prime Agricultural Area while the Township's Official Plan has the subject property designated as Good General Agriculture. Both Official Plans, in alignment with the Provincial Planning Statement, support existing, new and expanding Agriculturally Related Uses.

The subject property in the Regional Official Plan has a special policy designation (Policy 8.13.2) which permits the property to be used for an agriculturally related use. This was related to a Regional Official Plan Amendment that was approved by the Region in 2007.

The applicants have indicated that the boundary adjustment and expansion is for continued production of products that support the agricultural sector and would still fall within the definition of Agricultural Related Use.

Township of West Lincoln Zoning Bylaw

The subject farm property located at 7880 Young Street is currently zoned Agricultural 'A'. The benefitting business property located at 7793 Young Street is zoned Agricultural 'A' and Agricultural Related 'AR-51' with a site specific exception which permits an industrial use that is limited to the manufacturing, warehousing, and distribution of primarily agriculturally-related plastic. Furthermore, the site specific exception permits a minimum lot area of 1.5 hectares, a minimum lot frontage of 1.5 metres, a minimum rear yard of 18 metres, a maximum lot coverage of 30% and the existing driveway to have a width of 6 metres and partially located on the adjacent lot to the west is permitted.

The zoning bylaw application is proposing to rezone the remaining area of 7793 Young Street to Agricultural Related 'AR-51' as well as to rezone the lands that were severed from 7880 Concession 7 Road from Agriculture 'A' to Agriculture Related 'AR-51'. These zoning amendments would recognize an existing parking area used as part of the business as well as facilitate a building expansion on the property.

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 December 4th, 2024 and the notice was also posted to the Township's website.

Regional of Niagara – The Region of Niagara had provided comments as part of the consent application and have no objection to the boundary adjustment or the related zoning bylaw amendment.

The Niagara Peninsula Conservation Authority (NPCA) – The NPCA provided comments as part of the consent application and have no objection to the boundary adjustment and related zoning amendment.

Building Division – The Township Building Department has provided comments outlining the need to apply for building permits and the potential for development charges. The Building Department also requests that an Ontario Building Code Matrix be provided which would determine the need for water for firefighting and sprinkler systems.

Operations Department - No comments at this time. Comments will be provided at time of site plan review.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on December 4th 2024. In addition, a yellow sign was posted on the property on December 5th, 2024. As of the preparation of this Report, Staff have not received any public comments regarding this application.

CONCLUSION:

An application for Zoning By-law Amendment application has been submitted by Serberras Engineering Group on behalf of property owners to rezone a portion of 7880 Concession 7 Road and 7793 Young Street. This rezoning application proposes to rezone the Agricultural 'A' farmland that had been converted into a parking lot on the west side of the property to the Agricultural Related 'AR-51' zone with the existing site specific exception that covers the remainder of the property. This application also seeks to extend the 'AR-51' existing zoning to the east of the property as well to cover the warehouse that is being used as part of the business and the proposed expansion.

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 - Site Plan
3. Schedule C- Agency Comments
4. Schedule D- Draft Bylaw

Prepared & Submitted by:

Approved by:

**Madyson Ettl
Senior Planner**

**Gerrit Boerema
Director of Planning & Building**

**Truper McBride
CAO**





Location Map
7793 Young Street

0 30 60 120 Meters

West Lincoln
Your Future Naturally

Legend

-  ZoneBoundary
-  Subject Property

7793 YOUNG STREET

GRASSIE, ONTARIO



KEY PLAN - 7793 YOUNG STREET
SCALE: NOT TO SCALE

OWNER/COMPANY INFORMATION:

AGRI-PLASTICS MANUFACTURING, HEAD OFFICE
DARREN VANBUUREN, PRESIDENT & CEO
7793 YOUNG STREET, GRASSIE, ONTARIO, L0R 1M0
905-945-3116
DARREN@AGRI-PLASTICS.NET

ENGINEER INFORMATION:

DAVID SEBERRAS P.ENG.
SEBERRAS ENGINEERING GROUP
A DIVISION OF SEBERRAS PROFESSIONAL SERVICES
P.O. BOX 673
ST. GEORGE, ONTARIO
N0E 1N0
CELL: 905-520-6802
EMAIL: DSEBERRAS@HOTMAIL.COM

DRAWING INDEX:

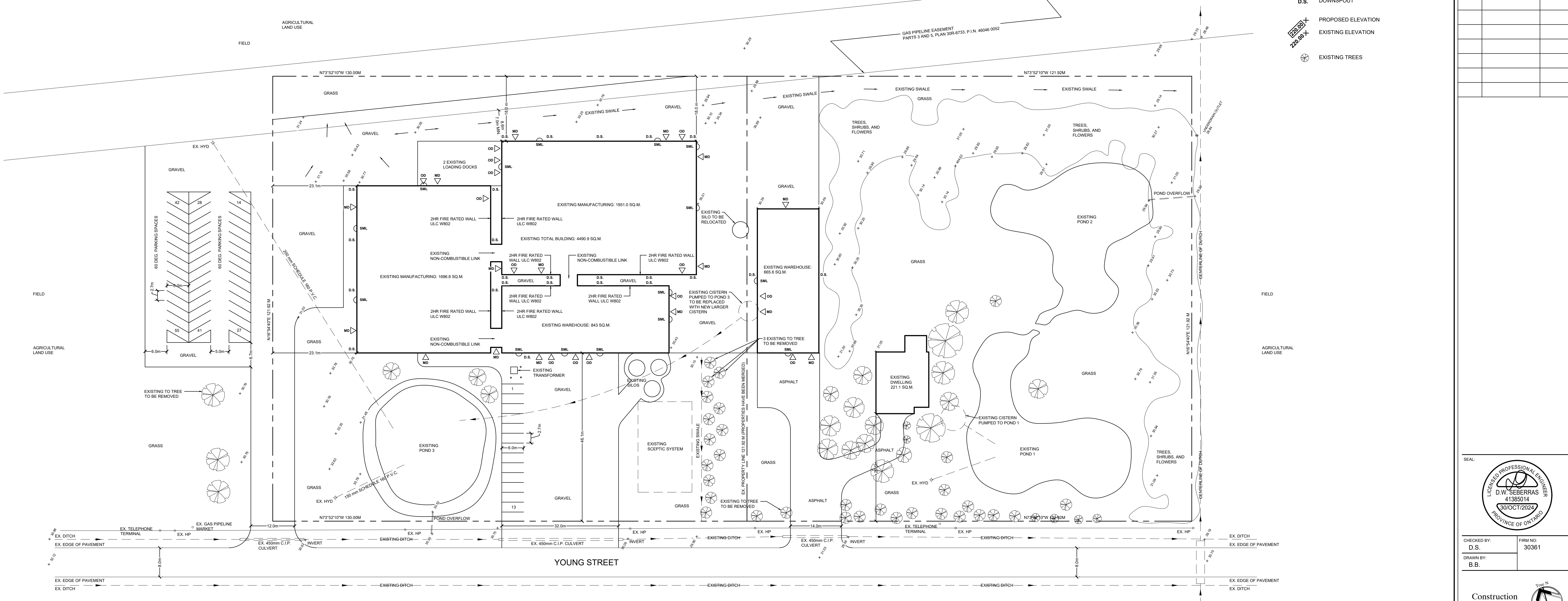
SP-1	EXISTING SITE PLAN EXISTING SERVICE PLAN EXISTING GRADING AND DRAINAGE PLAN EXISTING LANDSCAPING PLAN
SP-2	PROPOSED EROSION AND SEDIMENT CONTROL PLAN
SP-3	PROPOSED SITE PLAN PROPOSED SERVICE PLAN PROPOSED GRADING AND DRAINAGE
SP-4	PROPOSED SITE PLAN PROPOSED LANDSCAPING PLAN
SP-5	DETAILS
SP-6	PROPOSED FLOOR PLAN
SP-7	PROPOSED STORAGE BUILDING ELEVATIONS

7793 YOUNG STREET, GRASSIE, ONTARIO
ISSUED FOR BOUNDARY ADJUSTMENT 26-JAN-24
ISSUED FOR SITE PLAN CONTROL APPROVAL 28-OCT-24
ISSUED FOR ZONE BY-LAY AMENDMENT 28-OCT-24



KEY PLAN - 7793 YOUNG STREET
SCALE: NOT TO SCALE

- LEGEND:**
- DENOTES FOUND SURVEY MONUMENT
 - DENOTES PLANTED SURVEY MONUMENT
 - SB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - RB DENOTES ROUND IRON BAR
 - M.H. MAN HOLE
 - FIRE ROUTE
 - - - GARBAGE ROUTE
 - - - PROPERTY LINE
 - X-X EXISTING FENCE
 - X-X PROPOSED BUFFER SCREEN / FENCE
 - o-o PROPOSED SILT FENCE
 - GAS GAS LINE
 - WM WATERMAIN
 - SAN SANITARY LINE
 - OH OVERHEAD HYDRO
 - UG UNDER GROUND HYDRO
 - DRAINAGE DIRECTION
 - SML SURFACE MOUNTED LIGHT FIXTURE
 - MD MAN DOOR
 - OD OVERHEAD DOOR
 - D.S. DOWNSPOUT
 - + PROPOSED ELEVATION
 - o EXISTING ELEVATION
 - o EXISTING TREES



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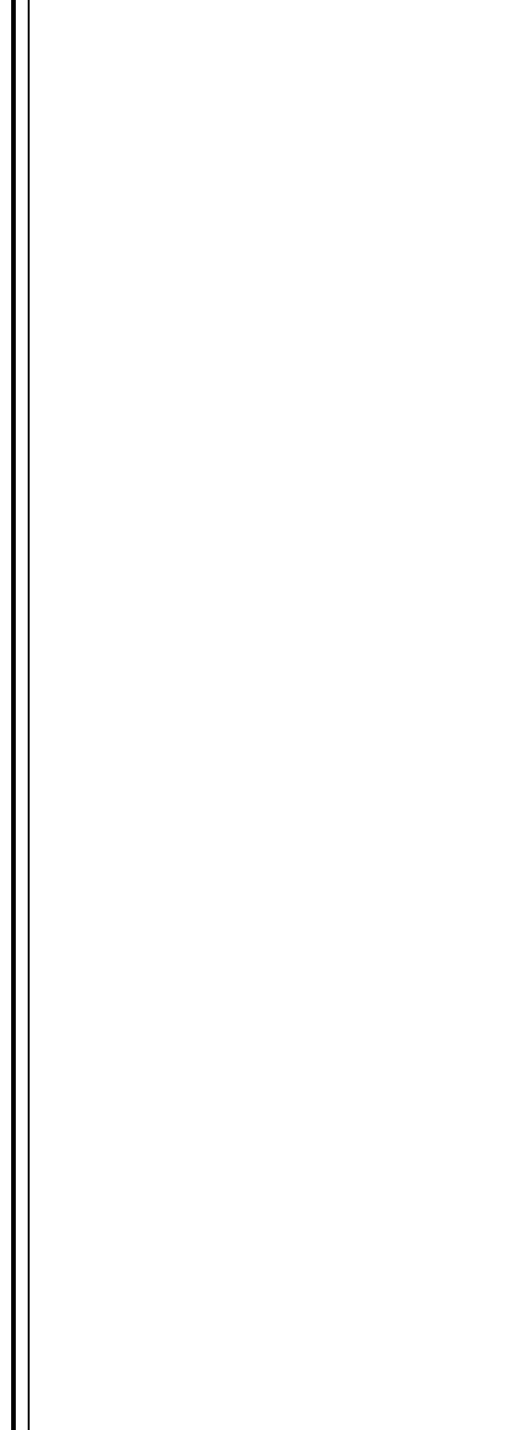
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No.	Revision	Date
1	ISSUED FOR GENERAL REVIEW	15/JAN/24
2	ISSUED FOR BOUNDARY ADJUSTMENT	26/JAN/24
3	ISSUED FOR SITE PLAN CONTROL APPROVAL AND ZONING BY-LAW AMENDMENT	30/OCT/24



SEAL:

D.W. SEBERRAS
41385014
PROVINCE OF ONTARIO

CHECKED BY: D.S. FIRM NO: 30361
DRAWN BY: B.B.



Construction North

PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE STORAGE ADDITION

SEBERRAS ENGINEERING GROUP
A Division of Seberras Professional Services Ltd.

P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144

DSEBERRAS@SEBERRASPROFESSIONAL.COM

DRAWING TITLE:
EXISTING SITE PLAN
EXISTING SERVICES PLAN
EXISTING GRADING AND DRAINAGE
EXISTING LANDSCAPING PLAN

PROJECT NO: 2023-210
SCALE: 1:500

DRAWING NO: **SP-1**

SITE STATISTICS REQUIRED:		SITE STATISTICS EXISTING:		SITE STATISTICS PROPOSED:		LEGAL DESCRIPTION:	
ZONING (2017.70) AGRICULTURAL RELATED (AR-S1)	MAXIMUM BUILDING HEIGHT: 15 m	SITE AREAS:	LOT COVERAGE:	LOT FRONTAGE: 251.92 m	SITE AREAS:	LOT COVERAGE:	LOT FRONTAGE: 291.92 m
MINIMUM REQUIREMENTS:	MINIMUM LANDSCAPE AREA: n/a	PROPERTY AREA: 30,711 m ²	EXISTING BUILDING AREA: 5,156.4 m ²	FRONT YARD SETBACK: 46.1 m	PROPERTY AREA: 35,587 m ²	EXISTING DWELLING: 222.1 m ²	FRONT YARD SETBACK: 34 m
MINIMUM LOT AREA: 1.5 ha (15,000 sq.m.)	MINIMUM DISTANCE FROM CENTERLINE OF A PROVINCIAL ROAD: n/a	EXISTING DWELLING: 222.1 m ²	TOTAL BUILDING AREA: 5,378.5 m ²	INTERIOR SIDE YARD SETBACK (WEST): 23.1 m	EXISTING DWELLING: 222.1 m ²	TOTAL GRASS/LANDSCAPE AREA: 13,835 m ²	INTERIOR SIDE YARD SETBACK (WEST): 148.6 m
MINIMUM LOT FRONTAGE: 130 m	7 m MINIMUM SET BACK FROM PIPELINE EASEMENT	TOTAL BUILDING AREA: 5,378.5 m ²	TOTAL POND AREA: 2,811 m ²	EXTERIOR SIDE YARD SETBACK (EAST): 18.0 m	TOTAL BUILDING AREA: 6,998.89 m ²	TOTAL GRASS/LANDSCAPE AREA: 15,713.4 m ²	EXTERIOR SIDE YARD SETBACK (EAST): 14.8 m
LOT DEPTH: n/a	MINIMUM NUMBER PARKING SPACES: n/a	TOTAL POND AREA: 2,811 m ²	TOTAL GRAVEL AREA: 7,829.3 m ²	REAR YARD SETBACK: 18.0 m	TOTAL POND AREA: 2,811 m ²	TOTAL GRAVEL AREA: 8,509.21 m ²	REAR YARD SETBACK: 18.0 m
MAXIMUM LOT COVERAGE: 30%	1 SPACE PER 100 m ²	TOTAL GRAVEL AREA: 7,829.3 m ²	TOTAL CONCRETE/ASPHALT AREA: 1,057.2 m ²	LOT DEPTH: 121.92 m	TOTAL GRAVEL AREA: 15,713.4 m ²	TOTAL CONCRETE/ASPHALT AREA: 1,554.5 m ²	LOT DEPTH: 121.92 m
MINIMUM YARD REQUIREMENTS	55 PARKING SPACES ON EXISTING 73 PARKING SPACES ON PROPOSED PLUS 3 BARRIER FREE PARKING SPACES	TOTAL CONCRETE/ASPHALT AREA: 1,057.2 m ²					
FRONT YARD: 6.0 m SETBACK	EXISTING PARKING: 55			PROPOSED PARKING: 73			
INTERIOR SIDE YARD: 3.0 m SETBACK	PARKING SPACES: 0			PARKING SPACES: 3 (1 TYPE A, 2 TYPE B)			
EXTERIOR SIDE YARD: 6.0 m SETBACK	ACCESSIBLE PARKING: 0			ACCESSIBLE PARKING: 0			
REAR YARD: 18.0 m SETBACK	BICYCLE PARKING: 0			BICYCLE PARKING: 0			



KEY PLAN - 7793 YOUNG STREET
SCALE: NOT TO SCALE

SEDIMENT AND EROSION CONTROL NOTES

1. SITE WORKS ARE TO BE STAGED IN SUCH A MANNER THAT EROSION WILL BE MINIMIZED AND THAT BARRIERS AND SEDIMENTATION FACILITIES WITHIN THE SITE ARE PROVIDED TO CONTROL ANY EROSION THAT DOES OCCUR.
2. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A SEDIMENT POND OR STORAGE AREA MUST BE ESTABLISHED TO COLLECT SURFACE DRAINAGE FROM ALL AREAS THAT WILL BE DISTURBED. WATER PUMPED FROM EXCAVATIONS OR DEWATERING OPERATIONS MUST BE DIRECTED TO SEDIMENT POND.
3. ALL SILT FENCING TO BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY GRADING EXCAVATION OR DEMOLITION.
4. CLEARING AND GRUBBING OF THE SITE SHOULD BE KEPT TO A MINIMUM AND VEGETATION REMOVED ONLY IN ADVANCE OF IMMEDIATE CONSTRUCTION.
5. STOCKPILES OR EARTH OR TOPSOIL ARE TO BE LOCATED AND PROTECTED TO MINIMIZE ENVIRONMENTAL INTERFERENCE. STOCKPILES SHOULD NOT BE LOCATED IMMEDIATELY ADJACENT TO DITCHES OR ROAD ALLOWANCES. EROSION CONTROL FENCING IS TO BE INSTALLED AROUND THE BASE OF ALL STOCKPILES. A PERIMETER DITCH LEADING TO A SETTLING AREA OR SEDIMENTATION TRAP SHOULD BE INSTALLED AROUND THE STOCKPILE.
6. EROSION PROTECTION TO BE PROVIDED AROUND ALL STORM AND SANITARY MANHOLES, CATCH BASINS, DITCHES, SWALES AND WATERCOURSES.
7. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED AS SITE DEVELOPMENT PROGRESSES. THE CONTRACTOR IS TO PROVIDE ALL ADDITIONAL EROSION CONTROL STRUCTURES.
8. THE CONTRACTOR IS TO MONITOR EROSION CONTROL STRUCTURES TO ENSURE FENCING IS INSTALLED AND MAINTENANCE IS PERFORMED TO TOWNSHIP REQUIREMENTS.
9. EROSION CONTROL STRUCTURES ARE TO BE MONITORED REGULARLY AND ANY DAMAGE TO STRUCTURES REPAIRED IMMEDIATELY. SEDIMENT IS TO BE REMOVED WHEN ACCUMULATIONS REACH A MAXIMUM OF 1/2 THE HEIGHT OF THE FENCE. CRUSHED STONES, STRAW BALES OR FILTER CLOTH MUST BE REPLACED AS REQUIRED.
10. ALL EROSION CONTROL STRUCTURES ARE TO REMAIN IN PLACE UNTIL ALL DISTURBED GROUND SURFACES HAVE BEEN STABILIZED EITHER BY PAVING OR RESTORATION OF VEGETATIVE GROUND COVER.
11. NO ALTERNATIVE METHODS OF EROSION PROTECTION SHALL BE PERMITTED UNLESS APPROVED BY THE DESIGN CONSULTANT AND THE TOWNSHIP.
12. THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT MUNICIPAL ROADWAYS AND SIDEWALKS ARE CLEARED OF ALL SEDIMENT FROM VEHICULAR TRACKING ETC. TO AND FROM THE SITE AT THE END OF EACH WORK DAY.
13. ALL DISTURBED AREAS NOT INCLUDED IN CONSTRUCTION TO BE RE-TOPSOILED AND RE-SEEDED IMMEDIATELY AFTER COMPLETION OF AREA GRADING.
14. SILT FENCE AS SPECIFIED SHALL BE INSTALLED AROUND THE PERIMETER OF THE SITE OR AS DIRECTED BY THE ENGINEER.

LEGEND:

- DENOTES FOUND SURVEY MONUMENT
- DENOTES PLANTED SURVEY MONUMENT
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RIB DENOTES ROUNDED IRON BAR
- M.H. MAN HOLE
- FIRE ROUTE
- - - GARBAGE ROUTE
- - - PROPERTY LINE
- - - EXISTING FENCE
- x-x-x PROPOSED BUFFER SCREEN / FENCE
- - - PROPOSED SILT FENCE
- GAS --- GAS LINE
- WM --- WATERMAIN
- SAN --- SANITARY LINE
- OH --- OVERHEAD HYDRO
- UG --- UNDER GROUND HYDRO
- DRAINAGE DIRECTION
- SML SURFACE MOUNTED LIGHT FIXTURE
- MD MAN DOOR
- OD OVERHEAD DOOR
- DS DOWNSPOUT
- PROPOSED ELEVATION
- EXISTING ELEVATION
- EXISTING TREES

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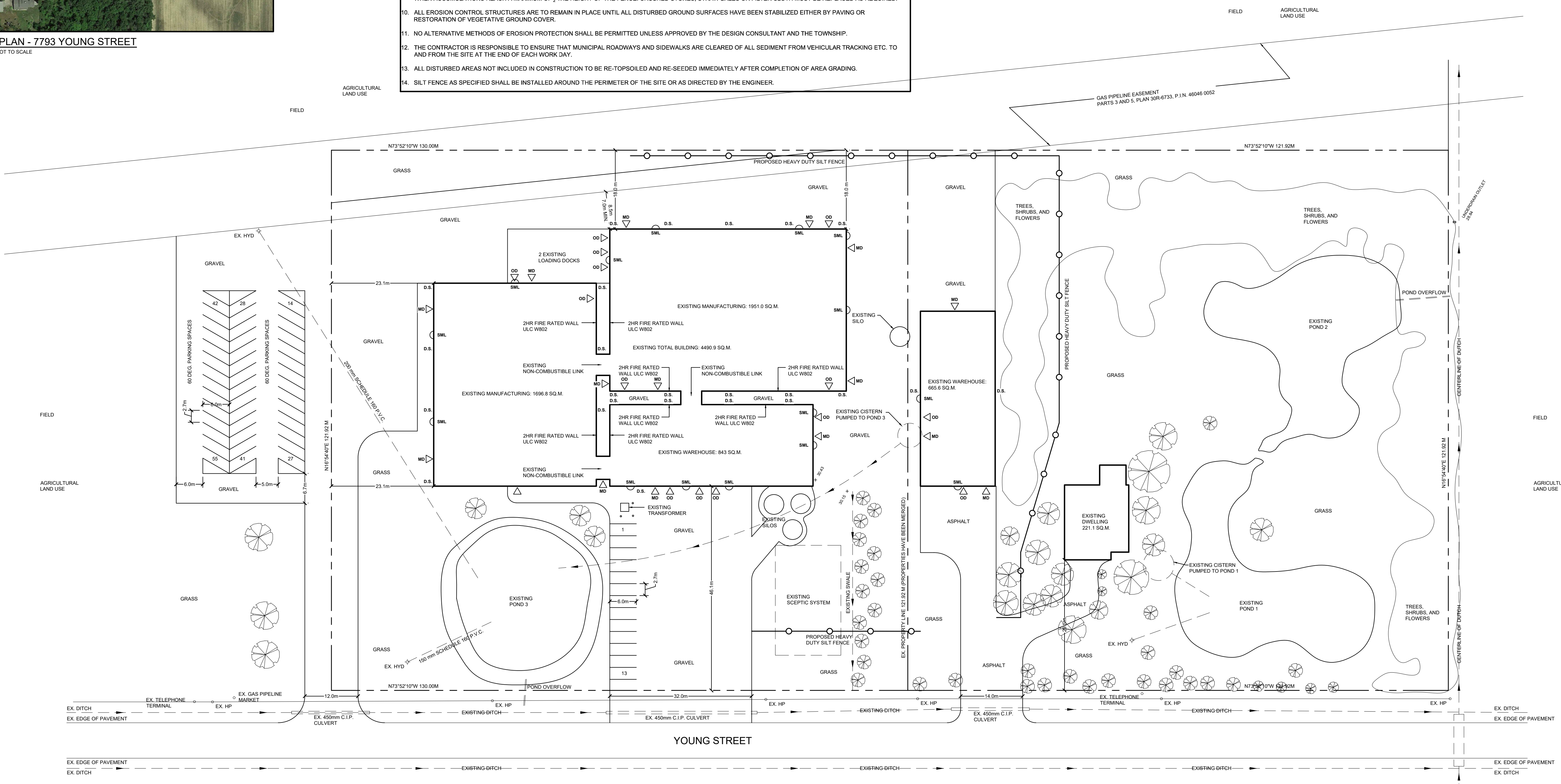
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No.	Revision	Date
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SITE STATISTICS REQUIRED:		SITE STATISTICS EXISTING:		SITE STATISTICS PROPOSED:		LEGAL DESCRIPTION:	
ZONING (2017.70) AGRICULTURAL RELATED (AR-S1)	MAXIMUM BUILDING HEIGHT:	15 m	SITE AREAS:	LOT COVERAGE:	LOT FRONTAGE:	291.92 m	SITE PLAN OF PART OF LOT 14, GORE A, TOWNSHIP OF SOUTH GRIMSBY PART 1 AND 2, PLAN 30R-2653, P.I.N. 46046 0053 TOWNSHIP OF WEST LINCOLN REGIONAL MUNICIPALITY OF NIAGARA
MINIMUM REQUIREMENTS:	MINIMUM LANDSCAPE AREA:	n/a	PROPERTY AREA:	30,711 m ²	FRONT YARD SETBACK:	46.1 m	
MINIMUM LOT AREA:	MINIMUM DISTANCE FROM CENTERLINE OF A PROVINCIAL ROAD:	n/a	EXISTING BUILDING AREA:	5,156.4 m ²	INTERIOR SIDE YARD SETBACK (WEST):	23.1 m	
MINIMUM LOT FRONTAGE:	7 m MINIMUM SET BACK FROM PIPELINE EASEMENT	n/a	EXISTING DWELLING:	222.1 m ²	EXTERIOR SIDE YARD SETBACK (EAST):	18.0 m	
LOT DEPTH:	MINIMUM NUMBER PARKING SPACES:	n/a	TOTAL BUILDING AREA:	5,378.5 m ²	REAR YARD SETBACK:	18.0 m	
MAXIMUM LOT COVERAGE:	1 SPACE PER 100 m ²		TOTAL POND AREA:	2,811 m ²	LOT DEPTH:	121.92 m	
MINIMUM YARD REQUIREMENTS	55 PARKING SPACES ON EXISTING		TOTAL GRASSLANDSCAPE AREA:	13,835 m ²			
FRONT YARD:	73 PARKING SPACES ON PROPOSED PLUS 3 BARRIER FREE PARKING SPACES		TOTAL GRAVEL AREA:	7,829.3 m ²			
INTERIOR SIDE YARD:			TOTAL CONCRETE/ASPHALT AREA:	1,057.2 m ²			
EXTERIOR SIDE YARD:							
REAR YARD:							
			EXISTING PARKING:		PROPOSED PARKING:		
			PARKING SPACES:	55	PARKING SPACES:	73	
			ACCESSIBLE PARKING:	0	ACCESSIBLE PARKING:	3 (1 TYPE A, 2 TYPE B)	
			BICYCLE PARKING:	0	BICYCLE PARKING:	0	

SEAL:

CHECKED BY: D.S. FIRM NO: 30361
DRAWN BY: B.B.

Construction North

PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE STORAGE ADDITION

SEBERRAS ENGINEERING GROUP
A Division of Seberras Professional Services Ltd.

P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144

OSEBERRAS@SEBERRASPROFESSIONAL.COM

DRAWING TITLE:
EXISTING SITE PLAN
SEDIMENT AND EROSION CONTROL PLAN

PROJECT NO: 2023-210
SCALE: 1:500
DRAWING NO: **SP-2**



KEY PLAN - 7793 YOUNG STREET
SCALE: NOT TO SCALE

- LEGEND:**
- DENOTES FOUND SURVEY MONUMENT
 - DENOTES PLANTED SURVEY MONUMENT
 - SB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - RB DENOTES ROUND IRON BAR
 - M.H. MAN HOLE
 - FIRE ROUTE
 - GARBAGE ROUTE
 - - - - - PROPERTY LINE
 - X-X EXISTING FENCE
 - X-X-X PROPOSED BUFFER SCREEN / FENCE
 - o-o-o PROPOSED SILT FENCE
 - GAS — GAS LINE
 - WM — WATERMAIN
 - SAN — SANITARY LINE
 - OH — OVERHEAD HYDRO
 - UG — UNDER GROUND HYDRO
 - ➔ DRAINAGE DIRECTION
 - SML SURFACE MOUNTED LIGHT FIXTURE
 - MD MAN DOOR
 - OD OVERHEAD DOOR
 - D.S. DOWNSPOUT
 - PROPOSED ELEVATION
 - EXISTING ELEVATION
 - EXISTING TREES

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SURFACE MOUNTED LIGHT FIXTURE 1 SPEC.

DESCRIPTION - LNC2-12L-SK-070-3

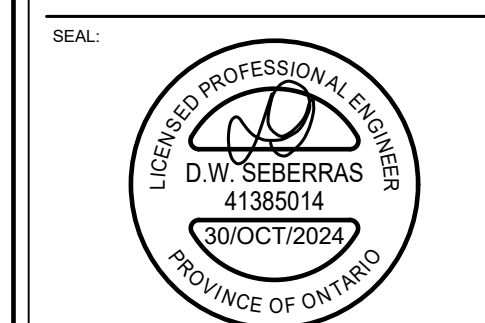
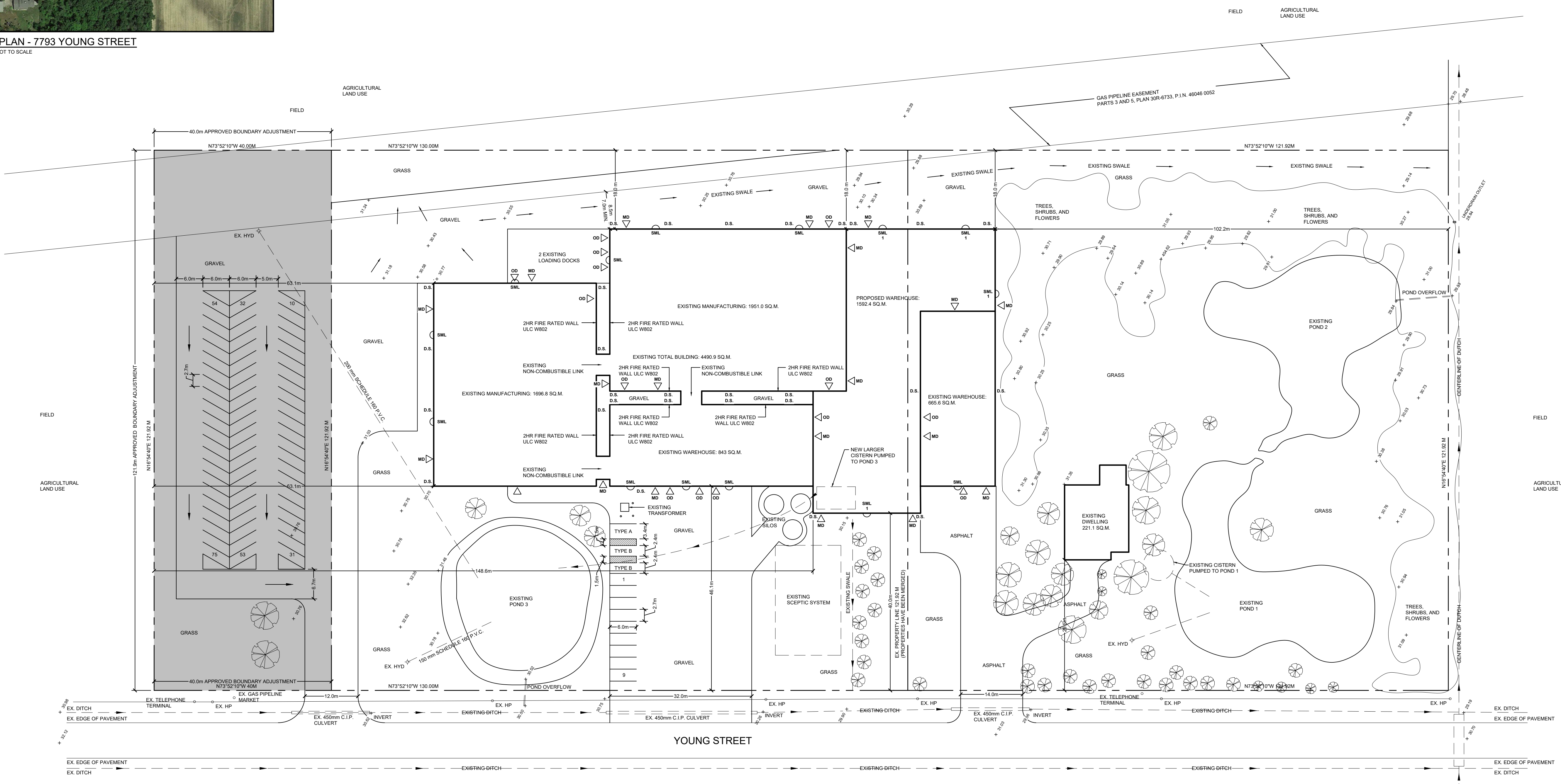
LUM WATTS - 28.6

LUM LUMENS - 2629

LLF - 0.900

ARRANGEMENT - SINGLE

FILE NAME - LNC2-12L-SK-070-3.IES



CHECKED BY: D.S. FIRM NO: 30361

DRAWN BY: B.B.



Construction North

PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE
STORAGE ADDITION

SEBERRAS ENGINEERING GROUP
A Division of Seberas Professional Services Ltd.

P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144

DRAWING TITLE:
PROPOSED SITE PLAN
PROPOSED SERVICES PLAN
PROPOSED GRADING AND DRAINAGE

PROJECT NO: 2023-210
SCALE: 1:500
DRAWING NO: **SP-3**

SITE STATISTICS REQUIRED:		SITE STATISTICS EXISTING:		SITE STATISTICS PROPOSED:	
ZONING (2017.70) AGRICULTURAL RELATED (AR-51)	MAXIMUM BUILDING HEIGHT: 15 m	SITE AREAS:	LOT COVERAGE:	LOT FRONTAGE:	251.92 m
MINIMUM REQUIREMENTS:	MINIMUM LANDSCAPE AREA: n/a	PROPERTY AREA:	30,711 m ²	FRONT YARD SETBACK:	46.1 m
MINIMUM LOT AREA: 1.5 ha (15,000 sq.m.)	MINIMUM DISTANCE FROM CENTERLINE OF A PROVINCIAL ROAD: n/a	EXISTING BUILDING AREA:	5,156.4 m ²	INTERIOR SIDE YARD SETBACK (WEST):	23.1 m
MINIMUM LOT FRONTAGE: 130 m	7 m MINIMUM SET BACK FROM PIPELINE EASEMENT	EXISTING DWELLING:	222.1 m ²	EXTERIOR SIDE YARD SETBACK (EAST):	102 m
LOT DEPTH: n/a	MINIMUM NUMBER PARKING SPACES: n/a	TOTAL BUILDING AREA:	5,378.5 m ²	REAR YARD SETBACK:	18.0 m
MAXIMUM LOT COVERAGE: 30%	1 SPACE PER 100 m ²	TOTAL POND AREA:	2,811 m ²	LOT DEPTH:	121.92 m
MINIMUM YARD REQUIREMENTS	55 PARKING SPACES ON EXISTING 73 PARKING SPACES ON PROPOSED PLUS 3 BARRIER FREE PARKING SPACES	TOTAL GRASS/LANDSCAPE AREA:	13,835 m ²		
FRONT YARD: 6.0 m SETBACK	EXISTING PARKING:	TOTAL GRAVEL AREA:	7,629.3 m ²		
INTERIOR SIDE YARD: 3.0 m SETBACK	PARKING SPACES: 55	TOTAL CONCRETE/ASPHALT AREA:	1,057.2 m ²		
EXTERIOR SIDE YARD: 6.0 m SETBACK	ACCESSIBLE PARKING: 0				
REAR YARD: 18.0 m SETBACK	BICYCLE PARKING: 0				
	PROPOSED PARKING:				
	PARKING SPACES: 73				
	ACCESSIBLE PARKING: 3 (1 TYPE A, 2 TYPE B)				
	BICYCLE PARKING: 0				



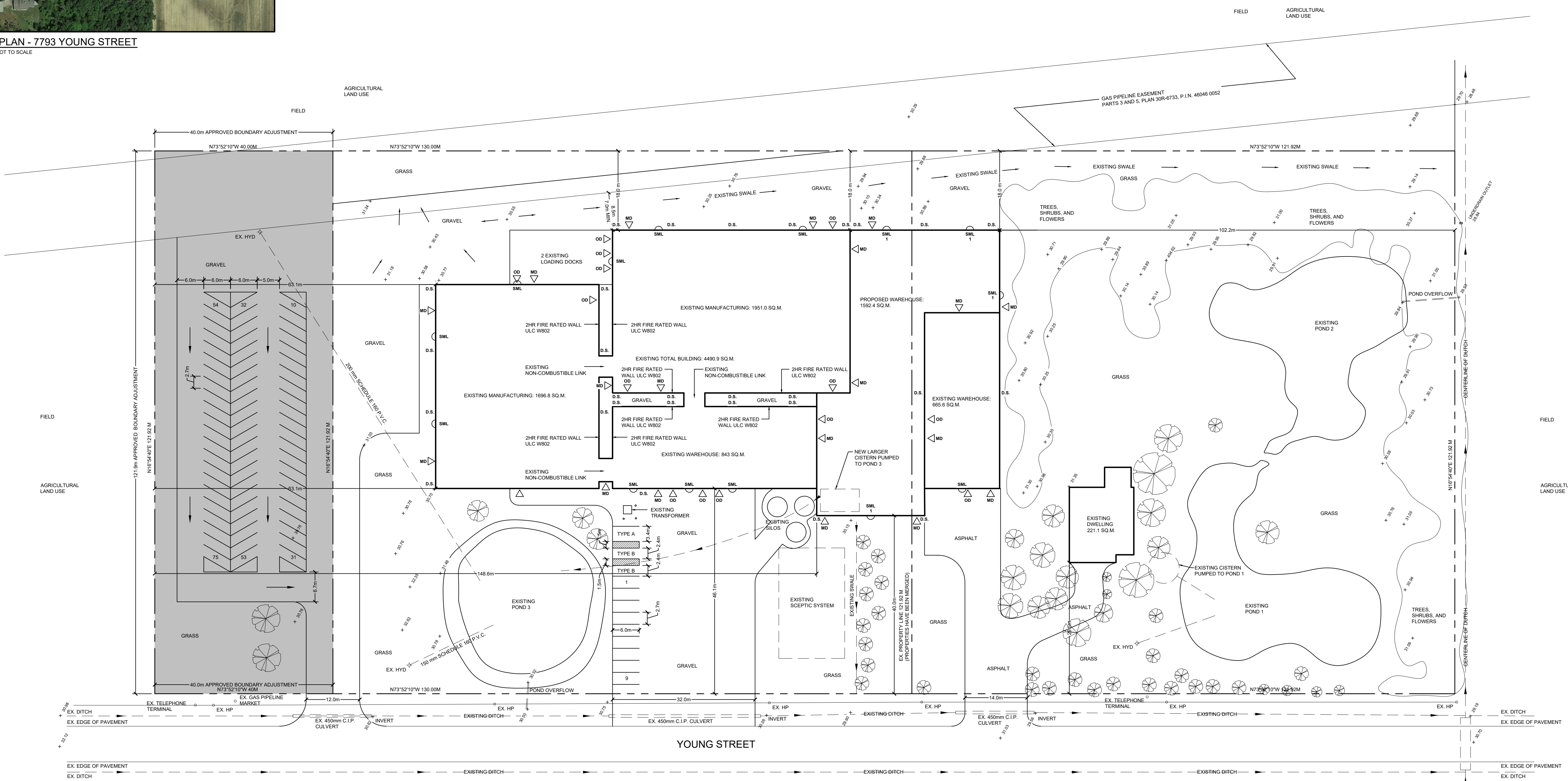
KEY PLAN - 7793 YOUNG STREET
SCALE: NOT TO SCALE

PROPOSED LANDSCAPING PLAN NOTE:

- 1.) ONLY FINAL GRADING CHANGES TO TAKE PLACE TO TIE INTO EXISTING GRADING

LEGEND:

- DENOTES FOUND SURVEY MONUMENT
- DENOTES PLANTED SURVEY MONUMENT
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RB DENOTES ROUND IRON BAR
- M.H. MAN HOLE
- FIRE ROUTE
- GARBAGE ROUTE
- PROPERTY LINE
- X-X EXISTING FENCE
- X-X-X PROPOSED BUFFER SCREEN / FENCE
- o-o-o PROPOSED SILT FENCE
- GAS — GAS LINE
- WM — WATERMAIN
- SAN — SANITARY LINE
- OH — OVERHEAD HYDRO
- UG — UNDER GROUND HYDRO
- DRAINAGE DIRECTION
- S.M.L. SURFACE MOUNTED LIGHT FIXTURE
- M.D. MAN DOOR
- O.D. OVERHEAD DOOR
- D.S. DOWNSPOUT
- PROPOSED ELEVATION
- EXISTING ELEVATION
- EXISTING TREES



YOUNG STREET

SITE STATISTICS REQUIRED:		SITE STATISTICS EXISTING:		SITE STATISTICS PROPOSED:		LEGAL DESCRIPTION:		
ZONING (2017.70) AGRICULTURAL RELATED (AR-S1)	MAXIMUM BUILDING HEIGHT:	15 m	LOT COVERAGE:	LOT FRONTAGE:	251.92 m	FRONT YARD SETBACK:	34 m	
MINIMUM REQUIREMENTS:	MINIMUM LANDSCAPE AREA:	n/a	PROPERTY AREA:	30,711 m²	FRONT YARD SETBACK:	34 m	MINIMUM DISTANCE FROM CENTERLINE OF A PROVINCIAL ROAD:	n/a
MINIMUM LOT AREA:	MINIMUM DISTANCE FROM CENTERLINE OF A PROVINCIAL ROAD:	n/a	EXISTING BUILDING AREA:	5,156.4 m²	INTERIOR SIDE YARD SETBACK (WEST):	23.1 m	MINIMUM LOT DEPTH:	130 m
MINIMUM LOT FRONTAGE:	7 m MINIMUM SET BACK FROM PIPELINE EASEMENT:	7 m	EXISTING DWELLING:	222.1 m²	EXTERIOR SIDE YARD SETBACK (EAST):	18.0 m	MINIMUM LOT DEPTH:	n/a
MINIMUM LOT DEPTH:	MINIMUM NUMBER PARKING SPACES:	n/a	TOTAL BUILDING AREA:	5,378.5 m²	REAR YARD SETBACK:	18.0 m	MAXIMUM LOT COVERAGE:	30%
MAXIMUM LOT COVERAGE:	1 SPACE PER 100 m²	1	TOTAL POND AREA:	2,811 m²	EXISTING DWELLING:	222.1 m²		
	55 PARKING SPACES ON EXISTING		TOTAL GRASS/LANDSCAPE AREA:	13,835 m²	TOTAL BUILDING AREA:	6,998.89 m²		
	73 PARKING SPACES ON PROPOSED PLUS 3 BARRIER FREE		TOTAL GRASS/LANDSCAPE AREA:	13,835 m²	TOTAL POND AREA:	2,811 m²		
	PARKING SPACES		TOTAL GRASS/LANDSCAPE AREA:	13,835 m²	TOTAL GRASS/LANDSCAPE AREA:	15,713.4 m²		
			TOTAL GRAVEL AREA:	7,829.3 m²	TOTAL GRAVEL AREA:	8,509.21 m²		
			TOTAL CONCRETE/ASPHALT AREA:	1,057.2 m²	TOTAL CONCRETE/ASPHALT AREA:	1,554.5 m²		
					TOTAL CONCRETE/ASPHALT AREA:	1,554.5 m²		

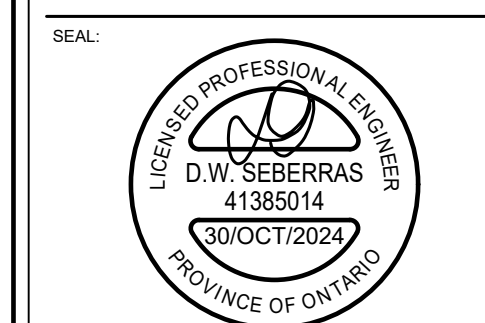
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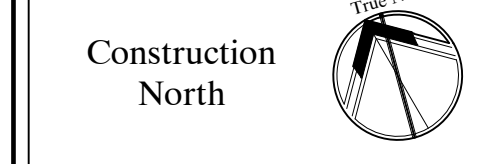
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1	ISSUED FOR GENERAL REVIEW	15/JAN/24
2	ISSUED FOR BOUNDARY ADJUSTMENT	26/JAN/24
3	ISSUED FOR SITE PLAN CONTROL APPROVAL AND ZONING BY-LAW AMENDMENT	30/OCT/24



CHECKED BY: D.S.
FIRM NO: 30361

DRAWN BY: B.B.



PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE
STORAGE ADDITION

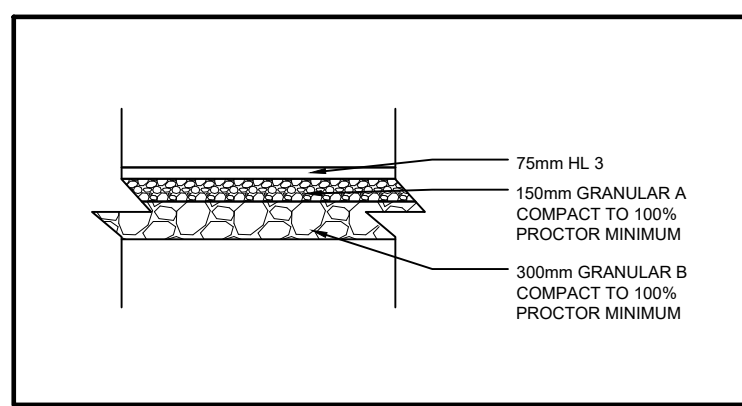
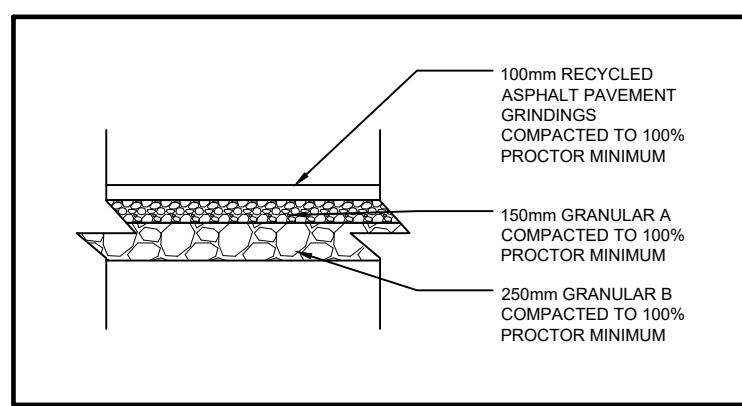
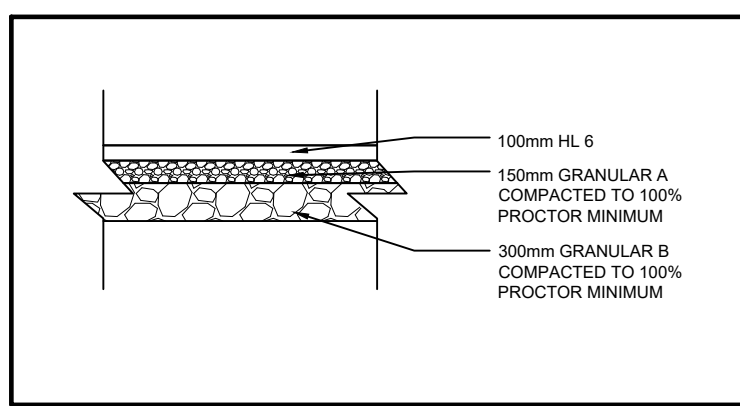
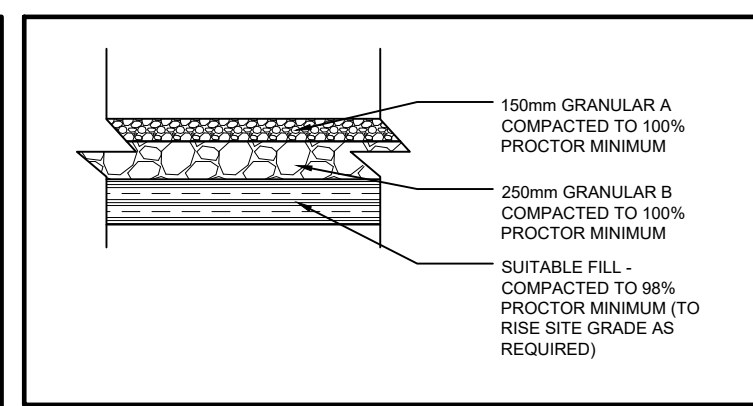
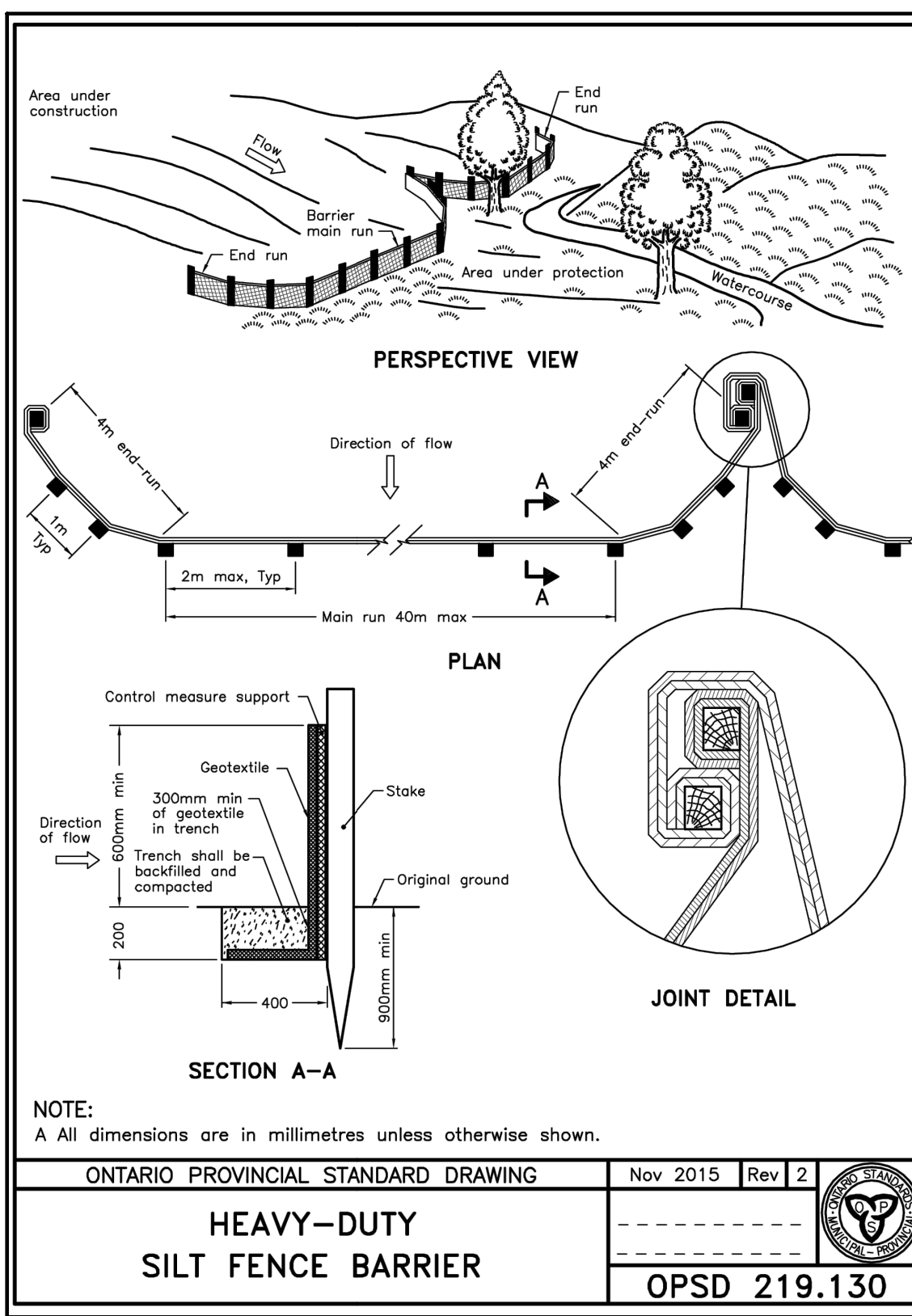
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A Division of Seberras Professional Services Ltd.

P.O. BOX 673 ST. GEORGE, ON. N0E 1N0
CELL: (905) 536-7144

DRAWING TITLE:
PROPOSED SITE PLAN
PROPOSED LANDSCAPING PLAN

PROJECT NO: 2023-210
SCALE: 1:500

DRAWING NO: SP-4



DETAIL 1: HEAVY DUTY SILT FENCE
SCALE: NOT TO SCALE

NOTE:
A All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING	Nov. 2015	Rev. 2	
HEAVY-DUTY SILT FENCE BARRIER			
			OPSD 219.130

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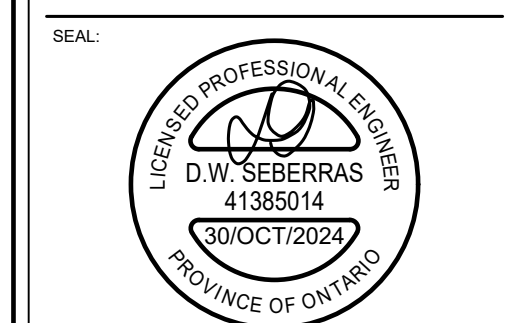
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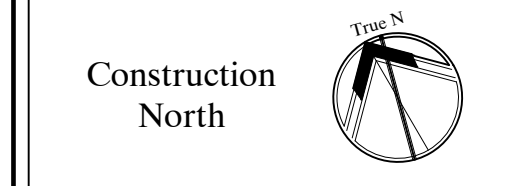
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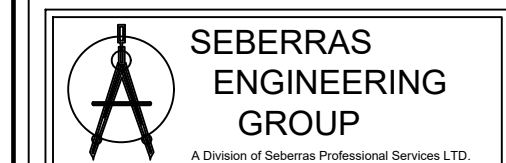


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DRAWN BY: B.B.	



PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE
STORAGE ADDITION



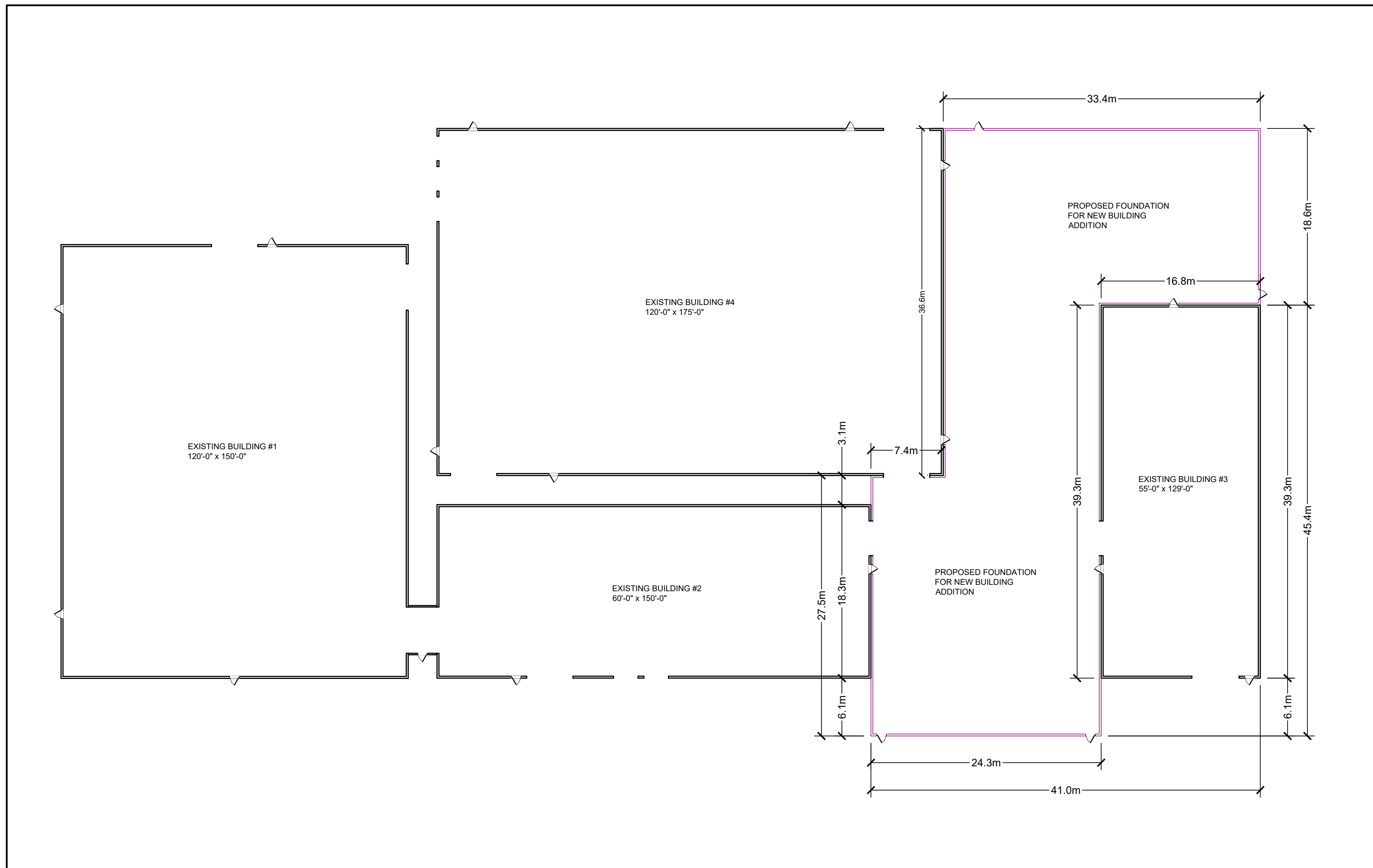
P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144

DSEBERRAS@SEBERRASPROFESSIONAL.COM

DRAWING TITLE:
DETAILS

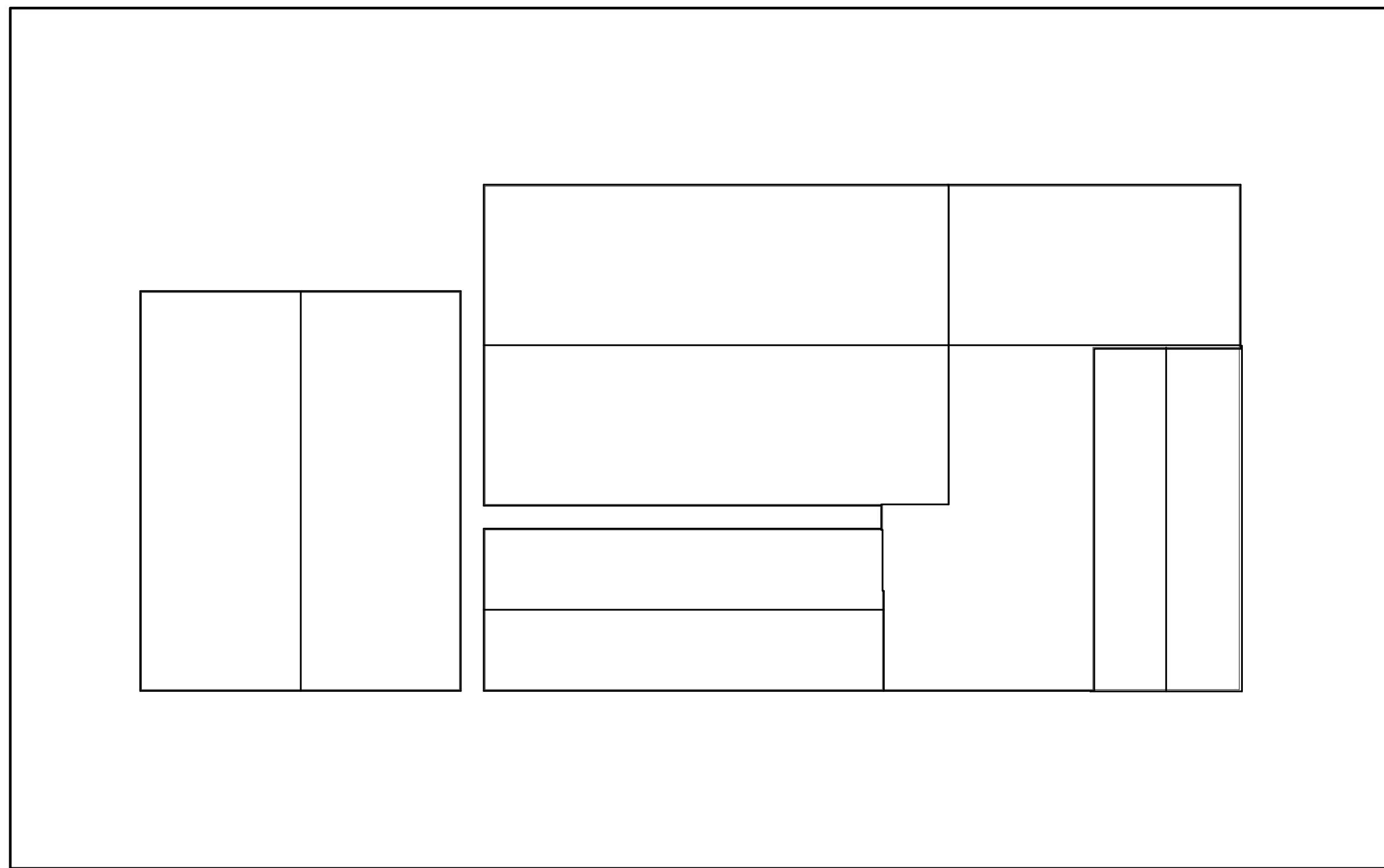
PROJECT NO:
2023-210
SCALE:
N.T.S.

DRAWING NO:
SP-5



PROPOSED STORAGE BUILDING FLOOR PLAN

SCALE: 1/320



PROPOSED STORAGE BUILDING ROOF PLAN

SCALE: 1/320

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SEAL:



CHECKED BY: D.S.	FIRM NO: 30361
DRAWN BY: B.B.	



PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE
STORAGE ADDITION



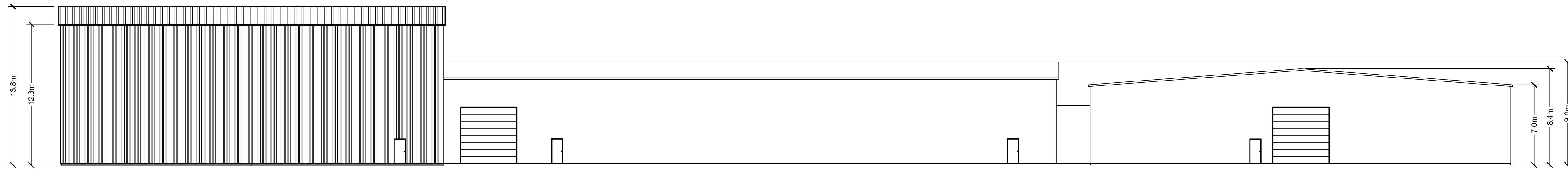
P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144

DSEBERRAS@SEBERRASPROFESSIONAL.COM

DRAWING TITLE:
PROPOSED STORAGE BUILDING
FLOOR PLAN AND ROOF PLAN

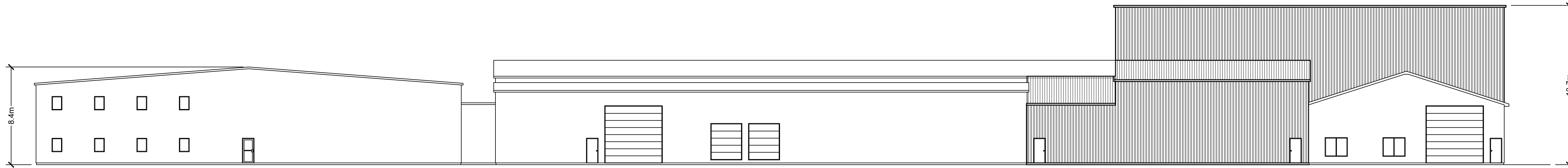
PROJECT NO:
2023-210
SCALE:
AS NOTED

DRAWING NO:
SP-6



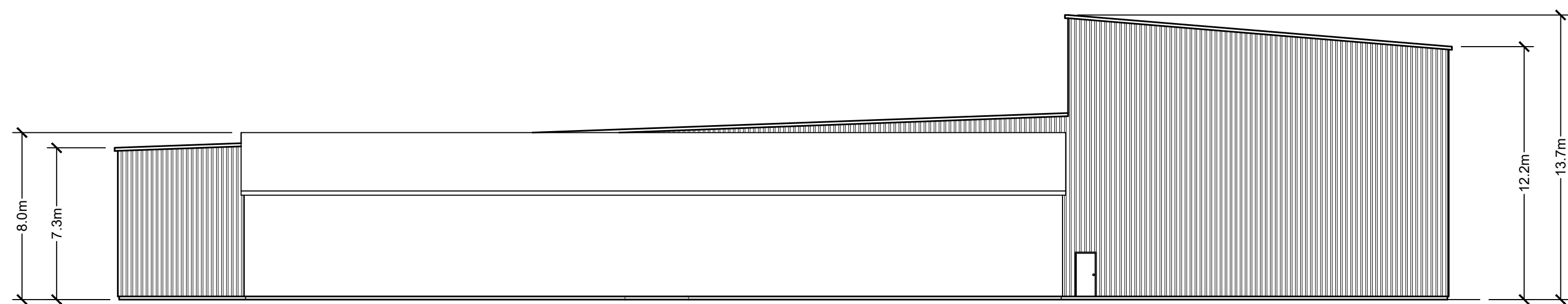
PROPOSED NORTH ELEVATION

SCALE: 1:200



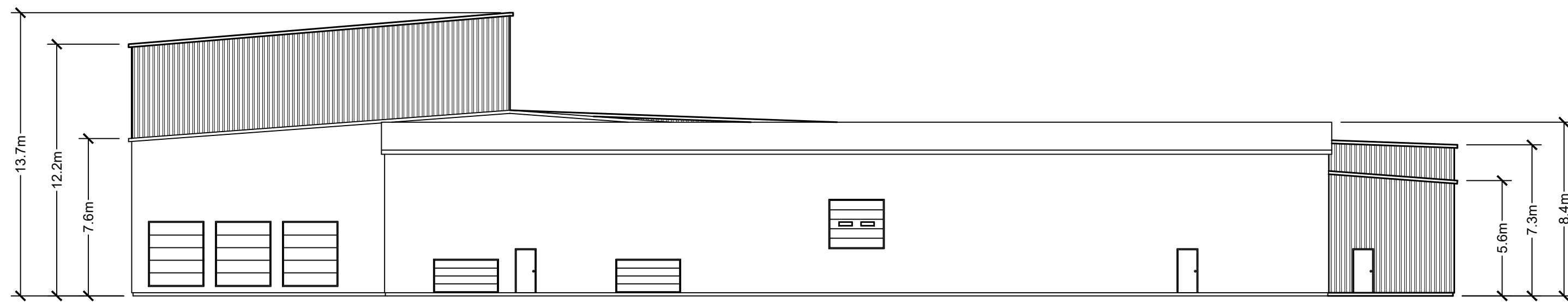
PROPOSED SOUTH ELEVATION

SCALE: 1:200



PROPOSED EAST ELEVATION

SCALE: 1:200



PROPOSED WEST ELEVATION

SCALE: 1:200

STORAGE BUILDING FINISHES:

MANUFACTURING AREA:

- 24 GA. STEEL ROOF
- 26 GA. STEEL SIDING
- TRIM TO BE WHITE AROUND DOORS AND WINDOWS
- OVERHEAD DOORS TO BE WHITE
- MAN DOORS TO BE GRAY
- COLOR TO MATCH EXISTING BUILDINGS

EXTERIOR BUILDING FINISHES NOTE:

- 1.) CARE SHOULD BE TAKEN WITH THE USE OF METAL PANELS TO ENSURE THEY ARE LOW REFLECTANCE, SUBTLE, NEUTRAL OR EARTH TONES.

ALL BUILDING NOTE:

- 1.) ALL BUILDINGS (WAREHOUSE'S AND MANUFACTURING) ARE SINGLE STOREY IN HEIGHT
- 2.) NO BASEMENTS FOR THE BUILDING (WAREHOUSE'S AND MANUFACTURING)

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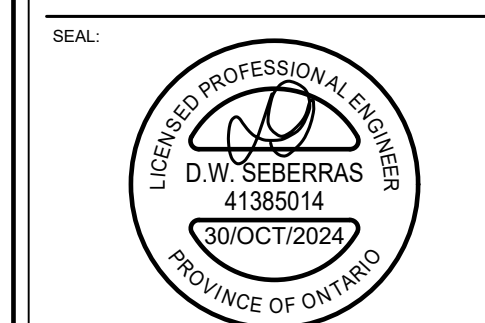
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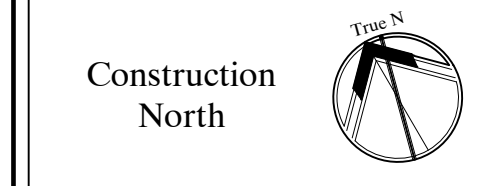
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DRAWN BY: B.B.	



PROJECT LOCATION:
7793 YOUNG STREET
GRASSIE, ONTARIO
TOWNSHIP OF WEST LINCOLN

PROJECT DESCRIPTION:
PROPOSED WAREHOUSE
STORAGE ADDITION

SEBERRAS ENGINEERING GROUP
A Division of Seberras Professional Services Ltd.

P.O. BOX 673 ST. GEORGE, ON N0E 1N0
CELL: (905) 536-7144
DSEBERRAS@SEBERRASPROFESSIONAL.COM

DRAWING TITLE:
PROPOSED STORAGE BUILDING ELEVATIONS

PROJECT NO:
2023-210
SCALE:
1:200

DRAWING NO:
SP-7



Public Works Growth Management & Planning Division

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

Via Email Only

January 7, 2025

File Number: PLZBA202401743

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Ettl:

Re: Regional and Provincial Comments
Application Type: Zoning By-Law Amendment
Town File Number: 1601-013-24
Applicant/Owner: Poly Dome Ontario Inc. (c/o Darren VanBuuren)
Agent: Seberras Engineering Group
Location: 7793 Young Street, West Lincoln

Regional Public Works Growth Management and Planning Division staff have reviewed the Zoning By-law Amendment application for 7793 Young Street in the Township of West Lincoln ("subject lands").

The applicant is proposing to rezone the Agricultural 'A' farmlands that had been converted into a parking lot on the west side of the property to Agriculture Related 'AR-51' zone with the existing site specific exception that covers the remainder of the property. The intent of the rezoning application is to fulfill a condition of consent (File No. B01/2024WL; approved by the Committee of Adjustment on February 28, 2024).

The following comments are provided from a Provincial and Regional perspective to assist the Township in their consideration of the application.

Provincial and Regional Policies

The subject lands are identified within the Prime Agricultural Area in the *Provincial Planning Statement, 2024* (PPS) and *Niagara Official Plan, 2022* (NOP). The NOP includes a site-specific policy (Policy 8.13.2) for the subject lands to permit agriculturally-related manufacturing operation, with an expansion of approximately 1,800 m² to an existing 4,645 m² industrial operation.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The policies of the PPS and NOP restrict lot creation in agricultural areas, and only permit severances for agricultural lots, legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, and infrastructure (subject to specific criteria).

Staff offered no objection to the previous related minor boundary adjustment application which added the the lands that are proposed to be rezoned through this application to 7793 Young Street, including the parking lot to the west of the property and a 2,670 m² building addition (File No. B01/2024WL).

Archaeological Potential

The subject lands are within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Given the scope and nature of the proposal, the risk of impacting archaeological resources is considered low. As such, in lieu of an archaeological assessment, Regional staff provide the following archaeological advisory for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

The Niagara Region Archaeological Management Plan can be found at:

<https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>.

Natural Heritage

There is a permanent/intermittent watercourse located directly adjacent to the subject lands that isn't currently captured in the Township's Zoning By-law (see attached map). Typically, staff recommend that all Natural Environment System (NES) features and their buffers are identified with appropriately restrictive environmental zoning. As such, Regional Environmental Planning staff recommend that the Township request a Zoning By-law Schedule that illustrates the watercourse and 30 metre buffer within a restrictive zone.

Conclusion

Regional Public Works Growth Management and Planning Division staff offer no objection to the application; however, it is recommended that the Township request a

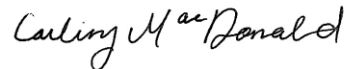
PLZBA202401743

January 7, 2025

Zoning By-law Schedule that illustrates the permanent/intermittent watercourse feature and associated 30 metre buffer within a restrictive zone.

Please send copies of the staff report and notice of the Township's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Adam Boudens, MSc, Senior Environmental Planner, Niagara Region

From: Paige Pearson <ppearson@npca.ca>
Sent: February 3, 2025 3:00 PM
To: Madyson Ettl
Subject: RE: Notice of Public Meeting 7793 Young Street (Polydome Ontario Inc.)

Hi Madyson,

Thank you for reconnecting with the NPCA as this appears to have been missed; thank you for taking the time to confirm. Below, I can offer the following comments:

1601-013-24- –Zoning Bylaw Amendment – 7793 Young Street (Polydome Ontario Inc.):

The subject property being, **7793 Young Street** is impacted by a 15 m buffer of a watercourse along the east, as well as a 30 m buffer of the Lower Twenty Mile Creek Wetland Complex to the south of the property. However, the wetland buffer is negated by the public road (Young Street).

The intent of the proposed Zoning Bylaw Amendment (ZBA) is to fulfill a condition of consent for severance from the Consent Application, B01/2024WL. From the Consent Application completed in February of 2024, the NPCA offered no concern for the proposed boundary adjustment area does not contain NPCA Regulated features.

Based on the area of proposed parking lot and the proposed addition to the structure, the two areas are not impacted by NPCA Regulated Areas as such, the NPCA can support the Zoning Bylaw Amendment **1601-013-24** with no further conditions required by the NPCA.

Please be advised that any future proposed works that encroach within NPCA Regulated Areas (i.e., watercourse buffer area to the east) would require prior review, approval, and NPCA Permits prior to the start of development activities.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205
www.npca.ca
ppearson@npca.ca

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and](#)

[Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

From: Madyson Ettl <metzl@westlincoln.ca>
Sent: February 3, 2025 2:21 PM
To: Paige Pearson <ppearson@npca.ca>
Subject: FW: Notice of Public Meeting 7793 Young Street (Polydome Ontario Inc.)

Good Afternoon Paige,

I am getting together the recommendation Report for the zoning amendment for 7793 Young Street and I cant seem to find NPCA comments on this.
Would you be able to resend them to me?

Thank you,
Maddy

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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From: Madyson Ettl
Sent: December 4, 2024 12:36 PM
To: 'ann-marie.norio@niagararegion.ca' <ann-marie.norio@niagararegion.ca>; 'clark.euale@ncdsb.com' <clark.euale@ncdsb.com>; 'Paige Pearson' <ppearson@npca.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; 'notifications@enbridge.com' <notifications@enbridge.com>; 'Municipal Planning' <MunicipalPlanning@enbridge.com>; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; 'Development Planning Applications' <devtplanningapplications@niagararegion.ca>; 'MR18enquiry@mpac.ca' <MR18enquiry@mpac.ca>; 'consultations@metisnation.org' <consultations@metisnation.org>; 'lonnybomberry@sixnations.ca' <lonnybomberry@sixnations.ca>; 'dlaforme@sixnations.ca' <dlaforme@sixnations.ca>; 'ExecutiveDirector@fenfc.org' <ExecutiveDirector@fenfc.org>; 'executivedirector@nrnc.ca' <executivedirector@nrnc.ca>; 'friedmanjoe21@gmail.com' <friedmanjoe21@gmail.com>; 'jim.sorley@npei.ca' <jim.sorley@npei.ca>; 'andrew.carrigan@canadapost.ca'

<andrew.carrigan@canadapost.ca>; 'newdevelopment@rci.rogers.com'
<newdevelopment@rci.rogers.com>; 'randy.leppert@cogeco.com' <randy.leppert@cogeco.com>;
'jocko@sixnationsns.com' <jocko@sixnationsns.com>; 'megan.devries@mncfn.ca'
<megan.devries@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>; Stephanie Pouliot <spouliot@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>; Jeni Fisher <jfisher@westlincoln.ca>; Ben Agro <bagro@westlincoln.ca>;
Susan Smyth <ssmyth@westlincoln.ca>
Subject: Notice of Public Meeting 7793 Young Street (Polydome Ontario Inc.)

Good Afternoon,

Please find attached the above mentioned notice for - 1601-013-24- –Zoning Bylaw Amendment – 7793
Young Street (Polydome Ontario Inc.)

Comments would be appreciated by **January 6th 2025**

If you have any questions, please contact me at 905-957-5126 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Ettl

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

BUILDING DEPARTMENT MEMORANDUM

TO: Madyson Ettl, Senior Planner

FROM: Ben Agro, CBO

DATE: January 7th, 2025

SUBJECT: Planning File Number 1601-013-24, 7793 Young Street, Poly Dome Ontario Inc.

Building Department Comments;

A building permit application required with permit fees and development charges.

The Building Department would require a building design matrix for proposed addition to determine type of construction, required fire separations, means of egress, if proposed building in sprinklered or not sprinklered, etc.

A full set of design drawings are required for review to proceed with permit application.

The Building Department would also require a proposal for firefighting for the existing and proposed addition to determine if existing pond is adequate.

Ben Agro, CBO

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 B4 to Schedule A to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 7793 Young Street, legally described as South Grimsby Gore A PT Lot 14RP30R2653 Parts 1 and 2, RP 30R11938 Parts 1 and 2 in the former Township of South Grimsby, 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 'B4' 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 the Agricultural Related AR-51 that encompasses the remainder of the property.
3. That, Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

AR-51

Permitted Uses:

As per the parent zone, plus industrial uses, limited to the manufacturing, warehousing, and distribution of primarily agriculturally-related plastic.

Regulations:

All regulations of the parent zone

4. That, all other provisions of By-law 2017-70 continue to apply.
5. AND That, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
10th DAY OF FEBRUARY, 2025.**

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 on 7793 Young Street, legally described as South Grimsby Gore A PT Lot 14RP30R2653 Parts 1 and 2, RP 30R11938 Parts 1 and 2 in the former Township of South Grimsby, 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 zoning bylaw application is proposing to rezone the remaining area of 7793 Young Street to Agricultural Related 'AR-51' as well as to rezone the lands that were severed from 7880 Concession 7 Road from Agriculture 'A' to Agriculture Related 'AR-51'. These zoning amendments would recognize an existing parking area used as part of the business as well as facilitate a building expansion on the property.

Public Consultation:

The Public Meeting was held on January 13th 2025. 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: 1601-013-24
Applicant: Agriplastics

DATE: February 10, 2025

REPORT NO: PD-05-2025

SUBJECT: **Information Report**
Zoning By-law Amendment Application (File No. 1601-003-23)
and Draft Plan of Subdivision Application (File No. 2000-92-24)
submitted by Kainthville Holdings Inc.

CONTACT: Susan Smyth, Senior Planner
Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- An application has been received by Kainthville Holdings Inc. (Owner/Developer) proposing amendments to the Zoning By-law and Draft Plan of Subdivision to facilitate a development consisting of residential, commercial, business park, parkland and environmental conservation uses.
- The proposed development consists of:
 - Five local roads with 20 metre right-of ways.
 - Trail Block between the railway line and commercial business park and expected to connect with a trail on adjacent lands to the east that abuts the Environmental Conservation Area Block.
 - 6-storey retirement home building with 104 dwelling units.
 - 8-storey apartment building with 152 dwelling units and 756 square metres (8,137 square feet) of ground floor commercial uses with 224 parking spaces (74 at grade spaces and 150 underground spaces).
 - 3 single detached dwelling units.
 - 36 semi-detached dwellings units.
 - 34 street townhouse dwelling units.
 - Single, semi-detached and street townhouse units will have 2 parking spaces per unit (tandem parking with one in the garage and one in the driveway).
 - 20 business park commercial units.
 - 0.63 hectares of parkland.
- On February 28, 2022, Township Council adopted Official Plan Amendment 60 which re-designated 34 hectares of land, including the subject property, located to the north of St. Catharine’s Street, and east of Industrial Park Road known as East Smithville. The purpose of the amendment is to provide for a greater mix of uses and densities and expected to function as a future prominent gateway into the urban area of Smithville.

RECOMMENDATION:

1. That, Information Report PD-05-2025 titled “Zoning By-law Amendment Application (File No. 1601-003-23) and Draft Plan of Subdivision (File No. 2000-92-24) submitted by Kainthville Holdings Inc.” dated February 10, 2025 be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1 and 2

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

BACKGROUND:

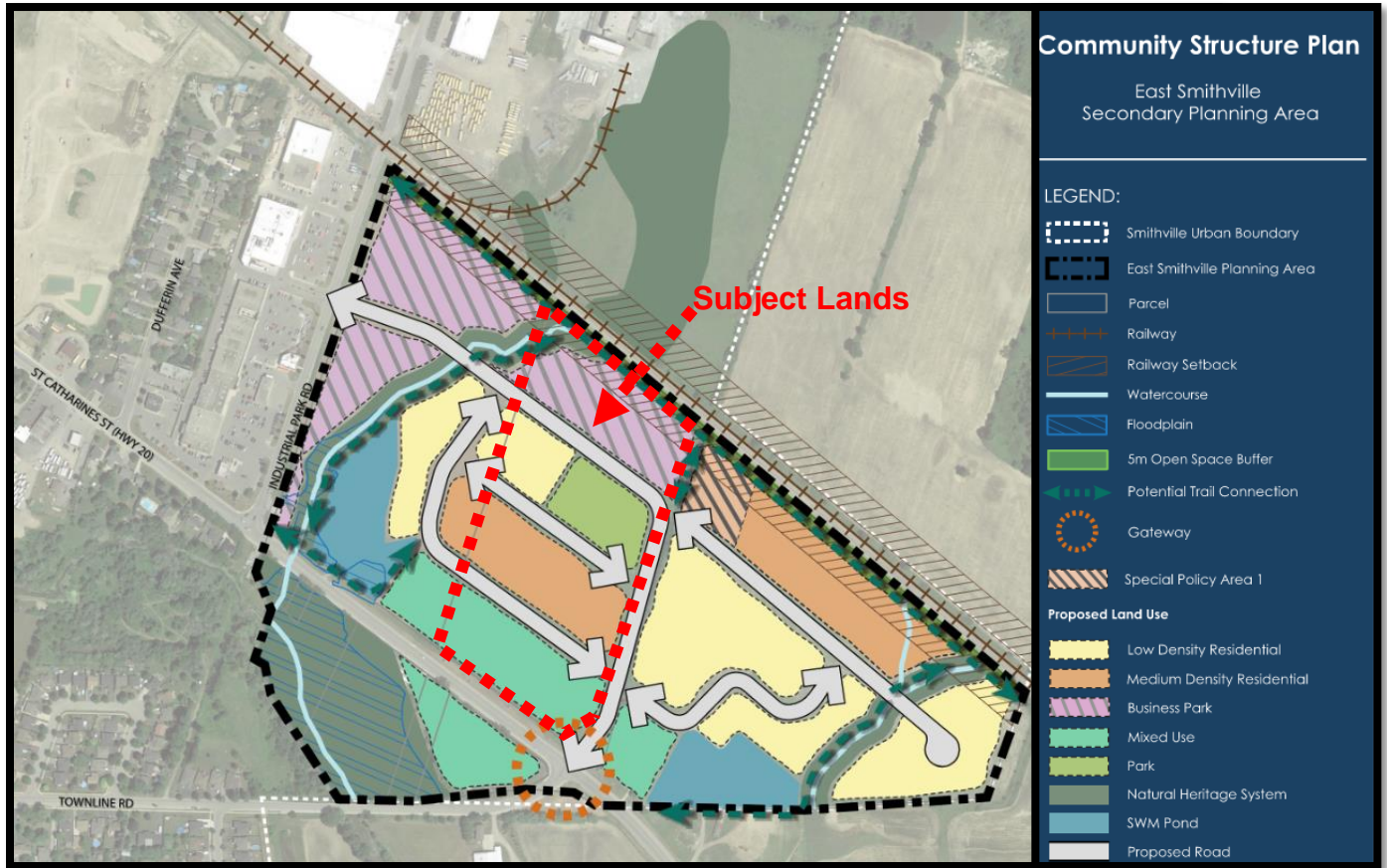
On February 28th, 2022 Township Council adopted Official Plan Amendment 60 (OPA 60) and passed By-law No. 2022-13 for the East Smithville Secondary Plan. OPA 60 amended the Township’s Official Plan and the policies related to the Secondary Plan are found under Section 6.11.6 and the land use designation map are found on Schedule ‘E-5’ of the Official Plan. The lands have been in the urban boundary since the 1990’s but were designated for employment uses. The East Smithville Secondary Plan and OPA 60 converted these lands to a mix of uses including residential.

The Secondary Plan area totals approximately 32 hectares in size and is located on the eastern edge of Smithville. The Secondary Plan lands are surrounded by existing commercial uses to the west, the Canadian Pacific Rail Line (CPKC Rail) and industrial uses to the north, primarily undeveloped agricultural land to the east, and residential/agricultural land uses to the south.

It is the intent of the East Smithville Secondary Plan for the lands be developed with a mix of uses and densities and to function as a future prominent gateway into the urban area of Smithville, with the potential to accommodate approximately up to 500 new residential units. This area is to be planned to reflect the small town character and provide an attractive, high-quality, safe, sustainable, interconnected, and pedestrian-friendly community for future residents of all ages and abilities to enjoy. Refer to Figure 1 that illustrates the community structure of the East Smithville Secondary Plan Area.

The majority of the lands within the Secondary Plan are identified as ‘Designated Greenfield Area’ located within the delineated Built-up Area in the Regional and Township Official Plans. The lands are planned to be developed as primarily low and medium density residential with the opportunity to develop a limited amount of local mixed uses including commercial uses at key locations.

Figure 1: East Smithville Secondary Plan Area



Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare. Under the Region’s growth target, a minimum of 40% of residential growth will be directed to Built-up Areas through intensification annually within the Region although 15% of this annual residential development is reserved for West Lincoln in the Built-up Area which includes Smithville.

To achieve the minimum density target of 50 persons and jobs per hectare in the Designated Greenfield Area and the 15% annual residential growth in the Built-up Area of West Lincoln, this will require the creation of complete communities that provide for housing needs and choices in a more compact, multi-modal, and higher density mix of uses which utilizes land, infrastructure and services efficiently.

Based on the land area and the density required to achieve the Designated Greenfield Area density target in the East Smithville Secondary Plan, it is expected to yield between 450-500 residential units which would support a population of approximately 1,000 to 1,200 people.

CURRENT SITUATION:

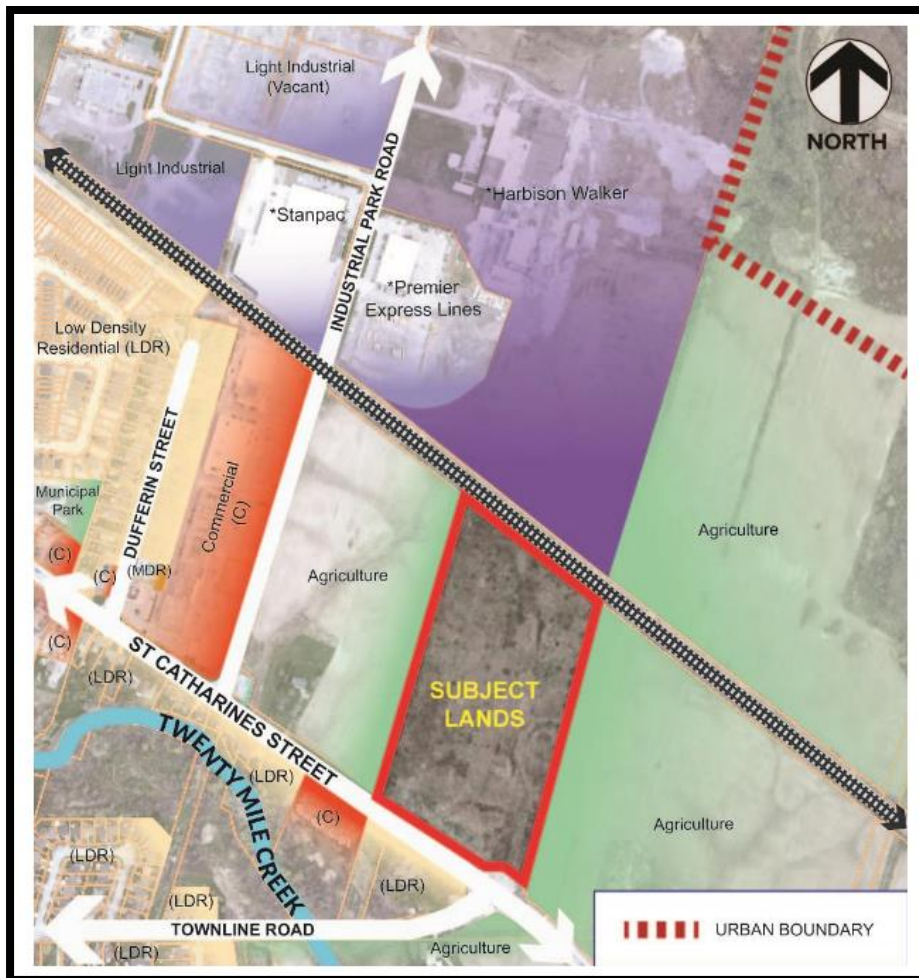
An application for Zoning Bylaw Amendment and Draft Plan of Subdivision have been

submitted by Niagara Planning Solutions Inc. on behalf of the owners Kainthville Holdings Inc. As the property is currently zoned Development 'D', a zoning bylaw amendment is required to rezone the lands for the appropriate new land uses. A draft plan of subdivision application has been submitted as well to create lots, blocks and public roads to facilitate the development. The details of the subject property and development is summarized below.

DETAILS OF THE SUBJECT LANDS

Niagara Planning Solutions Inc. (NPG) are the planning consultants for Kainthville Holdings Inc. (Owner). The subject lands have no known municipal address are legally described as South Grimsby Concession 9 Part Lot 5. Refer to Figure 2 which provides the general location of the subject lands.

Figure 2: Subject Lands



The subject lands have approximately 215 metres of lot frontage along St. Catharines Street (Regional Road 20), and lot depth of approximately 385 metres with a lot area of 7.68 hectares (18.98 acres).

The Regional Road 20 roundabout where Townline Road terminates at St. Catharines Street is located to the southeast of the subject lands and Industrial Park Road is located approximately 200 metres west of the subject lands. St. Catharines Street, running in a general east/west direction is characterized as a mixed use corridor that features a range of commercial, institutional, and residential uses including retail, restaurants, grocery stores, automotive services and service-based uses.

The subject lands are surrounded by a mix of land uses including agriculture uses to the east and west, and commercial and low density residential uses across St. Catharines Street to the south. These surrounding lands are intended for future development and designated for a range of uses including mixed use, low density residential, medium density residential, and business park as identified in the East Smithville Secondary Plan. To the north is the CPKC Railway line and the Smithville Industrial Park located across the railway line with industrial uses including manufacturing, commercial depot, packaging, distribution and trucking operations.

Public parks are located within 1 kilometre of the subject lands, including Hank MacDonald, Rock Street Park and Alma Acres Park. A public elementary school (Smithville Public School) is also located approximately 1 kilometre west of the subject lands on the northwest corner of Canborough Street and Colver Street. There are no public secondary schools located in proximity to the subject lands.

The subject lands have access to a range of transportation options including On-Demand Transit, a shared-ride public transit service without a fixed schedule or route and the lands are connected to the Region's Strategic Cycling Network with an existing bike lane along St. Catharines Street which connects to downtown Smithville. Refer to Figure 3 for the map that illustrates the community amenities in proximity to the subject lands.

PROPOSED DEVELOPMENT

The proposed development will require an amendment to the Zoning By-law 2017-70, as amended for site specific provisions and relief from the current regulations for residential uses, employment and commercial mixed uses.

Additionally, a Draft Plan of Subdivision is required for the development to legally create the public road network, blocks for the environmental conservation areas and parkland, block for the multi-use trail, blocks for the townhouse dwelling units, blocks dedicated to the retirement home building and commercial mixed use condominium apartment building, along with the lots dedicated for the single detached and semi-detached dwelling units, and lastly the block dedicated to the commercial business park.

Figure 3: Community Amenities

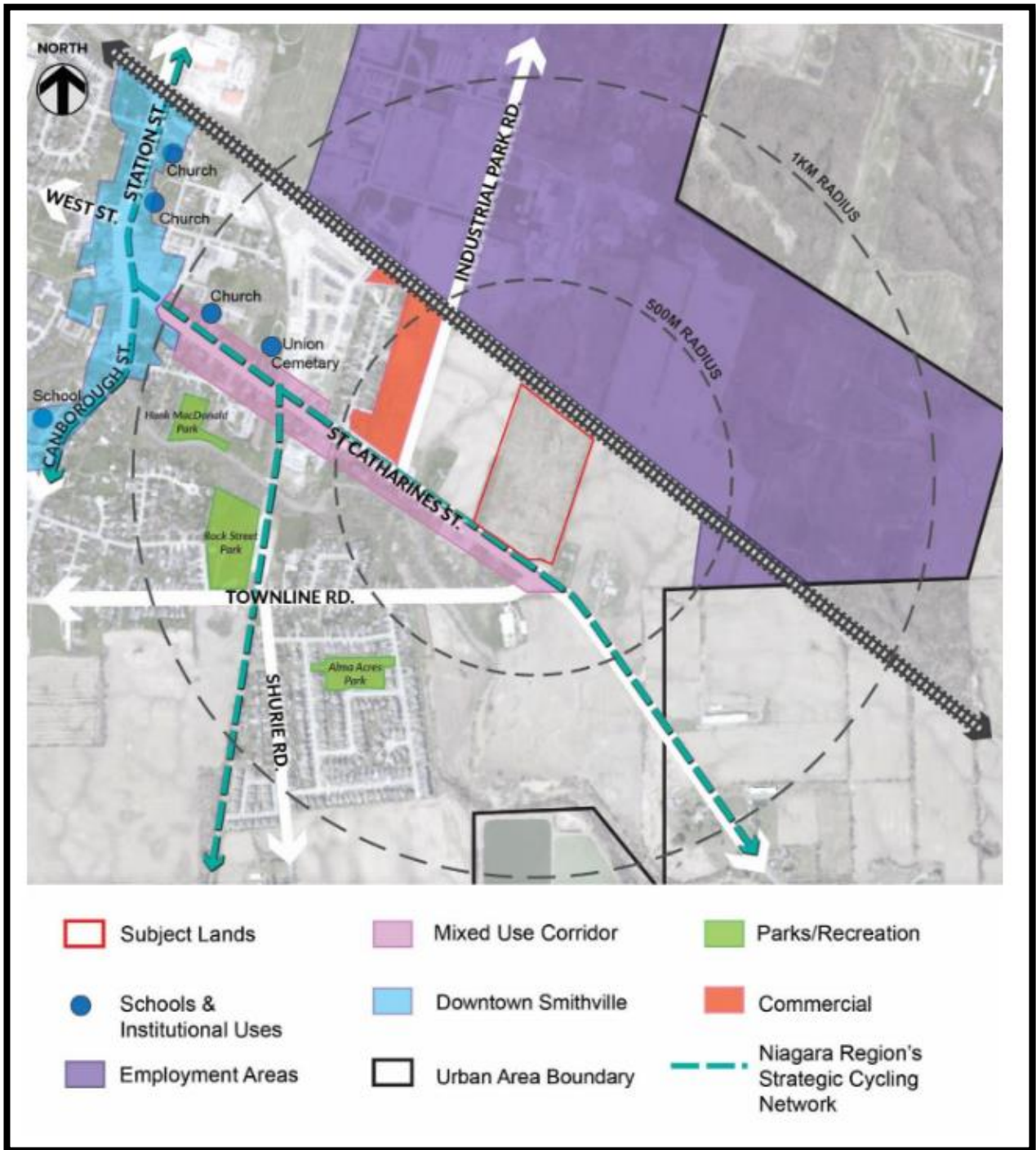


Table 1 below provides the land use schedule with the details of each use and reference to the lot or block in the Draft Plan.

Table 1 – Proposed Land Use Schedule

LAND USE	BLOCK/ LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.8%
Parkland Dedication (for other Lands)			0.33	4.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	36	1.07	14.0%
Street Townhouse	17, 19, 20, 28, 29	34	0.79	10.2%
Retirement Home	30	104	0.92	12.0%
Mixed Use Apartment	31	152	0.93	12.1%
Future Development	32, 33		0.02	0.3%
One-Foot Reserve	34, 35, 36		0.002	0.03%
Trail	37		0.065	0.85%
Right of way			1.74	22.7%
TOTAL		349	7.68	100%

Table 2 provides the breakdown of the proposed development and the intended land uses.

Table 2 – Proposed Development Breakdown

Proposed Use	Unit Count	Reference (Lot / Block) and Location
RESIDENTIAL		
Single Detached Dwelling	3	Lot 14 with frontage on Street 'B' Lot 15 and 16 with frontage on Street 'C'
Semi-Detached Dwelling	36	Blocks 4 – 11 with frontage on Street 'E' Blocks 12, 13 with frontage on Street 'B' Blocks 18, 22, 24, 26, 27 with frontage on Street 'D' Blocks 23, 25 with frontage on Street 'C'
Street Townhouse Dwelling	34	Blocks 17, 19, 28 with frontage on Street 'C' Blocks 20, 29 with frontage on Street 'D'
Retirement Home	104	Block 30
Mixed Use Apartment Condominium	152	Block 31
Total	329	

Proposed Use	Unit Count	Reference (Lot / Block) and Location
BUSINESS PARK		
Business Park Building	20	Block 2 with frontage on Street 'B'
Total	20	
Grand Total of Units	349	Residential and Commercial units

Refer to Attachment 1 for the proposed Draft Plan of Subdivision and Attachment 2 for the Conceptual Site Plan.

The proposed development is projected to yield the following densities as described in Table 3.

Table 3 – Proposed Residential Density

Land Use Designation	Estimated Unit Count	Land Area (ha)	Density Target (u/ha)	Planned Density
Low Density Residential	23	0.82	30 max	28
Medium Density Residential	50	1.23	30-50	40.7
Mixed Use	256	1.85	90	138.4

The proposed amendment to the Zoning By-law would facilitate the following residential densities for each of the land use designations as shown on Figure 4.

Figure 4 – Residential Densities Map



The density calculation excludes the Environmental Conservation Block (Block 1) being 0.18 hectares as well as the Future Development Block (Block 32) being 0.02 ha and Future Development Block (Block 33) being 0.0023 hectares, as these blocks are not proposed to be developed at this time, leaving a developable area of 7.477 hectares.

Block 1 is proposed to be rezoned to Environmental Conservation (EC) and be used for environmental conservation purposes. Block 3 is proposed to be dedicated as parkland. Block 37 is proposed to accommodate a noise-mitigating wall as well as a public multi use trail which will also be dedicated to the Township as parkland. Staff will note that the noise attenuation wall is to be separated from the public multi-use block and shall be solely located in its own block that belongs to the development (condominium ownership) and not dedicated to the Township for ownership and long term maintenance purposes.

Blocks 32 and 33 are not proposed to be developed at the moment and is slated for future development. Lastly, Blocks 34 to 36 will be dedicated to the Township as one-foot reserves at the western ends of Street 'B', Street 'C' and Street 'D'.

Table 4 provides the estimated population and number of residents being proposed for this development.

Table 4 – Proposed Number of Residents

Housing Type	Proposed Number of Units	Average People Per Unit (PPU)	Total Residents Estimated
Single Detached Dwelling	3	3.0	9
Semi-Detached Dwelling	36	2.6	93.6
Street Townhouse Dwelling	34	2.2	74.8
Retirement Home	104	1.5	156
Apartment Condominium	152	1.5	228
Total	329		561.4

The proposed development is estimated to generate 22 jobs in the business park. With that being said, the business park is determined to be an industrial use and the density used is 1,300 square feet per person. The proposed business park has an approximate gross floor area of 26,011 square feet.

Similarly, the proposed commercial gross floor area in the apartment condominium (ground floor) in Block 31 is anticipated to create 16 jobs, based on 500 square feet per employee.

The Township of West Lincoln has a work from home rate of approximately 9.9% based 2021 Census of Population and with this assumption it is estimated that 56 residents within the development would work from home, contributing to 56 more jobs.

Therefore, the combined residents and jobs planned by the proposed development is to accommodate 656 residents and jobs for the site, or 87.7 residents and jobs per hectare.

PROPOSED ZONING BY-LAW AMENDMENT

The subject lands are presently zoned Development (D) Zone and Environmental (EC) Conservation Zone.

The following provides a summary of the requested site-specific relief from the Zoning By-law 2017-70.

R3xx (Semi-Detached Dwelling)

- Reduced minimum lot frontage for semi-detached from 18 metres to 17 metres; and
- Where each private garage of a semi-detached dwelling is located on a separate lot, no interior side yard shall be required along the common lot line of the attached wall joining the two private garages.

RM2xx (Semi-Detached and Townhouse Dwelling)

- Semi-detached dwelling units are permitted on lands not within a Registered Plan of Condominium nor be tied to a common elements condominium private street; and
- Notwithstanding provision of Section 3.9.2, no planting strip is required along the interior side lot line and the rear lot line of a lot that is used for a street townhouse dwelling or a townhouse dwelling.

M1xx (Business Park)

- Permit personal service shops; retail stores and restaurant;
- Permit accessory uses including outside storage and renewable energy system;
- Reduced minimum front yard from 15 metres to 3 metres;
- Reduced minimum interior side yard when adjoining a lot in Residential Zone from 15 metres to 13 metres;
- No minimum amount of landscaped open space is required to be provided in the front yard whereas a minimum of 50% of landscape is required as per the by-law;
- No maximum retail gross floor area whereas a maximum of 10% of gross floor area can be retail as per the by-law; and
- Maximum gross leasable floor area per commercial unit 1,000 m².

CMxx (Ground Floor Commercial in the Apartment Condominium)

- Reduced minimum rear yard from 9 metres or one third of the building height whichever is greater to 6 metres ;
- Increase maximum building height from 15 metres to 28 metres or 8 storeys, whichever is less;
- Maximum gross leasable floor area: 50% of total lot area;

- Dwelling units are permitted on the ground floor provided they do not occupy more than 30% of the ground floor of the building. Dwelling units are permitted to abut the front wall of a building whereas 50% is the maximum as per the by-law;
- Notwithstanding the requirement to provide loading facilities in Section 3.12.5, where a loading space is provided for a commercial use, an apartment building on the same lot containing more than 50 dwelling units is not required to provide loading facilities;
- Notwithstanding the minimum numbers of parking spaces required for motor vehicles identified in Section 3.12.6, the minimum number of parking of parking spaces shall be provided in accordance with the following:

Apartment Dwelling 1.25 parking spaces per dwelling unit

All Commercial Uses 1 parking space per 30 m² gross leasable floor area

SUPPORTING STUDIES REVIEW

The Applicant attended two pre-consultation meetings with the first being held on September 16, 2021, and the second meeting on March 17, 2022 regarding the applications for the amendment to the Zoning By-law and Draft Plan of Subdivision. The pre-consultation meeting agreement identified several study requirements necessary to deem the applications complete and are summarized below.

Noise and Vibration Study

A Noise Feasibility Study was prepared by HGC Engineering dated December 8, 2023, and revised September 12, 2024 to address the updated conceptual plan and draft plan of subdivision.

The Noise Feasibility Study recommends various measures to mitigate impacts including the use of warning clauses, the provision of air conditioning, the use of brick or other masonry for exterior wall construction, acoustic barriers etc. The Noise Feasibility Study will need to be updated during the Site Plan stage when detailed site plan, floor plans and building elevations are determined.

Scoped Land Use Compatibility Study

A scoped Land Use Compatibility Study was prepared in support of the Applications by HGC Engineering dated December 8, 2023, and revised on September 12, 2024. The study indicated that the establishments on the west side of Industrial Park Road, south of the CP Rail line, are best categorized as Class I commercial operations, with no observable night-time activity, no outdoor operations, and no audible sound emissions.

The study indicated that the Class II classification (industrial uses) represents a place of business with medium scale processing and manufacturing, with outdoor storage of wastes or materials (i.e., it has an open process), periodic outputs of minor annoyance, and/or occasional outputs of fugitive emissions for noise, odour, dust and/or vibration. Daytime and/or night-time operations are permitted, and there can be frequent

movement of products and/or heavy trucks during daytime hours.

The study indicated that the facilities do not necessarily require an Environmental Compliance Approval (“ECA”) from the Ministry of the Environment, Conservation and Parks (MECP) to operate (for Air and Noise). Rather the air/noise environmental footprint is sufficiently minor that either self registration within the MECP Environmental Activity and Sector Registry (“EASR”), or no action is required with regard to permitting with the MECP.

To summarize, physical mitigation measures are not required for sound emissions for the commercial/industrial land uses, as such uses will comply with the MECP guideline limits at the future residential locations. Any future uses established in proximity to the subject lands would need to comply with Section 3.13 of the Zoning By-law which prohibits obnoxious uses throughout the Township.

Archaeological Assessments

A Stage 1 and Stage 2 Archaeological Assessments were prepared by ASI Heritage, dated November 12, 2021, and September 8, 2022, respectively. The Stage 2 Archaeological Assessment documented two Early Archaic Indigenous sites and required a Stage 3 Archaeological Assessment to be completed to identify the character, extent and significance of the archaeological deposits more fully, in accordance with Ministry Standards.

A Stage 3 and Stage 4 Archaeological Assessments were completed by AS&G Archaeological Consulting. Representatives of the Haudenosaunee Development Institute (HDI), Six Nations of the Grand River Elected Council (SNGREC), and Mississauga of the Credit First Nation (MCFN) participated in the Stage 3 fieldwork. Following the completion of the Stage 3 (report dated July 29, 2024) and 4 Archaeological Assessments (report dated August 7, 2024), the sites no longer retain further cultural heritage value or interest. As such, no further archaeological mitigation of site is required and the Ministry clearance letters are forthcoming.

Urban Design Brief

An Urban Design Brief was completed by NPG dated November 2024 and concluded that proposed development represents good urban design and adopts a comprehensive approach to design that enhances the livability and physical appeal of the subject lands.

The report indicated that the development ensures the sensitive integration of new development with existing and planned development. This sensitive integration is achieved through the incorporation of public and private spaces, varied land uses and built form, a wide range of housing choices, ample open space and recreational facilities, and convenient access to transportation options. Additional urban design matters will be addressed through future Site Plan Applications for Blocks 2, 30 and 31 for the business park, retirement home, apartment condominium building.

Constraints Analysis and Scoped Environmental Impact Study

A Constraint Analysis and Scoped Environmental Impact Study (EIS) was prepared by Barry Myler of Myler Ecological Consulting dated May 19, 2023 for an earlier application for Zoning By-law Amendment. An Addendum to the Scoped EIS was prepared dated December 1, 2023 to address the current proposal.

The Constraints Analysis and Scoped EIS was required due to the occurrence of a watercourse segment, including its designation as fish habitat that required a buffer/setback and to confirm whether there was a potential wetland on its banks. The investigation confirmed the absence of the wetland and that a 10 metre watercourse buffer would be more than sufficient to protect the quality and function of the feature in consideration of the absence of fish, its intermittent flow regime, and its diminutive channel dimensions.

A confirmation email received from Barry Myler dated March 19, 2024, stated there are no concerns with the trail crossing of the watercourse on Block 1 or with portions of the trail being within and adjacent to the watercourse and its buffer.

Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by S. Llewellyn & Associates Limited Consulting Engineers dated November 2023 and subsequently revised in September 2024. The following are proposed approaches to servicing the subject lands:

- Stormwater drainage within the subject lands will be serviced by a storm sewer system which will convey the 5-year storm event (minor system) to the neighbouring subdivision to the east. Major storm events (>10-Year) will convey through the road network towards the proposed SWM Facility located at 6063 Regional Road 20.
- There are no municipal sanitary sewers fronting the Subject Lands. The closest sanitary sewer network to the proposed development is located at the intersection of Regional Road 20 and Industrial Park Road. A sanitary sewer extension along Regional Road 20 is proposed to service the proposed development. According to the Niagara Region's Wastewater Master Servicing Plan, the Smithville Sanitary Pumping Station has existing capacity concerns under both design allowance peak wet weather flow and during a 5-year storm event. The pumping station is expected to be upgraded within the years 2025 – 2027. The FSR identifies two approaches to address sanitary capacity constraints should the upgrades to the Smithville Sanitary Pumping Station not occur at the time of development:
 - Completion of an Inflow and infiltration Study to identify segments of the trunk sewer that can be replaced to increase resilience to wet weather flows; or
 - Implementation of a phased approach to development until upgrades to the Pumping station.

- There are no municipal watermain fronting the Subject Lands. The closest watermain network to the proposed development is located at the intersection of Regional Road 20 and Industrial Park Road. The proposed watermain network follow the preferred strategies and recommendations presented in the Smithville Master Community Plan.
- It is anticipated that Owner will be expected to enter into a cost-sharing agreement with neighbouring landowners to facilitate the infrastructure upgrades required to service the East Smithville Secondary Plan and Urban Boundary Expansion.
- The Township has retained AECOM Canada to complete a peer review of the Functional Servicing Report to determine the capacity of the existing water system. The peer review will determine what level of infrastructure is needed to support the proposed subdivision.

Parking Plan

A Parking Plan was prepared by NPG dated August 20, 2024, showing up to 35 informal on-street parking spaces. Refer to Attachment 3 for the Parking Plan. These spaces are anticipated minimize any potential impacts from the requested off-street parking relief, necessary to accommodate the densities required as part of the East Smithville Secondary Plan for the proposed development. On-street parking is also provided to accommodate guests and visitors to the park.

Of note, the proposed development will accommodate the required number of parking spaces for all single-detached, semi-detached, townhouse dwelling units, business park units and the retirement home.

Parking relief is required for Block 31 being the mixed use block. Block 31 consists of 152 apartment dwelling units and 756 m² of commercial gross leasable floor area. The planned development of Block 31 would necessitate between 303.3 and 316.5 parking spaces, depending on the specific uses proposed for the commercial uses under the current requirement of the Township's Zoning By-law.

The architectural plans prepared by Raimondo + Associates Architects Inc. (refer to Attachment 4) provides 224 parking spaces for the proposed mixed-use development. Paradigm Transportation Solutions Limited dated September 2024 prepared a Parking to address the parking deficiency and confirmed that the provision of 190 apartment parking spaces (1.25 spaces per unit ratio), 25 commercial parking spaces (1 space per 30 m²) and 9 barrier-free parking spaces would be sufficient to meet parking demand.

The Parking Study also recommended the provision of 30 bicycle parking spaces on site for the residential and commercial uses.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL AND AGENCY COMMENTS:

Operations Department

The Operations Department noted that Block 37 cannot have a dead end as shown on the plan and will need to be consistent with the Township's Transportation Master Plan (TMP) Southeast Rail Trail (TMP Project ID TWL-Trail-09) as part of the East Smithville Secondary Plan.

The FSR needs to update the population densities to be consistent with the Township's Development Charge By-law Study and to confirm the person per unit (PPU) for the business park.

The Operations Department commented on the preliminary engineering design for East Smithville that shows one proposed watermain connection to the Township's existing 200mm watermain at Regional Road 20 and Industrial Park Road and is a deviation from the Water & Wastewater Master Plan (WWMP). The FSR states that confirmation of this watermain connection will be completed at detailed design. Staff stated if there is no capacity, there is the requirement to construct the 400mm looping to align with WWMP.

AECOM has been retained to maintain the Township's water and wastewater models. AECOM will need to update the model with data from the revised FSRs for both the Kaithville Holdings Inc. and the future development to the east to determine the extent to which the existing water system can support these developments. This modelling work will be completed at the cost of both developers.

Building Division

The Building Department noted that building permits with all of the required drawings and specifications along with the fees are required. Furthermore, development charges are required to be paid prior to issuance of building permits.

Additionally, fire break lots must be identified and shown on the plans for the townhouse blocks with 6 or more units and no more than 6 units can be constructed in a row and if there are more than 6 townhouses in a block, a fire wall is required.

Fire Services

Fire Services provided comments on the proposed development for consideration in regards to fire protection service delivery and the high buildings, one of them being a

retirement facility will substantially change the community risk profile, which will require additional firefighting resources and fire prevention efforts to address fires in this type of building and to ensure appropriate maintenance of fire protection systems are within the buildings.

Fire Services is preparing a Master Fire Plan, due for replacement in 2026, and should include the forecasted growth for the community, specifically these different types of buildings, additional residents requiring services and currently available firefighting resources. This should include updates to firefighting skills and equipment to ensure the Fire Service is properly prepared for the different needs and requirements placed on the Fire Service by this type of building, and by the increase in both population and number of commercial occupancies. Furthermore, underground parking can pose new/different risks to firefighting, especially with the growth in the Electric Vehicle market and proper planning for these types of different scenarios should be considered.

Region of Niagara

The Region noted that the proposed development will meet the greenfield density target and is consistent with the proposed uses with the East Smithville Secondary Plan.

The Region stated that the Ministry clearance letter for the Stage 1 -4 Archaeological Assessments will be required and the standard warning clause is to be included in the agreements of purchase regarding the potential for archaeological findings during construction.

The Region also noted that warning clauses be included in the agreements of purchase that relate to the traffic and railway noise that may exceed the Ministry guidelines and inform future occupants of the sound level excesses and presence of the roadways and railway. Also, the recommended mitigation measures in the noise study to be included as draft conditions of approval and an updated noise study be completed at the Site Plan Approval stage when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units to determine the impact of the proposed commercial uses on the site to determine noise mitigation.

The Region had no objection for the findings and recommendations of the Environmental Impact Study (EIS).

The Region commented on the road widening requirements at the round about and reserves along the Regional Road 20 frontage for Block 30 and 31.

The Region stated the site falls within the Smithville Sewage Pumping Station (SPS) sewershed and currently there is some available capacity at the SPS; however, as noted in the FSR the Region supports a combination of both a flow monitoring reduction and infiltration/inflow projects to project additional capacity for new developments as well as include a phasing plan for the development based on the owner's/developer's planned schedule. The Region would recommend that the subdivision agreement

include post flow monitoring to ensure the new system is not adding to the current infiltration and inflow in the system.

The Stormwater Management (SWM) plan requires that an offsite SWM facility, i.e., a wet pond be constructed within 6063 Highway 20, to service the subject development to meet SWM criteria. Staff noted that the proposed SWM facility location is different from that shown on the Community Structure Plan of ESSP. A preliminary assessment is necessary to confirm the plan is practical with respect to the installation of required storage and flow control to meet the allowed discharge rate of erosion and quantity control. The SWS required that Low Impact Development and Green Infrastructure to be explored in the development plan.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA stated there is a required 10 metre setback from the regulated watercourse is now shown on the plans to ensure the entire buffer is contained within in Block 1. The use of Block 1 is noted to be Environmental Conservation, the NPCA will still require that this use is maintained through the Zoning By-law Amendment process to recognize the regulated watercourse and 10 metre buffer.

The NPCA provided conditions into the agreement for erosion and sediment control, work permits, etc. and are provided in Schedule E.

CONCLUSION:

Administration has deemed the application for an amendment to the Zoning By-law and Draft Plan of Subdivision complete for the proposed development that includes low and medium density residential, business park, mixed use residential and commercial, open space and parkland, multi-use trail and environmental conservation, and this report has been presented for information purposes.

Once all stakeholder, agency, public and Committee/Council comments, concerns, issues and feedback is received and are appropriately addressed, Administration will complete a full assessment of the supplement information and prepare a recommendation report along with the associated By-law amendments and conditions of approval of the Draft Plan.

SCHEDULES:

- A. Draft Plan of Subdivision
- B. Conceptual Site Plan
- C. Parking Plan
- D. Architectural Plan (Retirement Home and Apartment Condominium)
- E. Agency Comments

Prepared & Submitted by:

**Susan Smyth
Senior Planner**

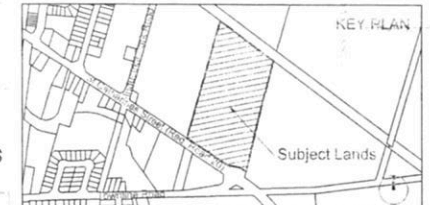
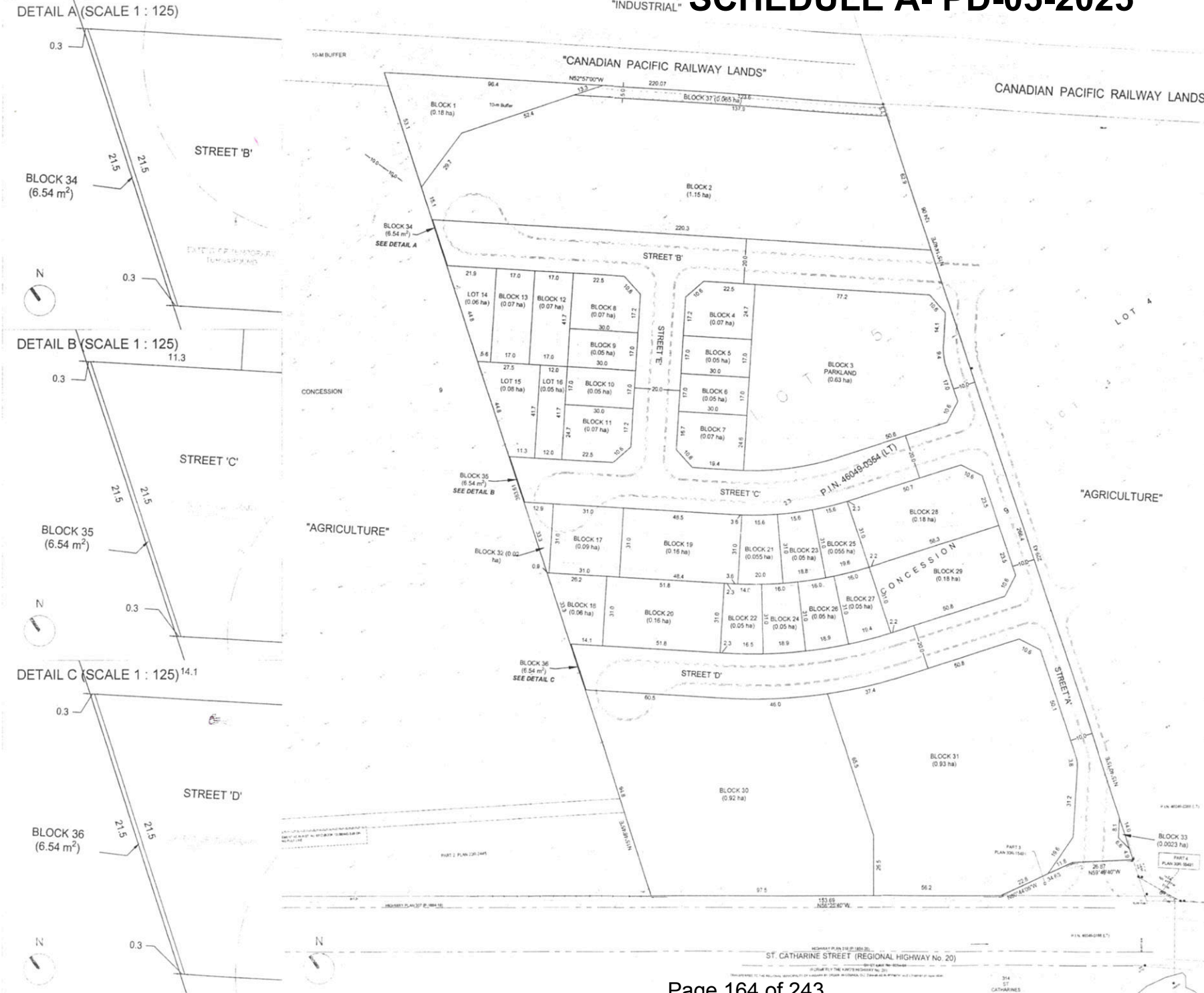
Approved by:

**Gerrit Boerema
Director of Growth and Sustainability**

Approved by:

**Truper McBride
CAO**

SCHEDULE A- PD-05-2025



LEGAL DESCRIPTION
PART OF LOT 5, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY (AS IN R0691284), SAVE AND EXCEPT PART 3, PLAN 30R-15491 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
I hereby authorize the firm of NPG Planning Solutions Inc. to submit this proposed Plan of Subdivision
Grant Family August 20, 2024
Owner (KAINHILLE HOLDINGS INC.) Date

SURVEYOR'S CERTIFICATE
I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown
Harry Kalantzakos
HARRY KALANTZAKOS
Ontario Land Surveyor Date: *July 29, 2024*

- REQUIREMENTS UNDER SECTION 51(17) OF THE PLANNING ACT, 1990 (AS AMENDED)**
- a) SEE PLAN
 - b) SEE PLAN
 - c) SEE KEY PLAN
 - d) RESIDENTIAL COMMERCIAL EMPLOYMENT AND PARK BLOCK
 - e) SEE PLAN
 - f) SEE PLAN
 - g) SEE PLAN
 - h) MUNICIPAL PIPED WATER
 - i) SILTY CLAY, SAND AND GRAVEL
 - j) SEE PLAN
 - k) MUNICIPAL PIPED WATER AND SANITARY SEWER
 - l) SEE PLAN

LAND USE SCHEDULE

LAND USE	BLOCK/ LOTING	NO OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation		0	0.18	0.2%
Business Park	2	20	1.15	1.5%
Parkland Dedicated (for Subject Lands)		0	0.20	0.3%
Parkland Dedicated (for other Lands)			0.33	0.4%
Single Detached	14, 15, 16	3	0.18	0.2%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	28	1.07	1.4%
Street Townhouse	17, 19, 20, 20, 23	34	0.79	1.0%
Retirement Home	30	104	0.92	1.2%
Mixed Use Accommodation	31	152	0.89	1.1%
Future Developments	32, 33	0	0.02	0.0%
One-Foot Reserve	34, 35, 36	0	0.002	0.00%
Trail	37	0	0.065	0.0%
Right of way			1.74	2.2%
TOTAL		349	7.68	100%

REVISIONS

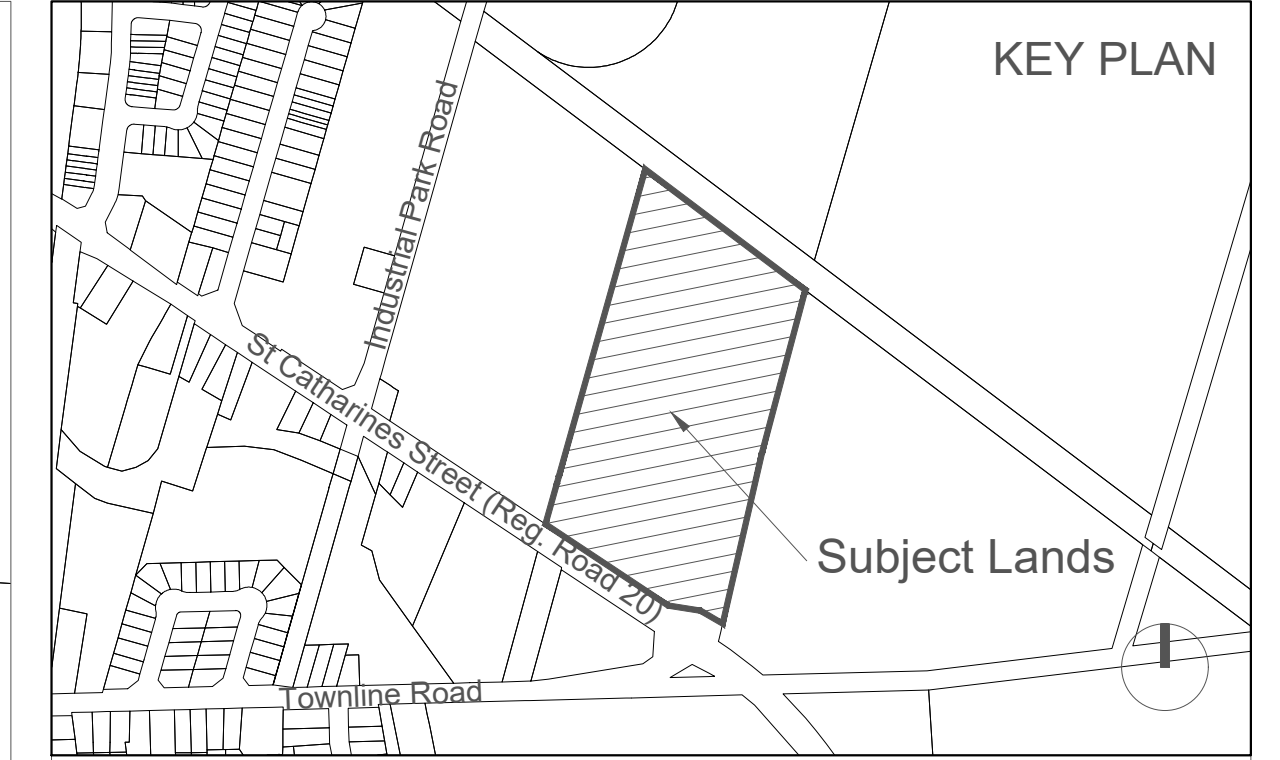
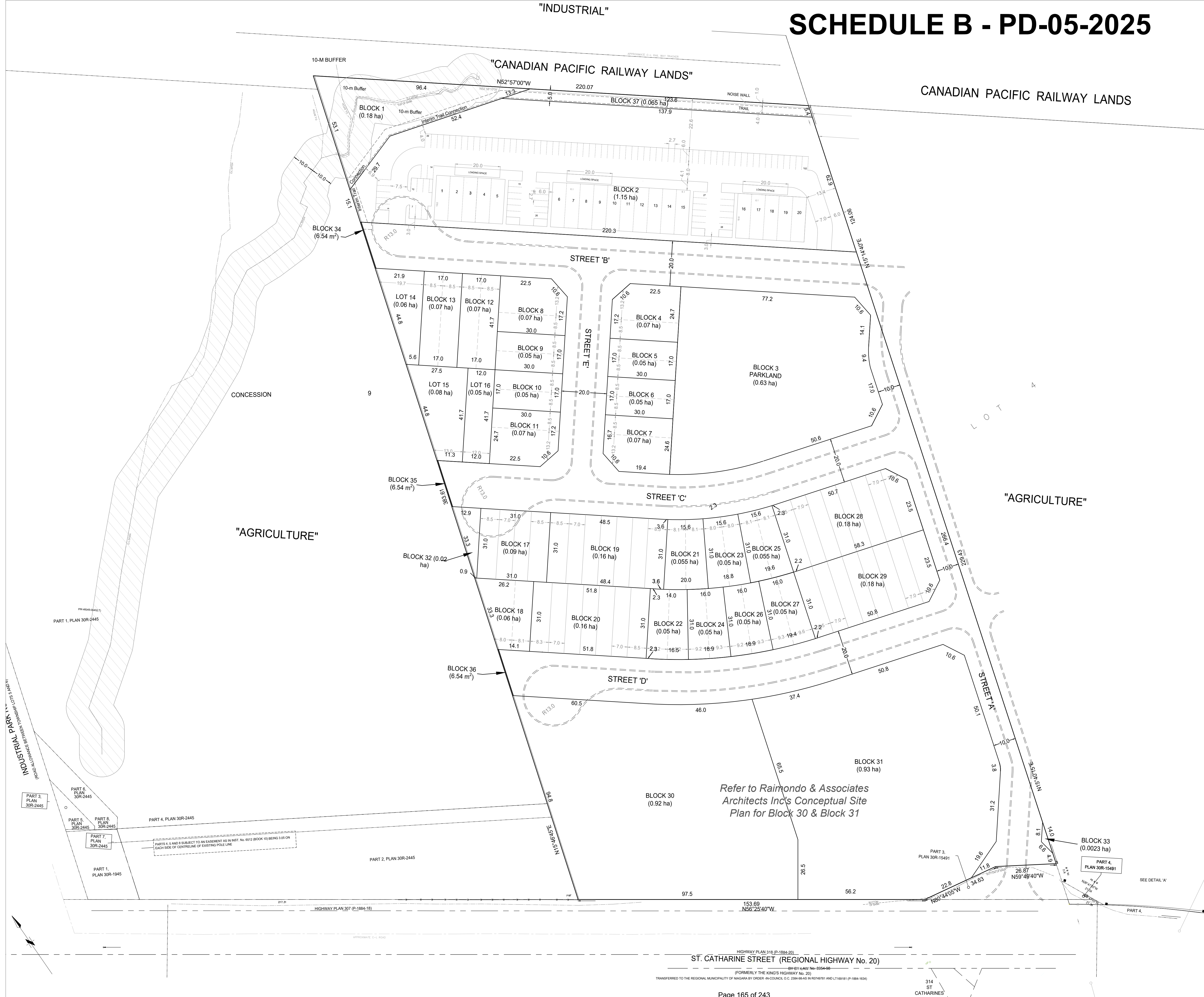
NO.	DATE	REVISION	BY	NO.	DATE	REVISION	BY
1	2024-08-17	Draw Plan Rev. 0	J	4	2024-08-21	Draw Plan Rev. 3	J
2	2024-08-21	Draw Plan Rev. 1	J	4	2024-08-22	Draw Plan Rev. 4	J
3	2024-08-22	Draw Plan Rev. 0	J				

DRAFT PLAN OF SUBDIVISION
LANDS ON THE NORTH SIDE OF ST. CATHARINES STREET, TOWNSHIP OF WEST LINCOLN
Plan: KAINHILLE HOLDINGS INC. Scale: 1:750
Drawing No: 2175-1-7 Date: August 22, 2024

THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF NPG PLANNING SOLUTIONS INC. THE USER OF THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE USER OF THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE USER OF THIS PLAN AND THE LANDS TO BE SUBDIVIDED HEREON IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.



SCHEDULE B - PD-05-2025



LEGAL DESCRIPTION
 PART OF LOT 5, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY (AS IN R0891284), SAVE AND EXCEPT PART 3, PLAN 30R-15491 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

LAND USE SCHEDULE

LAND USE	BLOCK/ LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.8%
Parkland Dedication (for other Lands)			0.33	4.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	36	1.07	14.0%
Street Townhouse	17, 19, 20, 28, 29	34	0.79	10.2%
Retirement Home	30	104	0.92	12.0%
Mixed Use Apartment	31	152	0.93	12.1%
Future Development	32, 33		0.02	0.3%
One-Foot Reserve	34, 35, 36		0.002	0.03%
Trail	37		0.065	0.85%
Right of way			1.74	22.7%
TOTAL		349	7.68	100%

REVISIONS

NO.	DATE	REVISION	BY	NO.	DATE	REVISION	BY
1	2023-08-14	1st Draft Plan	JT	6	2024-11-20	Interim Trail	JT
2	2023-09-12	2nd Draft Plan	JT				
3	2023-10-23	Edits to blocks	AM				
4	2023-12-12	Address comments	JT				
5	2024-08-20	Address comments	JT				

PRELIMINARY CONCEPT PLAN
 LANDS NORTH OF ST. CATHARINES STREET,
 TOWNSHIP OF WEST LINCOLN

For: KAINTHVILLE HOLDINGS INC. Scale: 1:750
 Drawing No.: 21751.3.8 Date: November 20, 2024

THIS DRAWING SHALL ONLY BE USED IN CIRCUMSTANCES FOR WHICH IT WAS ORIGINALLY PREPARED AND FOR WHICH NPG PLANNING SOLUTIONS INC. WAS RETAINED.

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DO NOT SCALE THE DRAWING.

Refer to Raimondo & Associates Architects Inc's Conceptual Site Plan for Block 30 & Block 31

ST. CATHARINE STREET (REGIONAL HIGHWAY No. 20)
 FORMERLY THE KING'S HIGHWAY No. 20



DATE: February 10, 2025

REPORT NO: PD-04-2025

SUBJECT: **Recommendation Report
Backyard Chickens – Zoning By-law Amendment and
Amendments to the Animal Care & Control Bylaw (File No.
1601-002-24)**

CONTACT: Susan Smyth, Senior Planner
Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- Following the September 11, 2023 Planning/Building/Environmental Committee meeting and interest for backyard chickens, a public survey was launched from January 9, 2024 until March 15, 2024.
- An online survey collected results from 674 respondents.
- A non-statutory Public Meeting was held on February 12, 2024 followed by the Public Meeting held on October 15, 2024 which provided opportunities for public and agency input.
- Administration has completed a review of area municipalities in and outside of Niagara Region as well as reviewed best practices for the keeping of backyard chickens.
- After considering the public comments received as part of the public meeting, Administration is recommending a number of amendments to the Zoning By-law to permit backyard chickens within the Hamlet Settlement Areas and rural areas of the Township, and continue to prohibit the keeping of livestock within the urban area of Smithville.
- Additionally, Administration recommends to amend the Animal Care and Control By-law 2023-54 to provide additional regulations and care provisions for Backyard chickens.

RECOMMENDATION:

1. That, Recommendation Report PD-04-2025 titled “Recommendation Report – Backyard Chickens – Zoning By-law Amendment and Amendments to the Animal Care and Control Bylaw (File No. 1601-002-24)” dated February 10th, 2025, be received; and,

2. That, Council APPROVE the amending by-law to Zoning By-law 2017-70, as found in Schedule D, that permits backyard chickens within residential zones in Hamlet Settlement areas and in the Agricultural area, subject to the prescribed regulations; and,
3. That, Council APPROVE the amendments to the Animal Care and Control By-law 2023-54, as found in Schedule B; and,
4. That Council Authorize the CAO to enter into an amending agreement with the Niagara SPCA to additionally cover the enforcement of the amended Animal Care and Control By-law.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Build** – A safe, connected caring and active community
- **Champion** – Strategic and responsible growth

BACKGROUND:

The permissions for backyard chickens has been brought to the attention of Committee/Council and Staff for several years, mainly with respect to bylaw enforcement. Livestock, including chickens and poultry are currently prohibited in residential zones under the Township’s Zoning By-law, including residential zones in all of Smithville, the rural Hamlets, and on Rural Residential lots throughout the agricultural area.

Due to some recent by-law related issues regarding the keeping of chickens within Smithville, Council provided direction to Administration to review the current regulations around backyard chickens and present a recommendation back to Council for consideration.

Administration has presented to the Committee with information related to policies for livestock and chickens in February of 2024 in report [PD-11-2024](#). A Public Meeting was held and the feedback and comments received by members of the public at the Public Meeting were presented in October 2024 in report [PD-50-2024](#). A Statutory Public Meeting was also held in October of 2024 and additional comments were received by members of the public.

Administration has now completed an environmental scan and comparison of area municipalities in and outside of the Niagara Region regarding backyard chickens, have reviewed best practices and have completed a review of the applicable Provincial, Regional and Local planning policy to determine the best approach to regulate backyard chickens.

CURRENT SITUATION:**What Are Other Municipalities Doing?**Niagara Region Municipalities

In Niagara only the City of Niagara Falls and the Town of Pelham currently permit backyard chickens.

The City of Niagara Falls (By-law 2019-35, Schedule D) allows for 10 chickens with no minimum lot area requirement but must have a detached dwelling, with at least 12 metres lot frontage and 30 metres lot depth, and setbacks of 7.6 metres from the rear lot line and 4.6 metres from an interior lot line.

The Town of Pelham (By-law 44-2023) allows up to 6 chickens although requires a license and minimum lot area of 0.4 hectares, and 5 metres from an interior lot line and 10 metres from the rear lot line.

Some of the municipalities like the Town of Fort Erie proposed to undertake a pilot project in 2019 and was denied by Council with concerns for odour, predators, conflicts between neighbours and the cost to implement such a program.

Administration contacted the Town of Pelham and City of Niagara Falls to understand how their backyard chicken programs were implemented and staff indicated that there have been very low update on licenses for backyard chickens and very low to no complaints since the by-laws were enacted.

Other Municipalities Permitting Backyard Chickens

The other municipalities that were examined that have permissions for backyard chickens on residential lots include:

Municipality	Details	License/Permit Required
City of Kitchener	Permanent program 2016 – 4 hen limit, 2.5 metres from side yard lot lines, 1.2 metres from rear lot lines	Yes
City of Guelph	Permanent program 1985 – 10 hen limit	Yes
Halidmand County	Permanent program 2020 – 4 hen limit, minimum lot area of 0.4 hectare and Hamlet Rural zone	No
City of Brantford	Permanent program 2022 – 10 hen limit, 7.5 metres from structures on other lots	Yes

Other Sources of Information

Administration contacted the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Guelph Office and the agency provided the educational fact sheet package on how to care for backyard flocks. Refer to Schedule A for the OMAFRA information sheet.

Additional information for consideration was provided to the Township in the development of the by-laws and regulations around permitting backyard chickens, such as:

- Limit to the number of hens
- Licencing or permits
- No roosters
- Establishing minimum lot size
- Identify setbacks from lot lines
- Sale of eggs prohibited and only for owner consumption
- Disposal of manure
- Requirements for slaughtering of the birds
- By-law enforcement and complaints

Information on how to care for the backyard chickens and the associated health risks for Avian Influenza and Salmonellosis was also provided and recommended to be provided to the public for educational purposes to prevent any spread of disease. Some basic considerations like regular handwashing with soap and water, touching with mouth or eating and drinking in the area of the chickens, remove wet manure, sanitize equipment, remove clothes after cleaning coop, seek veterinarian help in case of illness, store feed in rodent proof containers, ensure proper disposal of dead poultry, and no home slaughtering. Regulations regarding the care and husbandry of backyard chickens have been added to the Animal Care and Control By-law as drafted in Schedule B.

Township of West Lincoln Public Survey

The Township held a public online survey, which ran from January 9 to March 15, 2024. The survey was widely promoted through the Township social media channels, Council newsletter, posters and local print and broadcast media.

The survey garnered a total of 674 responses. Of the total respondents, 637 (95%) identified themselves as residing within West Lincoln and 37 (5%) identified themselves as residing outside of West Lincoln (or other).

The survey questions to gage the public interest around backyard chickens included:

Question	Yes	No
1. When asked whether backyard chickens should be permitted on residential lots in West Lincoln’s urban centre?	498 (73.89%)	176 (26.11%)

Question	Yes	No
2. When asked whether backyard chickens should be permitted on residential lots in West Lincoln’s rural hamlets?	607 (90.06%)	67 (9.94%)
3. When asked whether backyard chickens should be permitted on residential lots in the agricultural area of West Lincoln?	619 (91.84%)	55 (8.16%)
4. When asked whether those wishing to keep backyard chickens should be required to apply for a special permit or license so conditions can be monitored through the Township’s By-law Enforcement Services?	228 (33.83%)	446 (66.17%)
5. When asked to rank potential restrictions/considerations to backyard chickens, respondents ranked the given options in order from highest to lowest importance:		
<ol style="list-style-type: none"> 1. Cleanliness standards 2. Hens only – no roosters 3. Size of coops and run areas 4. Lot size 5. Minimum distance and visibility from other houses 6. Location of where chickens are contained within the yard area 7. Permission from immediate and/or abutting neighbours 8. Prohibition of commercial sale of eggs and chickens 		
6. When asked what the maximum number of permitted chickens should be?		
328 (48.66%) said 7-10 207 (30.71%) said 4-6 71 (10.53%) said 1-3 68 (10.09%) said 0		

Public Petition

Prior to the October 15, 2024 Planning/Building/Environmental Committee Meeting, an independent public petition was completed by an area resident located in Smithville and canvased their neighbourhoods to gather support or no support for the permissions to allow for backyard chickens.

Based on the signed petition lists that was submitted to the Township including written comments, there were 83 residents in favour of allowing backyard chickens on residential lots in the Smithville and 163 residents were opposed to allowing backyard chickens on residential lots in the Smithville.

Public Meeting Comments

After analyzing the survey comments and the oral and written comments from the public, several prominent themes emerged about the resident’s views on allowing backyard chickens:

Theme	Comments/Concerns
Food Security and Self-Sufficiency	Backyard chickens are seen as a valuable resource for food security, especially with rising grocery costs. Chickens are seen as a source of fresh, high-quality eggs, and believe they should be able to supplement their food with home-raised chickens.
Sustainability and Environmental Benefits	Supporters highlight environmental benefits, noting chickens help reduce waste by consuming food scraps and provide natural fertilizer. Some believe chickens align with sustainable living values, such as reducing the community's carbon footprint and helping control pests like ticks.
Health and Mental Wellness	Comments about mental health and well-being, pointing out that chickens offer companionship and engage families in outdoor activities and promote responsible animal care and a deeper connection to nature.
Concerns over Noise, Odor, and Cleanliness	Concerns about the noise, especially from roosters, as well as potential odors and cleanliness issues. Fear of improperly maintained coops could attract pests, like rats, which could impact neighborhood sanitation.
Biosecurity and Disease Concerns	Concerns about disease, particularly avian flu, and the potential threat it poses to nearby commercial poultry operations. Concerns that backyard chickens could pose biosecurity risks if strict regulations are not enforced.
Predators and Wildlife Attraction	Presence of chickens, especially in residential areas, is thought to attract predators like foxes and coyotes, posing a perceived risk to pets and people.
Zoning and Regulation Preferences	Comments received suggest urban areas should have stricter limits on flock size or exclude chickens altogether, while rural or larger lots could permit more flexibility. Some advocate for limits based on property size and location.
Desire for Limited Government Oversight	Comments that property owners should have the freedom to raise chickens without excessive regulation or permitting requirements. Self-sufficiency and property rights, viewing regulations as government overreach.
Community Harmony and Neighbor Relations	Concerns about potential disputes with neighbors are common, especially around cleanliness and noise. Allowing chickens might strain neighborly relations or that owners should seek neighbor consent to maintain harmony.

When providing notice for the Statuary Public Meeting, a draft zoning by-law amendment was circulated and posted on the Township's website for review. This draft by-law was drafted to continue prohibiting livestock, including chickens, in the urban

area of Smithville. This may have impacted those who attended the public meeting, and if further consideration was to be given to the urban area, another public meeting would be required.

Based on the public feedback, consideration of policy and the consideration of by-law enforcement, Administration is recommending that backyard chickens be permitted in the rural hamlets and on rural residential lots in the agricultural area. Administration is recommending that livestock, including chickens continue to be prohibited in the Township's Zoning By-law in order to reduce the number of by-law issues that could arise from backyard chickens. Council and Administration could further review the regulations around backyard chickens at a future date following another public meeting.

Administration is proposing the amendments to the Zoning By-law including definitions and furthermore the amendments to the Animal Care and Control By-law for the regulations on the enclosures (chicken runs and coops) and the proper storage and disposal of manure.

PLANNING POLICY CONTEXT:

The 2024 Provincial Planning Statement (PPS) provides the policy foundation for regulating development and land uses. The PPS states that rural lands are the focus for agricultural, agricultural related, on-farm diversified uses, and normal farm practices. Backyard chickens are livestock and an agricultural use and the keeping of chickens on rural residential lots in agricultural areas and rural hamlets are considered to be compatible with the surrounding agricultural operations and practices in the Township.

The Niagara Region Official Plan (NOP) provides the strategic policy framework for managing growth in Niagara. The Plan provides policies for the protection and enhancement of the vital agri-food sector and agricultural uses while fostering integration with sustainable growth and resiliency in the region. The NOP policies for the agricultural system are focused on the long term protection of principal agricultural uses although flexibility for uses that is appropriate for the site and do not generate conflicting and incompatible issues with farming operations. Backyard chickens and having the permissions for such livestock in rural residential lots in the agricultural area and in rural hamlets generally complies with the intent for maintaining agricultural uses subject to the specific regulations for such use.

The Townships Official Plan provides policies for the continued viability of agriculture in the Township, including flexibility to adapt new techniques and farm practices to sustain agriculture and related services and supportive accessory uses, value added, and tourism related agricultural uses are encouraged.

Section 3.13 (h) of the Township's Zoning By-law 2017-70, as amended currently prohibits livestock on any residential lot or in any building or structure in a residential zone.

3.13 PROHIBITED USES

Unless otherwise specified in this By-law, the following uses are prohibited in any zone:

h) Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential lot or in any building or structure in a Residential Zone, but this shall not prevent the keeping of up to three (3) of any type of household pet, such as dogs, cats, hamsters, mice, rabbits, turtles.

Therefore, Administration is proposing to amend the by-law to permit the backyard chickens on rural residential lots in the agricultural area and low density residential lots in rural hamlets. Refer to Schedule D.

FINANCIAL IMPLICATIONS:

Administration is not proposing a licensing system for chickens as done by other municipalities as that would have a financial impact and take up considerable staff resources. Other municipalities have indicated these licenses programs are not effective and the uptake is low.

Administration is also proposing amendments to the Animal Care and Control By-law 2023-54. These amendments include adding an additional Administrative Monetary Penalty for non-compliance with the By-law with respect to backyard chickens, as indicated in Schedule B to this report. This will create a simpler bylaw enforcement process for the Township and for the Niagara SPCA who is currently contracted to carry out enforcement under the Township's Animal Care and Control By-law.

INTER-DEPARTMENTAL AND AGENCY COMMENTS:

Region of Niagara provided comments early in the process indicating that the Region supports urban agricultural uses such as the keeping of chickens subject to the individual municipalities rules on chicken coop construction, location and disposal of dead chickens and waste and the storage of feed.

Niagara SPCA and Humane Society – Administration met with staff from the Niagara SPCA and Humane Society in early January. The SPCA is currently contracted by the Township to enforce the Animal Care and Control Bylaw. As such, any future bylaw complaints will be sent to the Niagara SPCA for enforcement.

Further, as mentioned previously in this report, by adding additional regulations to the Animal Care and Control Bylaw, the agreement for enforcement services between the Niagara SPCA and Township will need to be amended including increased remuneration costs for enforcement of backyard chicken's regulations. At the time of writing this report, this cost is not yet known; however Administration expects it to be minimal.

PUBLIC COMMENTS:

As noted in the report, several opportunities to solicit feedback and comments/concerns from the public as well as the petitions for and against backyard chickens in residential areas in the Township were used to prepare this recommendation report and to provide the proposed amendments to the Zoning By-law. Public comments and the survey results are found in Schedule C.

CONCLUSION:

Administration is recommending that the Township's Zoning By-law and Animal Control By-law be amended to permit backyard chickens in the Township's hamlets and agricultural areas. Administration is proposing to maintain the existing prohibition of livestock within the urban area of Smithville.

Administration is requesting that Council approve the proposed amendments to the Zoning By-law 2017-70 and Animal Care and Control By-law 2023-54 contained in this report.

SCHEDULES:

- A. OMAFRA Education Information Sheet
- B. Animal Care and Control By-law 2023-54
- C. Public Comments and Survey
- D. Amending Zoning By-law 2017-70

Prepared & Submitted by:

Susan Smyth
Senior Planner

Approved by:

Truper McBride
CAO

Gerrit Boerema
Director of Growth and Sustainability

SCHEDULE A -PD-04-2025

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

Biosecurity Recommendations for Small Flock Poultry Owners

People who raise "backyard flocks" - poultry or gamebirds for personal or limited commercial purposes - should be aware of the risk to their birds, and to commercial poultry, from diseases such as avian influenza virus. Preventive measures taken to minimize the introduction and spread of diseases and other hazards are referred to as "biosecurity." The following simple, inexpensive biosecurity recommendations can be very effective in preventing a serious disease outbreak.

Restrict visitors and observe proper hygiene

Contaminated equipment and people can introduce many disease-causing agents, such as bacteria and viruses, to your flock. These microscopic organisms can be carried on boots, clothing and vehicles, even if they appear clean.

- Restrict contact with your birds to those people caring for them. If you allow visitors, provide them with clean coveralls and boots.
- Do not allow people who own their own birds, or who have recently been in contact with other birds (e.g., visiting another flock or attending a bird show) near your birds. To reduce the risk of introducing diseases to your flock, ensure that people caring for your birds (staff or volunteers) do not have birds of their own or attend events where birds are present.
- Wear separate clothing and footwear when dealing with your birds. Keep them at the entrance to the structure or enclosure.
- Wash and disinfect boots and any equipment that comes in contact with the birds or their droppings, such as shovels, scoops and brooms. Clean cages, food and water surfaces daily.
- Wash your hands thoroughly before and after dealing with your birds.

Prevent contact with wild birds

Wild birds carry many diseases, including avian influenza. Minimizing contact with wild species and their droppings will help protect your birds from these diseases.

- Keep your birds in a screened-in area or preferably an enclosed structure where they do not have contact with wild birds. Screen all doors, windows and vents, and keep them in good repair.
- Do not use water that may be contaminated with wild bird droppings, such as pond water, for your birds. Test your water at least once a year and use appropriate water sanitation such as chlorine. Keep feed in a tightly sealed container, protected from wild birds.

Practice proper rodent control

Rats and mice can spread disease to your birds, spoil feed, cause property damage and kill chicks, poults and other young birds. Mice can enter an enclosure through a hole the size of your little finger, and rats through a hole the size of your thumb.

- Monitor your enclosure regularly for signs of rodents, such as droppings or chewed equipment. Mice will live in buildings once they gain entry, while rats live outside and enter looking for food.
- Clean up all garbage and debris surrounding your birds' enclosure, and keep tall grass and weeds mowed.
- Store feed in tightly sealed containers that a rodent cannot chew through, such as a steel garbage can with a tight-fitting lid or an old freezer.

- Place bait stations around the exterior of your poultry house to help control rodent populations.

Don't bring disease home

Mixing birds of different species and from different sources increases the risk of introducing disease to your flock. It is preferable to keep only birds of similar age and species together (all in/all out).

- If multiple ages and/or species are kept, minimize contact between groups by keeping them in separate locations.
- If new birds are added to your flock, make sure that you get their complete background information, including a history of any diseases and vaccinations. Some vaccines, including some of those used to control infectious laryngo tracheitis (ILT), can cause disease in unvaccinated birds. Consult your veterinarian regarding proper vaccination procedures.
- Keep new or returning birds separate (quarantined) for at least 2-4 weeks after returning home, and monitor them for signs of illness. Clean and disinfect cages and equipment used for these birds. Use separate clothing, footwear and equipment for quarantined birds, and handle them last. If the same equipment and clothing must be used, clean and disinfect them before and after handling the birds.
- Avoid sharing equipment and supplies with other bird owners. If this cannot be avoided, clean and disinfect the equipment before and after each use.

Recognize and report any illness

Early detection is critical to successfully dealing with a disease outbreak.

- If your birds show signs of disease, such as depression, abnormal egg production or feed consumption, sneezing, gasping, a discharge from the nose or eyes, diarrhea or sudden death, call your local veterinarian immediately.
- Dispose of dead birds quickly using an approved method, such as burial or composting. Consult your veterinarian first, as he or she may wish to collect samples for laboratory diagnosis. Proper disposal methods and options can be found on the OMAFRA website.

Raising poultry species, either for food or as a hobby, is part of Ontario's agricultural heritage. However, to minimize the risks this poses to food safety and to the commercial poultry industry, bird owners should recognize and follow good biosecurity practices.

Resources

OMAFRA Factsheets:

Biosecurity: Health Protection and Sanitation Strategies for Cattle and General Guidelines for Other Livestock (Order No. 09-079)

Deadstock Disposal Options for On-Farm (Order No. 09-025)

Rodent Control in Livestock and Poultry Facilities (Order No. 10-077)

This Factsheet was originally authored by Dr. Babak Sanei, Lead Veterinarian, Disease Prevention Poultry, OMAFRA, Guelph, and Dr. Paul Innes, Lead Veterinarian, Provincial Biosecurity, OMAFRA, Guelph. It was updated by Al Dam, Provincial Poultry Specialist, OMAFRA, Guelph, and Laura Bowers, Poultry Specialist Assistant, OMAFRA, Guelph.

For more information:

Toll Free: 1-877-424-1300

E-mail: ag.info@omafra.on.ca

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2023-54

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

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

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

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

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

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

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

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

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

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

1. Short Title:

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

2. DEFINITIONS

For the purposes of this By-law:

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

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

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

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

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

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

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

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

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

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

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

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

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

"Domestic animal" means any tamed or domesticated Animal;

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

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

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

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

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

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

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

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

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal that does not interfere with the breathing,

panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting, the words "Muzzled" and "Muzzling" have a corresponding meaning;

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

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

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

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

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

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

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

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

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

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

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

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

"Society" means the Niagara SPCA and Humane Society;

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

"Sterilization" has a corresponding meaning;

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

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

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

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

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

3. CARE OF ANIMALS

Responsibility to Care for Animals

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

Tethers

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

Sanitary Conditions

- 3.5 Every Person who keeps an Animal within the Township shall keep the Animal, or cause the Animal to be kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.
- 3.6 Section 3.5 does not prohibit a Person who is a bona fide farmer engaged in

a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1.

4. DOGS

Registration

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

Dog Kennel

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

Association (CVMA) Code of Practice for Canadian Kennel Operations.

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

Livestock Guardian Dogs (LGDs) if three (3) or less LGDs are on a property provided that:

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

Leashing and Running at Large

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

Impounding of Dogs

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

Dog Bites & Muzzling of Dogs

- 4.41. No Owner of a Dog shall willfully cause the Dog, or permit the Dog through neglect or failure to control, to Without Provocation Bite, Attack or chase a Person or another Animal, or to damage public or private property.
- 4.42. No Owner shall Muzzle a Dog in any manner that restricts or may restrict the

Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.

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

Stoop and Scoop

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

Number of Dogs Restricted

- 4.52. No Person shall Keep on their Premises more than three (3) Dogs over ten weeks of age, unless:

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

5. GENERAL ANIMALS

Rabies Immunization

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

Transporting Animals

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

Tormenting Animals

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

accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township.

Trapping Animals

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

Livestock

- 5.14. No Person shall Keep Livestock on any Premises in the Township unless the Premises is zoned to permit the Keeping of Livestock by Township of West Lincoln Zoning By-law No. 2017-70, as amended, and any successor thereto, and/or any Provincial Regulation(s).
- 5.15. For the purposes of this By-law, Livestock shall be deemed not to be running at large in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.
- 5.16. No Owner of Livestock shall permit any Livestock to run at large in the Township.
- 5.17. An Officer may seize any Livestock that is found running at large in the Township and may cause such Livestock to be delivered to the Pound, and/or retain the services of a third party, the Society shall invoice the Township separately for each occurrence. The Township shall be responsible for recovering costs from the owner.
- 5.18. Any Person may seize any Livestock that is found running at large in the Township and shall immediately cause such Livestock to be delivered to the Pound or, if known, returned to the Owner.
- 5.19. Any Livestock seized pursuant to Sections 5.17 or 5.18 of this By-law shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.
- 5.20. The Pound may seize and impound any Livestock running at large in the Township and shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner that the Livestock has been impounded, in accordance with the *Pounds Act*, R.S.O. 1990, c. P. 17, as

amended.

5.21. The Pound:

- 5.21.1. may provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress;
- 5.21.2. shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock was impounded; and
- 5.21.3. shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.

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

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

- 5.23.1. paying all costs and fees incurred by the Pound; and
- 5.23.2. taking any other action in relation to the care or control of the Livestock that the Township or Pound may direct.

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

- 5.24.1. release the Livestock to its Owner upon compliance with Sections 5.23 and 5.25 of this By-law; and
- 5.24.2. Keep, sell or dispose of the Livestock.

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

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

Wild Animals

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

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

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

- 5.29.1. release the Wild animal back into the wild within 1 kilometre from where it was found;
- 5.29.2. surrender the Wild animal to the care of the Society; or
- 5.29.3. surrender the Wild animal to a Person or facility licensed by the Ministry of Natural Resources to care for wildlife.

Prohibited Animals

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

- 5.30.1. the Person is authorized to Keep the Animal by the Government of Canada or the Province of Ontario; or
- 5.30.2. the Animal is a bird used for falconry.

5.31. Despite Section 5.30 of this By-law, a Person who is lawfully Keeping a

Prohibited animal on the date this By-law comes into effect shall be permitted to Keep such Animal on his or her Premises provided that the Animal is Kept in an environment which is appropriate for the species and the Owner has registered the Animal by advising the Township in writing of the species of Animal, the name, current address and phone number of the Owner and providing a photograph clearly depicting the Animal within ninety (90) days of the date that this By-law comes into effect.

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

Animal Noise

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

Rabbits

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

Coyotes

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

Backyard Chickens

5.41. No Owner shall fail to comply with the regulations set out in Schedule “F” as it pertains to keeping of backyard chickens within the Township.

6. ADMINISTRATION

Enforcement

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

Offences and Penalties

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

7. APPEALS

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

the Notice to Muzzle, 7 days written notice, by personal service or express post mail of the time, date and location of the hearing.

- 7.4 The applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog.
- 7.5 When the owner of the dog does not attend at the proper time and location, the Appeal Committee may proceed with the hearing in his/her absence and the applicant shall not be entitled to any further notice of the proceeding.

8. APPEAL COMMITTEE:

- 8.1 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than 10 days following the date of the hearing.
- 8.2 The decision of the Appeal Committee is final and binding.
- 8.3 The Appeal Committee shall confirm the vicious dog declaration and order, or exempt the owner of the dog from any of the muzzle, restraining or leashing requirements, or all, or dispose of an appeal by Consent Order.
- 8.4 The procedure of the Appeal Committee shall govern the hearings of the matter subject only to the discretion of the Chair of the Committee to modify such procedures for the purpose of accommodating exigent circumstances and further to the extent that any matter arising during the course of proceedings not covered in the provisions of this by-law, shall be governed by the Statutory Powers and Procedures Act.
- 8.5 Notwithstanding that an applicant has applied for a hearing to appeal a Notice to Muzzle, all responsibilities on a person, including the Notice to Muzzle take effect when the declaration is served on the person to whom it is directed and all responsibilities will remain in effect until the Appeal Committee has made its decision on the appeal.
- 8.6 A written copy of the decision of the Appeal Committee, or the Consent Order shall be prepared, as soon as practicable after the conclusion of the hearing, and shall be delivered or mailed by express post mail to the applicant at the address shown on his/her application, the defendant, Niagara Regional Police, Regional Public Health Department, the Township, the Society, members of Council, Appeal Committee Members and the Clerk.

9.0 REPEAL

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

10.0 EFFECT

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

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

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

SCHEDULE "A"

WEST LINCOLN URBAN BOUNDARY



May 2023

0 287.5 575 1,150 Meters

West Lincoln

Legend

 Smithville Urban Boundary

SCHEDULE "B"

PROHIBITED ANIMALS

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

SCHEDULE "C"
FEES AND CHARGES

1. Early purchase discount rate (December 1st to December 31st of preceding year)
 - (a) Unspayed or unneutered dog \$ 25.00
 - (b) Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof) \$ 14.00
 - (c) Vicious Dog \$ 100.00

2. January 1st to November 30th of each year
 - (a) Unspayed or unneutered dog \$ 30.00
 - (b) Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof) \$ 17.00
 - (c) Vicious Dog \$ 100.00

3. Kennel Licence Fee

Base Fee	\$ 100.00
Plus: per spayed and neutered dog	\$ 5.00
per unspayed and unneutered dog	\$ 10.00

4. Replacement of lost or destroyed dog tag \$ 3.00

5. Application for Hearing – Fee \$ 150.00

SCHEDULE "D"

RABBITS

1. In this Schedule:

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

SCHEDULE “E”

COYOTES

WHEREAS Coyotes are wild animals native to the Niagara Region.

1. PURPOSE

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

2. INTERPRETATION

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

3. REGULATIONS

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

SCHEDULE "F"

BACKYARD CHICKENS

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

2. Enclosure and Care Regulations:

- 2.1 Coops shall provide protection from weather and be adequately ventilated.**
- 2.2 Coops and runs shall be constructed and maintained to exclude rodents and predators from entry.**
- 2.3 Coop floors and runs shall consist of vegetation, bare earth or a combination of both or lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning.**
- 2.6 Hen coops shall provide a minimum of 0.37 square metres for each hen.**
- 2.7 Hen runs shall provide a minimum of 0.93 square metres for each hen.**
- 2.8 Hens shall be confined to a hen coop or hen run at all times. No free roaming hens are permitted.**
- 2.9 Hens shall be provided with appropriate food, water, space and environmental conditions conducive to good health. Feeders and water containers shall be provided and regularly cleaned and disinfected.**
- 2.10 Feed shall be stored in rodent proof containers and shall be secured at all times to prevent rodents and other animals from accessing it. Leftover feed shall be promptly removed from and disposed of in an appropriate manner.**
- 2.11 Deceased hens shall be disposed of at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs, and in accordance with all applicable laws within 24 hours of death.**
- 2.9 Shall comply with the Section 3.8.3 of the Comprehensive Zoning By-law 2017-70, as amended, and its successor thereto.**

3. Manure Storage Regulations:

- 3.1 Manure shall be stored in an enclosed container no more than 3 cubic metres of manure stored at any one time.**
- 3.2 Manure must be maintained in a clean condition and shall be kept free of odours.**
- 3.3 Manure that is kept for composting or fertilizing shall be stored in an enclosed structure or container such as compost bin. Manure not used for composting or fertilizing or in excess of three (3) cubic feet shall be promptly removed and disposed of in an appropriate manner.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

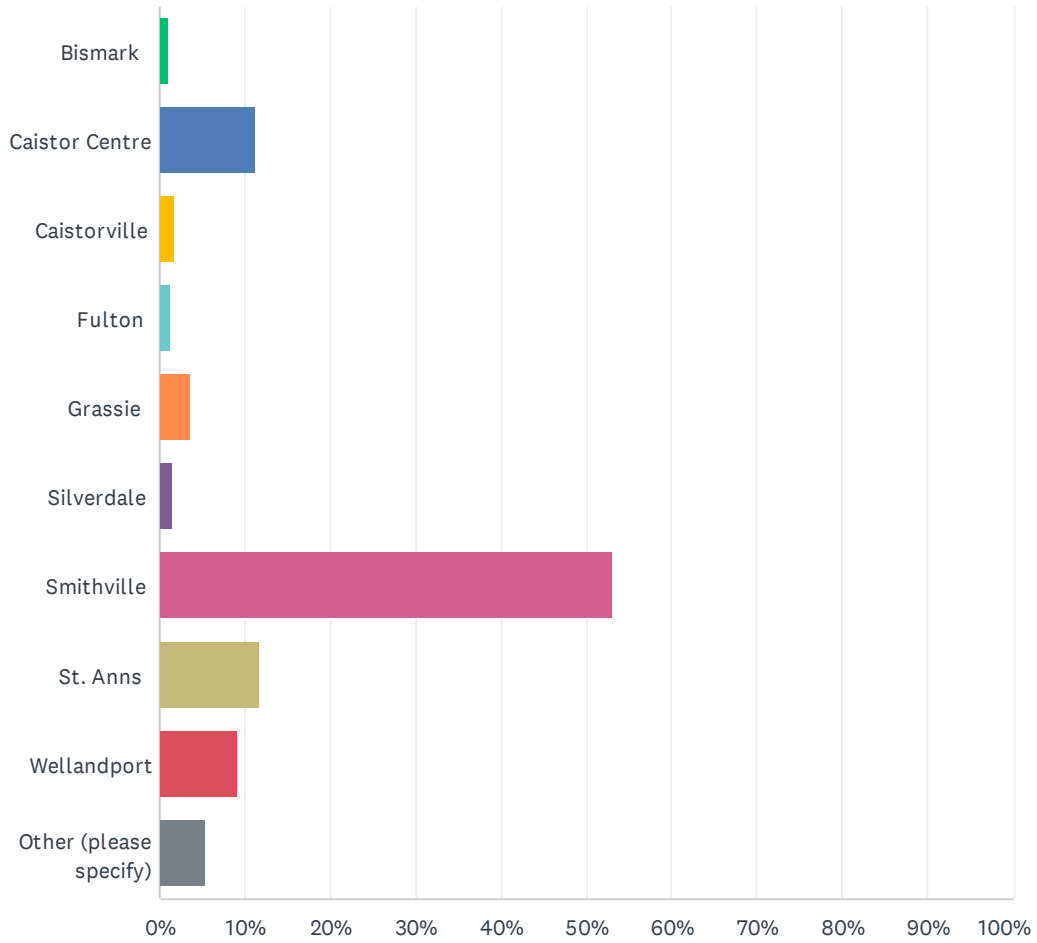
Note: The penalty provision for the offences listed above is Section 6.5 of By-law No. 2023-54

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
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Failing to release a domestic animal to the pound	S. 5.12.3	\$150.00
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Permitting livestock to run at large	S. 5.16	\$300.00
Failing to turn over found livestock to the pound	S. 5.18	\$200.00
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Did remove a wild animal from public lands in the Township where unauthorized to do so	S. 5.27	\$150.00
Did remove a wild animal from public lands in the Township in an inhumane manner	S. 5.27	\$150.00
Did (keep/cause to be kept) a wild animal	S. 5.28	\$150.00
Failing to release a wild animal after possessing it for more than twenty-four (24) hours	S. 5.29	\$150.00
Failing to release a wild animal within one (1) kilometer from where it was found	S. 5.29.1	\$150.00
Failing to surrender a wild animal to the Society	S. 5.29.2	\$150.00
Failing to surrender a wild animal to a (person/facility) licensed by the Ministry of Natural Resources to care for wildlife	S. 5.29.3	\$150.00
Keeping a prohibited animal	S. 5.30	\$300.00
Failing to register a grandfathered prohibited animal	S. 5.31	\$150.00
Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 5.31	\$300.00
Permitting a prohibited animal to run at large	S. 5.37	\$300.00
Owner-(allow/permit) persistent barking by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent whining by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent calling by any domestic pet	S. 5.38	\$200.00
Owner- fail to comply with the Regulations in Schedule "D" as it pertains to the keeping of Rabbits	S. 5.39	\$250.00
Owner- fail to comply with the Regulations in Schedule "F" as it pertains to the keeping of Backyard Chickens	S 5.41	\$250.00
Obstructing an officer in the execution of (his/her) duties	S. 6.4	\$300.00

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

Q1 In which area of West Lincoln do you reside?

Answered: 664 Skipped: 10



Backyard Chickens

ANSWER CHOICES	RESPONSES	
Bismark	1.05%	7
Caistor Centre	11.30%	75
Caistorville	1.81%	12
Fulton	1.20%	8
Grassie	3.61%	24
Silverdale	1.51%	10
Smithville	53.16%	353
St. Anns	11.75%	78
Wellandport	9.19%	61
Other (please specify)	5.42%	36
TOTAL		664

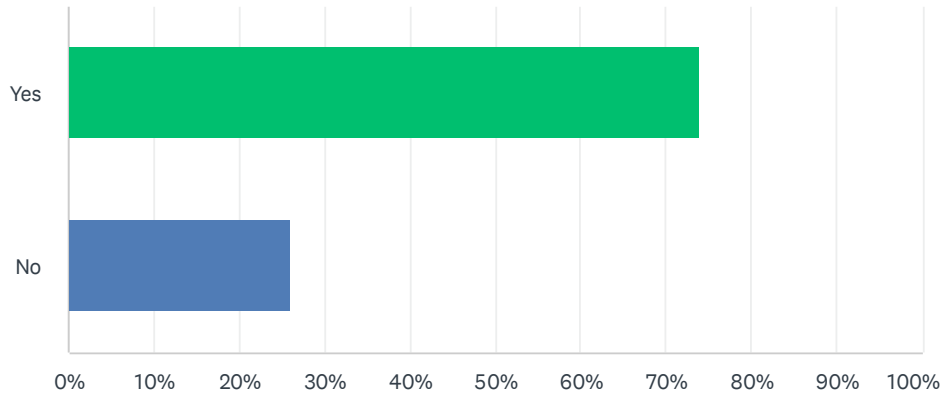
#	OTHER (PLEASE SPECIFY)	DATE
1	Boyle	3/15/2024 11:53 AM
2	Vineland	3/15/2024 11:33 AM
3	Basingstoke	3/15/2024 10:13 AM
4	Beamsville	2/12/2024 7:45 PM
5	Attercliffe	2/9/2024 1:07 PM
6	Port Colborne	2/6/2024 4:15 PM
7	Grimsby	1/31/2024 10:25 AM
8	Grimsby	1/30/2024 11:29 AM
9	Beamsville	1/29/2024 7:41 AM
10	Beamsville	1/28/2024 3:07 PM
11	Vineland	1/18/2024 9:31 PM
12	Beamsville	1/17/2024 1:42 PM
13	Beamsville	1/17/2024 9:48 AM
14	Beamsville	1/16/2024 10:40 PM
15	Beamsville	1/16/2024 10:35 PM
16	Beamsville	1/16/2024 5:29 PM
17	Beamsville	1/14/2024 7:41 AM
18	Somewhere	1/13/2024 5:32 PM
19	Beamsville	1/12/2024 7:36 PM
20	Madawaska Valley Township	1/11/2024 9:24 AM
21	Wainfleet	1/11/2024 8:07 AM
22	Niagara Falls	1/11/2024 7:35 AM
23	Fenwick (Pay taxes to West Lincoln)	1/11/2024 6:37 AM

Backyard Chickens

24	Fenwick	1/10/2024 10:08 PM
25	Beamsville	1/10/2024 8:29 PM
26	Boyle	1/10/2024 8:13 PM
27	Jordan	1/10/2024 4:04 PM
28	Welland	1/10/2024 1:24 PM
29	Port Colborne	1/10/2024 8:19 AM
30	Kimbo	1/10/2024 7:50 AM
31	Vineland	1/10/2024 6:31 AM
32	Attercliffe	1/9/2024 6:24 PM
33	Niagara region	1/9/2024 5:49 PM
34	Abingdon	1/9/2024 4:37 PM
35	West lincoln	1/9/2024 1:58 PM
36	Attercliffe	1/9/2024 1:42 PM

Q2 Do you think backyard chickens should be permitted on residential lots in West Lincoln's urban centre (Smithville)?

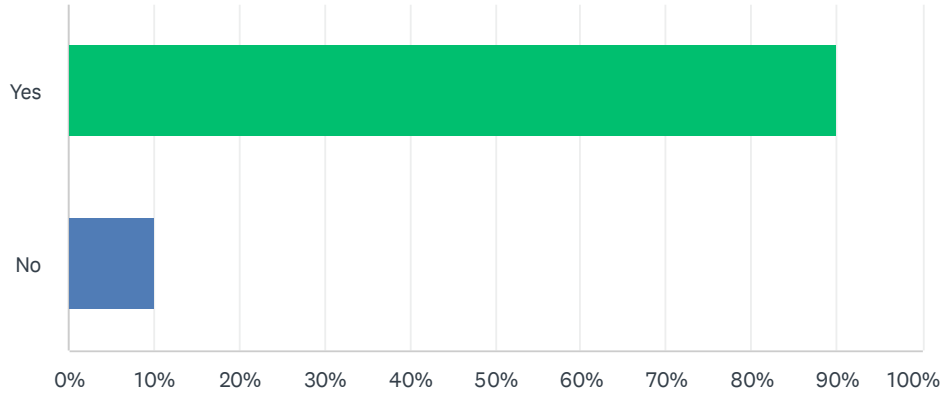
Answered: 674 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	73.89%	498
No	26.11%	176
TOTAL		674

Q3 Do you think backyard chickens should be permitted on residential lots in West Lincoln's rural hamlets (Bismark, Caistor Centre, Caistorville, Fulton, Grassie, Silverdale, St. Anns, Wellandport)?

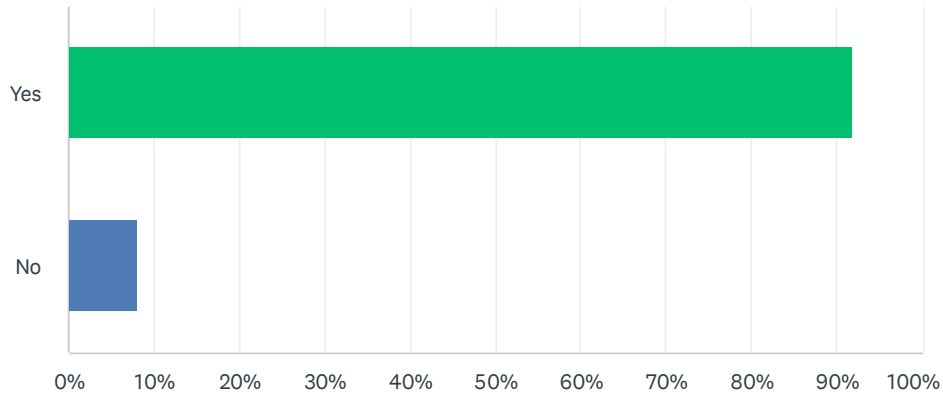
Answered: 674 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.06%	607
No	9.94%	67
TOTAL		674

Q4 Do you think backyard chickens should be permitted on residential lots in the agricultural area of West Lincoln?

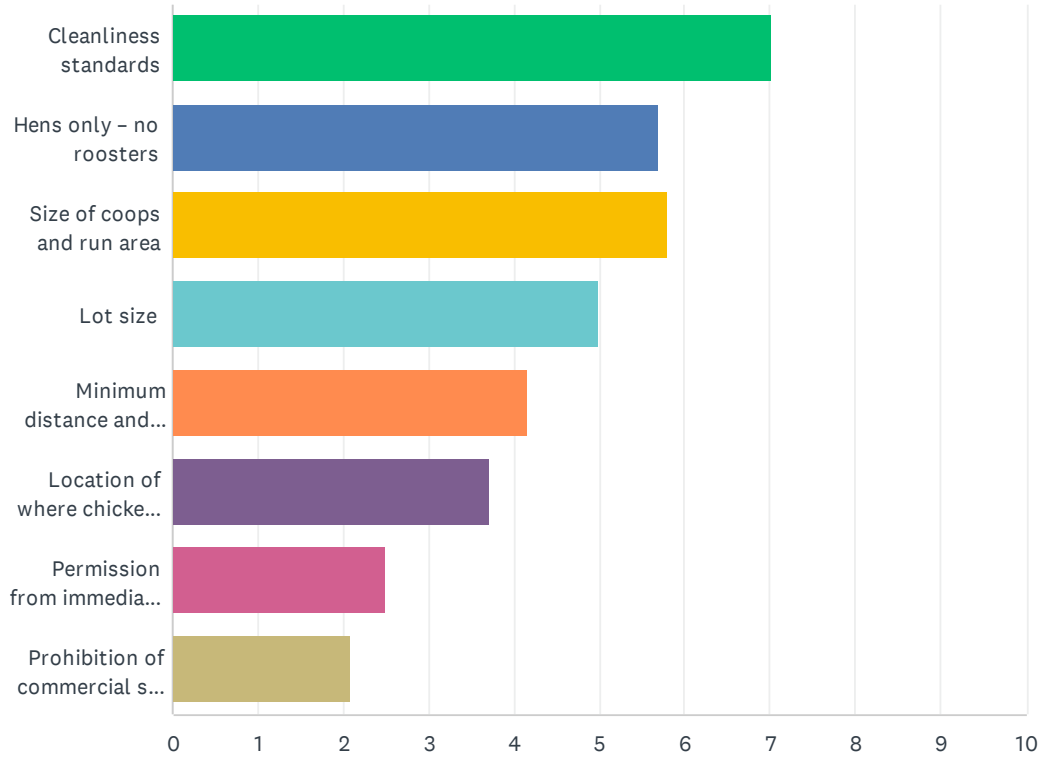
Answered: 674 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	91.84%	619
No	8.16%	55
TOTAL		674

Q5 If guidelines are written to allow backyard chickens in West Lincoln, what considerations do you think are important? Please rank the following restrictions/considerations in order of importance 1 (highest) to 8 (lowest).

Answered: 674 Skipped: 0

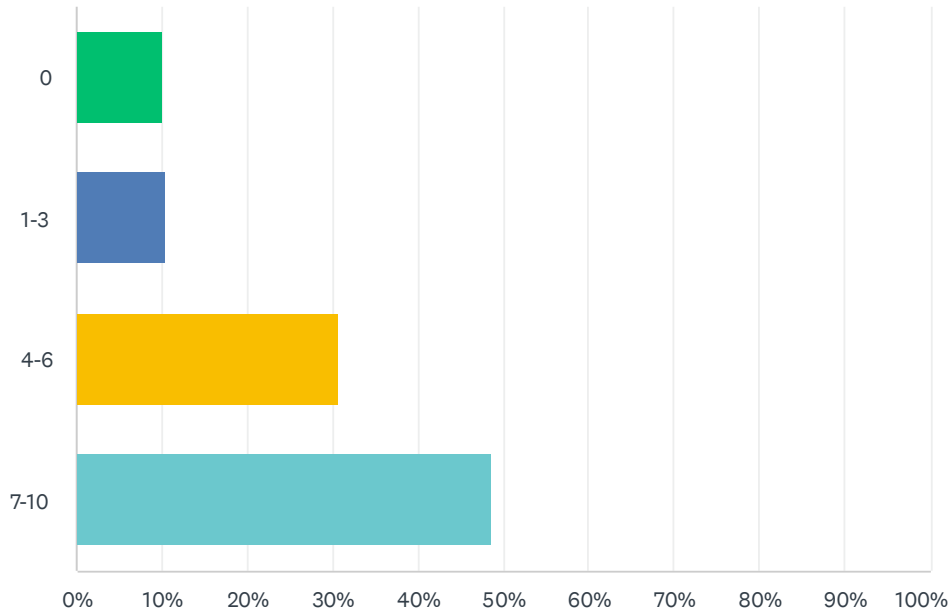


Backyard Chickens

	1	2	3	4	5	6	7	8	TOTAL	SCORE
Cleanliness standards	48.22% 325	27.89% 188	11.87% 80	5.34% 36	3.71% 25	2.37% 16	0.45% 3	0.15% 1	674	7.02
Hens only – no roosters	24.18% 163	23.15% 156	11.72% 79	12.91% 87	9.35% 63	9.05% 61	5.79% 39	3.86% 26	674	5.70
Size of coops and run area	9.20% 62	22.26% 150	37.54% 253	14.84% 100	7.57% 51	4.75% 32	2.97% 20	0.89% 6	674	5.80
Lot size	7.72% 52	10.09% 68	18.25% 123	32.49% 219	13.80% 93	8.46% 57	5.79% 39	3.41% 23	674	5.00
Minimum distance and visibility from other houses	1.93% 13	6.53% 44	7.42% 50	16.91% 114	35.91% 242	21.22% 143	8.16% 55	1.93% 13	674	4.16
Location of where chickens are contained within the yard area	1.19% 8	3.41% 23	8.16% 55	11.28% 76	21.66% 146	39.91% 269	12.61% 85	1.78% 12	674	3.72
Permission from immediate and/or abutting neighbours	5.19% 35	4.15% 28	2.82% 19	2.97% 20	3.86% 26	7.12% 48	37.24% 251	36.65% 247	674	2.50
Prohibition of commercial sale of eggs and chickens	2.37% 16	2.52% 17	2.23% 15	3.26% 22	4.15% 28	7.12% 48	27.00% 182	51.34% 346	674	2.10

Q6 What is the maximum number of chickens that should be allowed per property?

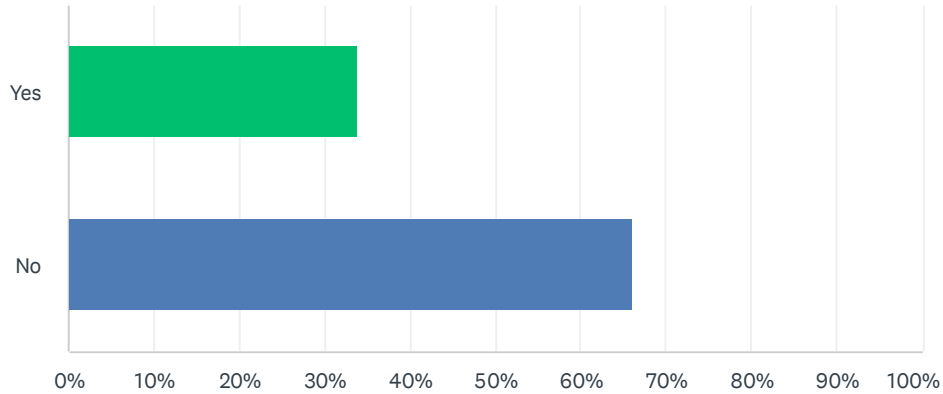
Answered: 674 Skipped: 0



ANSWER CHOICES	RESPONSES	
0	10.09%	68
1-3	10.53%	71
4-6	30.71%	207
7-10	48.66%	328
TOTAL		674

Q7 If backyard chickens were to be permitted in West Lincoln, should people wishing to keep backyard chickens have to apply for a special permit or license so that the conditions can be monitored through the Township's By-law Enforcement Services?

Answered: 674 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	33.83%	228
No	66.17%	446
TOTAL		674

Q8 Please provide any other feedback you may have regarding backyard chickens.

Answered: 291 Skipped: 383

#	RESPONSES	DATE
1	If people want chickens they should be allowed to have chickens.	3/15/2024 11:53 AM
2	It's not up to the government. Let people live their lives and have fresh eggs and meat	3/15/2024 11:33 AM
3	Get the government out of the way! Let the people live their lives and have fresh eggs + meat if desired.	3/15/2024 11:33 AM
4	Everyone should have this right, as many other major cities allow this	3/15/2024 11:27 AM
5	Where would they put the manure from the chickens and it should be on concrete as it could get into the water ways in the ground moe should be involved if so	3/15/2024 10:44 AM
6	Chickens are a great way to control certain pests, reduce food waste, provide food for a family in times of high food cost and cost of living, as well as fostering a relationship with the natural world.	3/15/2024 10:25 AM
7	There should be no limits. The government has no right to dictate if people should be allowed to have their own chickens to have fresh eggs. That fact that it is even being talked about shows how far this have overstepped already.	3/15/2024 10:17 AM
8	There should be different flock size limits applied to urban areas/lot sizes. Someone in town should be limited to 5 birds, while someone outside town with an acre+ lot should be permitted to have more.	3/15/2024 10:13 AM
9	There would need to be STRICT RULES and a feasible way to enforce them to prevent disease and risks farmers crops.	3/15/2024 9:54 AM
10	In town I believe it's something you can discuss with neighbours. In the rural setting there should be more flexibility.	3/15/2024 9:53 AM
11	I think urban area makes sense to not have chickens	3/15/2024 9:18 AM
12	All this will do is create neighborhood problems and force people to move who are not happy because of chickens in an already over priced housing market	3/15/2024 9:11 AM
13	I do not feel this survey was well constructed. Question 5 implies that all the considerations listed are of at least some import to the individual being surveyed and that they believe they should all be considered, even if to varying degrees. Question #6 indicates that decisions have already been made regarding the number of chickens allowed, with a maximum of 10 listed. It also fails to allow for the fact that an individual may think restrictions should be placed in the urban boundary of Smithville, but should not be present in other areas. In this regard, I will note that I indicated in question 6 that there should be a maximum of 7-10 chickens allowed. I do not believe this, but am required to indicate some answer in order to complete the survey.	3/13/2024 7:38 PM
14	This proposal is going to cause nothing but problems with neighbors If you want chickens move to a farm	3/13/2024 1:12 PM
15	There a way to learn more and help provide food There helpful with mental health	3/13/2024 12:20 PM
16	chickens reduce carbon footprint by providing natural fertilizer. they also eat bugs and grubs which means I dont have to buy pesticide. the eggs are fresh and I dont have to pay for a big truck spewing diesel exhaust to bring them to the store	3/12/2024 2:36 PM
17	Chickens are natural. Home chicken coops and runs contribute to a reduced carbon footprint in the community. The natural fertilizer produced helps maximize soil fertility in home gardens. Chickens also reduce pest insects and soil grubs, thus improving soil fertility.	3/10/2024 7:52 PM
18	The yard in which the chickens live should be fenced to help contain the chickens in their own	3/10/2024 7:13 PM

Backyard Chickens

	backyards even if there is a coop	
19	Must stay on their own property	3/6/2024 6:00 AM
20	I feel chickens should be contained to farm and open land. We don't need coyotes and or other animals coming into the residential areas near childrens parks/splash pads, community center and backyards.	3/4/2024 6:57 PM
21	If you live in town 1-3 chickens,hens only and you must keep clean. Feed must be put in the coop to keep down on attracting other animals.	3/4/2024 6:19 PM
22	Chickens help keep the bugs away and they make wonderful pets	3/4/2024 6:19 PM
23	I personally feel the risk outweighs the benefits in tgis situation. We are a farming community and without very strict guidelines and follow through we put many farmers crops at risk of disease.	3/4/2024 10:21 AM
24	I love this idea! Not only would everyone have access to high quality eggs, but there would be no need for a compost system if the chickens just ate the food scraps	2/23/2024 7:58 PM
25	I don't believe this should even be considered.	2/22/2024 5:39 PM
26	Just going to create problems with neighbors	2/22/2024 2:10 PM
27	If you want chickens then buy a farm.	2/22/2024 12:17 PM
28	Chickens attract rats especially their food and eggs. If food is not kept well contained	2/17/2024 10:23 PM
29	Being able to have backyard chickens has financial benefits, health benefits, and helps control tick population which is supposed to be bad this year.	2/16/2024 12:01 PM
30	Benefits of backyard chickens: Home-grown eggs Knowing that your food comes from happy, healthy hens Saving money Fertiliser, aka black gold Garden pest and insect control (TICKS) A natural kitchen and garden waste disposal system Turning food scraps into eggs	2/15/2024 6:59 AM
31	Being able to have backyard chickens has financial benefits, health benefits, and helps control tick population which is supposed to be bad this year.	2/14/2024 10:11 PM
32	Being able to have backyard chickens has financial benefits, health benefits, and helps control tick population which is supposed to be bad this year.	2/14/2024 3:09 PM
33	In city chickens will promote coyotes more in our neighborhood. Outside in rural areas are best as raising chickens as this is more of a fad than anything else	2/14/2024 11:25 AM
34	i think there should be 25 to 50 chickens allowed	2/14/2024 9:02 AM
35	Should ensure chickens have proper separate appropriate shelter, care, watered, feed etc Perhaps require a license like a dog license. Cats should also be licensed!	2/14/2024 12:18 AM
36	They smell, attract prey, they belong on a farm. Not in begging a town house.	2/13/2024 8:20 PM
37	West Lincoln is the chicken capital,of Ontario for commercial birds. Avian flu usually appears first in bank yard flocks and then to producers. Is the town ready to be held accountable when avian flu strikes producers in west Lincoln.	2/13/2024 4:00 PM
38	Shouldn't be allowed in residential areas such as surveys.	2/13/2024 2:15 PM
39	I don't see an issue with country properties having chickens as long as they're properly detained and roaming all over the place. However, in town it's been proven already that people are too irresponsible to contain their pets and clean up after them. Just go for a 5 minute walk and see how many times you see dog poo left oo/near the sidewalk, how many dog poo bags you see tossed in the ditch. We constantly see loose dogs, cats all over town. I feel adding chickens is just going to be a hassle for everyone as too many people will get them with good intentions and then realize later that they are work.	2/13/2024 1:19 PM
40	There is absolutely no good reason to not allow people to have their own chickens, ESPECIALLY in country areas!	2/13/2024 12:47 PM
41	Rural and urban districts must have different criteria for ownership in line with neighbouring considerations accounting for density. Keeping hens and maintaining cleanliness ought be prioritised and allowable for food security, animal education and childhood development. Any conflict with abutting neighbours need be addressed through mediation and resolution to return	2/13/2024 12:10 PM

Backyard Chickens

to peace. This can be accomplished by 3rd party resident involvement akin to your jury duty system. We have better solutions than we use. There are enough restrictions, penalties, rules, regulations and fees paid by the residents of West Lincoln. Let us live! Complaints regarding cleanliness can be addressed through the current SPCA investigation system. If we want to direct \$ to that effort, I'd support it.

42	People complain about foxes and coyotes, this will attract. There are many diseases that could be spread. The odour and cleanliness is a concern because you cannot pick up chicken waste as you can dog waste. Their feed attracts rodents. Who is going to police it and at what cost?	2/13/2024 11:24 AM
43	I feel there would need to be many rules and regulations in place aswell as a way to follow up with these rules and make sure they're being followed to protect our farming community	2/13/2024 9:57 AM
44	A permit should not be needed. Enforcement of standards can be complaint based.	2/12/2024 11:40 PM
45	I lived beside a neighbour who had chickens for almost 2 years before they moved away. They were diligent about maintaining cleanliness and did not have a rooster, but the chickens were often attacked at night by predators that might otherwise have not been near my backyard. As with any activity if this kind, a lot depends on how much effort is put into mitigating impact on your neighbours.	2/12/2024 11:31 PM
46	I don't have chicken or want chickens. Doesn't bother me if someone else wants them have at it. Less governing rules for something like this is all I ask for.	2/12/2024 11:31 PM
47	Suggest number of chickens allowed could be increased based on lot size and location (ie. Rural lots)	2/12/2024 10:58 PM
48	Let people have pets, a food source and do what they want on their own property. Gross that I can drive by endless chicken death mills, but can't have a pet chicken to lay some eggs if I want for me and my kids.	2/12/2024 10:27 PM
49	Chickens bring more rats and mice to the area also coyotes. With that it increases the amount of possible diseases (rabies)	2/12/2024 10:04 PM
50	It should be a right	2/12/2024 9:16 PM
51	We should let people use their property to feed themselves. We should not prevent this. I don't have chickens, but my neighbours do - they don't bother me at all...	2/12/2024 9:06 PM
52	With thr cost of living so expensive chickens are the way to go,	2/12/2024 9:03 PM
53	Allowable but well regulated for humane conditions.	2/12/2024 8:43 PM
54	Smithville is considered rural. Even in residential neighbourhoods. I don't even think this should be a discussion, if it is not harming anyone, I don't see anything wrong.	2/12/2024 8:42 PM
55	As long as there are no complaints about rodents due to chickens with owners not doing anything to control the issue I don't feel any monitoring should be done! The monitoring would just end up costing taxpayers more money in taxes. If there are complaints from neighbours then Bylaw can get involved to deal with the situation. Backyard hens are not only a great inexpensive food source in this time of super high grocery prices but they also can be pets for people dealing with loneliness or mental health issues that can't afford to have a dog or a cat.	2/12/2024 8:40 PM
56	chicken poop is not liquid ...and with 6 chickens and using shavings u can composte with no smell	2/12/2024 8:36 PM
57	Should complains come through too much they need to be removed	2/12/2024 7:58 PM
58	Our neighbours had them a few years ago on West St. It created an issue with rats which we found out our neighbors were poisoning and in return the rats were coming to our property for water from birdbaths. Our dog was killing said rats which in turn was causing our dog to become ill. I am against urban chickens. The country is the place for these animals	2/12/2024 7:53 PM
59	If you want chickens move to a farm	2/12/2024 7:40 PM
60	This is one of the oldest forms of harvesting food for families. It should be allowed and not hindered. Food safety is the utmost importance in today's society.	2/12/2024 7:01 PM
61	How the feed is kept, as it attracts rats. Chickens should not be allowed to roam on yard as they go on the road. Chickens are agricultural animals and should be kept in areas that are	2/12/2024 7:00 PM

Backyard Chickens

	deemed agricultural.	
62	I have worked at a slaughterhouse for poultry. There is a reason they are call foul.	2/12/2024 6:59 PM
63	The number of chickens kept should be determined by the size of the lot and the distance from the urban centre	2/12/2024 6:59 PM
64	We need all the real food we can get at this point	2/12/2024 6:54 PM
65	My biggest concerns are odors and annoying neighbors. Larger rural communities are better suited to farm animals then the actual towns subdivisions and neighborhoods.	2/12/2024 2:19 PM
66	Not allowing residents to own chickens is discriminatory for the following reasons: Dogs and cats are not banned, yet allowing ownership results in the following: Dogs can be a nuisance ie barking, bad pet owners not cleaing up pet waste on sidewalks. Dog bites: over 2 million children are bitten by dogs in north america each year. Children are more at risk of being bitten on the face, head and neck. Some owners let their cats out, and as a result they roam other properties, doing damage to gardens, and possibly interacting with children. Chickens can easily be restrained to a property with fencing, wing clipping, or providing a run. Chickens eat fleas and ticks which can transmit disease. Cats and dogs harbour fleas and ticks, and bring them into pet owner's homes. There was a case of bubonic plague recently - the source was believed to be fleas transmitted by a pet cat.	2/12/2024 1:03 PM
67	Chickens should definitely not be allowed in the urban center of Smithville, but should be allowed in the rural areas.	2/12/2024 12:27 PM
68	There are property and animal husbandry bylaws in place that control most people's concerns. People in general are the problem and not the type of animal they're keeping. So please allow people who would enjoy a couple chickens, the same rights to enjoy their property as someone who is able to keep 3 dogs.	2/10/2024 6:02 PM
69	Chickens are for farms and not meant to be in a residential area. They smell, are noisy and their food would attract rodents. If you want chickens, move to a farm area.	2/10/2024 5:10 PM
70	Backyard chickens should not be permitted whatsoever, as they pose a major biosecurity risk to local poultry operations. A disease outbreak as a result of backyard flock owners (who are not subjected to the food safety and animal welfare regulations that producers are), will have serious negative impacts on local businesses, the supply chain, and animal welfare.	2/9/2024 2:50 PM
71	Backyard poultry is very risky to the vast number of poultry farmers in West Lincoln	2/9/2024 1:54 PM
72	Food security is a major issue facing the citizens of West Lincoln, and grocery prices are skyrocketing. I am a father of three, and am the sole provider of income for our family. It is imperative that I be able to augment our food supply by growing, hunting, fishing, and raising food for ourselves.	2/9/2024 12:07 PM
73	You propose 6% tax hike and then this missuse of tax payer money to police chickens Ridiculous	2/8/2024 11:35 AM
74	With all the expansion/new housing being built on much smaller lot sizes it seems ridiculous to allow chickens. To enforce any associated rules will cost the township too much money. Chances are enforcement will be insufficient.	2/8/2024 12:09 AM
75	If kept cleanly housed and with proper care, hens are able to be kept in town. Cleanliness eliminayes issues with flies and disease. and there is no smell if they maintained well. Their noise is less than that of a barking dog.	2/7/2024 12:26 AM
76	If we are going to manage peoples chickens then dogs cats and rabbits should also be by-lawed	2/6/2024 10:07 PM
77	This is a rural community. Children keep chickens to learn about animals and earn \$. Not to mention the cost of living and food - that chicken also help with. Leave our rural roots alone. In town perhaps they should require a pen or coop. In the country free range should be an option. Enough of the by-laws and cash grabs for permits. Keep it simple! Hens only? Why so you don't have to hear a rooster crow? Come on.	2/6/2024 1:27 PM
78	Rats,odours	2/6/2024 10:17 AM
79	I am totally against any chickens in the residential ares of Smithville. I have sent Emails to all Councilors why I'm against.	1/31/2024 4:35 PM

Backyard Chickens

80	Raising chickens is a great way to feed your family, recycle compost and teach kids the value of chores.	1/31/2024 2:57 PM
81	We do not have backyard chickens, but have many friends that do. The benefits of them are great and I think anyone who wishes to undertake the care and maintenance of them in order to reap these benefits should be able to regardless of where they live. There should be requirements that are met to ensure the animals are kept in a humane environment and that they are not a disruption to neighbours.	1/31/2024 2:20 PM
82	Please do not regulate to the point of exhaustion. Permits are an example of extreme over regulation. It makes good sense to consider regulations for urban areas, but not rural. So many existing back yard chickens are about kids experiencing animal husbandry and in many cases the chickens are pets. For others chickens meet basic food subsistence requirements when food is beyond expensive. If licensing chickens is important likewise licensing the peas, carrots, lettuce and corn planted in our gardens must also be. We purchase all our eggs from local "backyard" operations, and they all involve children or early teens learning from the experience. Large scale chicken operations need not fear spread of disease. If so you may as well kill off any form of wild birds that grace our skies that can also be potential disease carriers.	1/30/2024 4:59 PM
83	Wondering if the township is prepared for avian flu when that hits because of back yard flocks. Will the township be insured for claims of avian flu hitting farms because of back yard flocks	1/30/2024 12:44 PM
84	Roosters in urban areas should require neighbors permission.	1/30/2024 11:29 AM
85	Something like this will damage relationships with neighbors	1/30/2024 9:15 AM
86	Encourage eco friendly and sustainable living by allowing hens in west Lincoln !	1/30/2024 9:08 AM
87	I feel that the maximum number of chickens permitted per resident should be determined by the amount of property the citizen has. Sale of free range chicken eggs should be permitted to all resident owners of poultry, no matter the amount of chickens.	1/30/2024 12:11 AM
88	This is a baseless and biased consultation. Smithville has a history of regional food security that was created by small flock farmers. This ridiculous attack on farms in rural areas is uncalled for. I hope that this legislation will not be passed however if it does it will hurt the local food system in uncounted ways. Young people will no longer have any way to start farming as a career; and all people in West Lincoln will no longer be able to eat healthy eggs or meat, but be forced to eat sub par factory raised food.	1/29/2024 1:44 PM
89	They should absolutely be allowed! It is good to be considerate of Neighbour's though also so maybe some minor guidelines could be applied	1/29/2024 12:51 PM
90	If backyard chickens were allowed, I'd like to know how the town is going to patrol to make sure proper care is being taken to prevent the spread of disease in our farming community. Us farmers have gone through training and have heavy protocols to follow so it seems absurd that any joe blow can have free range chickens that could potentially spread disease and cause families to lose everything they've worked for.	1/27/2024 7:50 PM
91	I think that a decision of allowing chickens in residential backyards will only open a can of worms to the amount of chickens, and other barnyard animals we potentially could have in our neighborhood. The smell, the sound, the increase that would most definitely happen with mice, rats, and coyotes. This would impact me and my family, because we live only two doors down from this residence. Myself and my family, as well as many neighbours that I know of are opposed to this byelaw change. Not to mention the decrease in our property values. Thank you	1/23/2024 7:10 PM
92	This is a slippery slope. If you allow even one backyard chicken in a residential area, which by its very name means non-agricultural, then what is to prevent chickens in every residential home. I personally find the odour emanating from chicken excrement repulsive and I didn't purchase a home in a strictly residential community to be exposed to that. Additionally, I would be concerned about an increase in coyotes resulting from the presence of chickens, near residential properties and legitimate smaller pets.	1/23/2024 6:53 PM
93	Chickens have been in West Lincoln well over 200 hundred years without any real concerns in urban and rural areas . I do not believe we need to spend tax payers \$ or enforcement or bylaws on this issue. We are already regulated dead. Thank you very much.	1/21/2024 10:22 AM
94	I do not like the options on this survey - obviously a more rural location could have more than	1/20/2024 11:40 AM

Backyard Chickens

10 chickens. All governments, including this municipal one, need to stop micromanaging its citizens and their wellbeing.

95	Why do we need this at all It will create more problems for neighbors with complaints We have enough divisiveness in the country	1/19/2024 1:22 PM
96	Chickens help control the ticks and other bugs. They would be a welcome addition if kept contained and clean. Plus they eat a lot of scraps and compost items.	1/19/2024 8:54 AM
97	They r great for mental health	1/18/2024 9:31 PM
98	Backyard chickens are more important now than they have ever been. With the skyrocketing costs of food I feel that residents have the right to use their property in a responsible manner as they see fit to feed their families.	1/18/2024 3:06 PM
99	I support the bylaw change to permit residential backyard chickens. While I agree that roosters can be an unwelcome noise concern, hens are not noisy. Chickens can decrease food waste due to their diet of kitchen scraps and provide enrichment to the soil for the home gardener. We need more self sufficiency, and sustainability, not less. Those who do not know how or do not want to care for chickens will not get them are would not be forced to. Those who do, should be permitted to have them.	1/17/2024 6:09 PM
100	Pro backyard chicken	1/17/2024 3:06 PM
101	If West Lincoln allows back yard chickens they SHOULD NOT allow roosters!!	1/17/2024 2:55 PM
102	They eat ticks and grubs and provide fertilizer for flower beds and gardens. They produce less waste than dogs and they eat most compost. We also use all eggs for family use	1/17/2024 2:38 PM
103	Chickens have many benefits not only from fresh daily eggs. They need to be cared for and treated well like any other animal. Having permits to allow residents to have hens only for eggs is a great idea. I have owned my house in Beamsville for 10 years and I would love to have max. 3 hens in my yard for the grub maintenance and fresh eggs for my family.	1/17/2024 9:48 AM
104	This is a rural farm town, I came here knowing this and happy to accept what comes with that. Tell the folks that can't deal with it that they can go back to Toronto (they won't have to listen to the trains from there either).	1/17/2024 12:43 AM
105	Backyard chickens in my opinion is like having a garden. You tend to them care for them and reap the rewards. You share your bounty with the neighbors, your friends and family. The eggs taste so much better when they are a labor of love. I do believe back yard chickens in town should have some considerations, but the hamlets in our rural hamlets are (in my opinion) in the country. They should be permitted to live that country lifestyle and have a few chickens without being hassled with applying for permits and getting monitored to do so. Again - just my opinion, but I 100 percent support small scale farming. They are not in it to run a business. It is a lifestyle choice. Let them have their chickens! Let's not complicate it.	1/17/2024 12:24 AM
106	Insuring the chickens are unable to wander into neighbours properties	1/16/2024 11:22 PM
107	People can have pets like snakes, rats (rats are a problem of being overpasses populated)etc but not chickens? Chickens provide eggs I'm a society where we are starving, they actually are very social and make great pets. They go to bed and dusk on their own. And worse case if a family is striving they can eat the chickens. We tend to appease people with out looking at actual life and what we need. Do people really complain about chicken noise. Cause trains, cars, planes, TV, radio etc are all noises in abundance and we would never get rid of those things!! Animals were here before us.	1/16/2024 10:40 PM
108	It is helpful to the mental health to have grounding hobbies.	1/16/2024 7:34 PM
109	Chickens are easily manageable in a yard. As long as cleanliness is maintained there shouldn't be a bunch or ridiculous rules. Classify them as pets. Because that's what a backyard chicken is in a smaller backyard.	1/16/2024 7:08 PM
110	People pay taxes they should be able to do what they want on their own property. It is a free country. While it's suppose to be	1/16/2024 6:55 PM
111	This is a good thing. Lazy people will realize chickens are a daily chore to keep & take care of, it's tough. But people who want to experience supplying their own food this is a good thing.	1/16/2024 6:50 PM
112	People can't even keep their dogs and cats contained and now chickens?! No thanks!	1/16/2024 6:19 PM

Backyard Chickens

113	Ask g as they are kept clean and minimum numbers, why not.	1/16/2024 5:29 PM
114	May bring in more coyote/problems relating to coyotes. Proper coops and backyard protection should be required - to protect not only the birds but the community as well.	1/16/2024 4:41 PM
115	Lot size determines number of chickens. Neighbors must be on board Permit or license to hold people accountable	1/16/2024 4:40 PM
116	Chickens belong on farms where they can be raised properly.	1/16/2024 3:48 PM
117	I don't think it's fair to put our local farmers at a higher risk of bird flu and other diseases which could be devastating to their farms and livlyhood. If you don't live on a farm you shouldn't have farm animals.	1/16/2024 1:37 PM
118	Food Crisis Imminent/Food Banks inadequate. Need to allow people to come up with their own solutions.	1/16/2024 9:08 AM
119	Who will pay for pest control and rodent infestation	1/15/2024 6:54 PM
120	I think the fact that this is up for debate is absolutely WILD. We live in a rural area with a reason ? If people don't like chickens go back to the city ?????	1/14/2024 8:17 PM
121	N/a	1/14/2024 1:25 PM
122	no limit on numbers in rural or hamlets. NONE ALLOWED IN SMITHVILLE LIMITS.	1/14/2024 12:12 PM
123	Smithville is a rural town and backyard chickens should definitely be allowed. If the property is being kept clean, and the chickens are kept safe, no roosters, and there is a limit on how many can be had, there isn't really an issue here	1/14/2024 7:43 AM
124	This is just stupid and another way to get money. Pathetic!!!!!! It's a chicken for God sake. People will complain about anything	1/14/2024 7:41 AM
125	It's been proven every single day when I go for a walk and there's dog shit left all over the sidewalk, parks, lawns etc. that people in this town are irresponsible pet owners. There are people in town who have chickens now and we've seen them on the loose on rock street during our walks aswell as running all over the road and fields on the corner of west street and south Grimsby rd... diseases being spread by irresponsible "pet owners" can ruin a farmers livlyhood. It's just not worth it in my opinion.	1/13/2024 9:00 PM
126	We should have the right to raise our own chickens. They are fantastic at keeping ticks to a minimum in the yard as well	1/13/2024 8:48 PM
127	I do think it's important they the amount of chickens is kept low and enforced - we had a previous neighbour who had chickens and they had quite a few - we could smell them and saw rats on a couple occasions...	1/13/2024 5:56 PM
128	People who own their property should be allowed to do what they choose with it	1/13/2024 5:24 PM
129	Let the people have their chickens!!! Without a limit! If they're the type to care for animals then it's unlikely they'll provide inadequate living conditions. Let the people have their chickens. As many as they can safely care for.	1/13/2024 4:48 PM
130	Considering the rising cost of food, people should be allowed to produce their own food how they wish. As long as the animals are well kept and clean it should be allowed. People should also be aware that mice and rats love chicken environments.	1/13/2024 4:31 PM
131	Last I checked this was supposed to be a free country. If you own your property and pay your tax you have every God given right to own a chicken. Especially if they help peoples mental health and financial stability	1/13/2024 3:14 PM
132	I don't feel this should in anyway have an affect on caistor centre as it is already a farming community. I don't think roosters are a good idea for the town of Smithville because they are loud and can start crowing as early as 4-5am. People should be able to sell eggs if they wish. They are much better in taste & fresher then the ones in the store. I also think applying for a permit is ridiculous. If people have a proper size coop that is cleaned out often and a fenced in run it should not be a problem.	1/13/2024 1:54 PM
133	Within the urban boundary, I don't think it should be allowed. IF it is allowed, there should be rules in place, as well as a small fee for people applying, to make the barrier of entry less than	1/13/2024 1:21 PM

Backyard Chickens

zero. This will prevent people who have not fully considered the maintenance, and care necessary when having a chicken, hen, etc.

134	As long as they're kept clean I think it's a great idea to allow a small coup with up to 6 chickens and it should be up to the owner's discretion not the townships if they want to sell eggs or chickens	1/13/2024 11:32 AM
135	Let people farm and live off the land they own.	1/13/2024 1:06 AM
136	*7 is a complete waste of taxpayer dollars. Our township is to slow to process permits as it is now. Bylaw enforcement can easily be done through complaints. People with organic gardens use chickens for pest control and for various mulch purposes. With governments pushing for more "green" options, chickens are a good option for people. OMFRA has lots of information that the township can post for people wanting chickens and to keep them in proper conditions.	1/12/2024 7:58 PM
137	People should be able to , if they have the space, have birds for eggs or meat. They should take great care to keep it clean. People should have the freedom to do it	1/12/2024 7:15 PM
138	Urban residents in St. Catharine's are permitted to have backyard chickens. I was shocked when I found out that Smithville, of all places, does not permit this. It's a no-brainer. Allow people to raise backyard chickens and provide food for themselves and others if they wish!	1/12/2024 7:02 PM
139	There should be no restrictions on the amount of chickens that someone wants to have	1/12/2024 4:08 PM
140	Food waste will be eliminated Chickens are therapy People can feed themselves Teaches children chores, work ethic, gives family time, makes elderly have some thing to do.	1/12/2024 11:50 AM
141	Getting a license is another money grab from a township that is already overtaxed and controlled. I was hopeful until I read this question. Just another reason to take more money. Keeping chickens has proven to be highly beneficial for many families I have chatted with for chores (kids), mental issues (motivation) , health issues (fresh eggs) and entertainment.	1/12/2024 9:58 AM
142	-motivation to go outside -great experience for children -responsible -grow your own food -live sustainably -eliminate scraps -produce a natural fertilizer - get rid of garden pests -assist with composting -living green -provide fresh, free-range eggs!	1/12/2024 9:28 AM
143	Please move to a farm	1/12/2024 9:22 AM
144	Leave backyard chicken farmers alone.	1/12/2024 8:23 AM
145	3 is the minimum you should have, they can't be alone. Also they provide such great benefits such as reduced waste	1/11/2024 10:18 PM
146	I think there's are simple ways to teach kids responsibility and give them a chance learn about nature.	1/11/2024 10:07 PM
147	Love em	1/11/2024 8:45 PM
148	If you have enough land it should be no one's concern what chickens you have. I understand in high density sub divisions, but rural areas should be free to do as they wish since realistically they will not impact neighbors.	1/11/2024 7:20 PM
149	Township will need to hire staff to monitor. I worry about rats	1/11/2024 6:47 PM
150	Less policy would be best. This leading questionaire is a bit upsetting.	1/11/2024 6:24 PM
151	It's everybody's right to be able to provide for themselves. This whole proposal is a waste of taxpayers money. This is a rural community. Stop being silly.	1/11/2024 6:19 PM
152	Proper disposal of dead stock and poultry litter	1/11/2024 6:16 PM
153	Proper disposal of dead stock and poultry litter	1/11/2024 6:09 PM
154	Chickens belong on farms!	1/11/2024 4:06 PM
155	Backyard chickens should be allowed. This is just another example of Government over reach.	1/11/2024 12:35 PM
156	I could see restricting the number of birds and restricting roosters too, possibly, on an urban lot. I have 10 acres in Caistor Centre. My neighbours are distant. I rely on my chickens for eggs and for eating ticks. I am happy that the eggs I eat come from free ranging birds that are leading a healthy, happy life. I also want to raise meat birds in a positive way. I am not happy about animals being farmed in meat farms.	1/11/2024 12:03 PM

Backyard Chickens

157	In this day and age with food being difficult for some to buy, this is a food source for a family that is almost guaranteed every single day. Chickens provide food.	1/11/2024 11:24 AM
158	Stop trying to block people from being self sufficient. This is ridiculous	1/11/2024 11:07 AM
159	This is a joke right? You are a town known for its chicken industry and you are debating whether or not people can have backyard chickens? There are people struggling right now to put basic food on the table for their families. Chickens do absolutely no harm to anyone or anything. I think the decision here is clear.	1/11/2024 10:37 AM
160	It shouldn't matter if people want to have chickens for their own families.	1/11/2024 10:21 AM
161	Backyard chickens are typically fairly quiet and do not cause unpleasant smells or sounds. So long as they are kept in a confined backyard or appropriate sized pen and require very minimal space and even consume food waste. they are a good way to allow residents to cut down on increasing food costs in today's turbulent life.	1/11/2024 10:19 AM
162	It is a common myth that chickens attract rodents. Most chickens actually EAT rodents as well as other bugs and pests including snakes, and ticks. They provide excellent natural fertilizer for grass lawns, are friendly, and are excellent at controlling the tick population.	1/11/2024 9:53 AM
163	Must be ok by neighbors though	1/11/2024 9:25 AM
164	Cleanliness and care of the chickens of importance.	1/11/2024 9:24 AM
165	I live in a rural area. We had horses, we should be allowed to have chickens. Cost of food is rising and people need ways to curb the costs at the grocery stores so unless you are willing to fight those issues leave what we do on our own property alone.	1/11/2024 9:16 AM
166	with the rising cost of food it is important to provide this freedom to "grow" our own	1/11/2024 8:47 AM
167	The benefits out way the negative.	1/11/2024 8:37 AM
168	I can see chickens being regulated in urban areas, but not rural. Many people including myself have moved to rural areas so we have the freedom for self substance.	1/11/2024 8:29 AM
169	This is a farming community not toronto	1/11/2024 8:26 AM
170	Life is expensive enough having a couple chickens to offset the cost should not be taken away. backyard chickens are not dirty if properly cared for. It is also good for mental health to get out and take care of something as well as teaching kids responsibilities! It should also be non of townships business if people have a couple chickens.	1/11/2024 8:09 AM
171	They are a wonderful addition to any household and provide healthy eggs for families already struggling with rising grocery costs. They also reduce the amount of compost by eating alot of it. They are general very quiet and friendly.	1/11/2024 8:05 AM
172	The appeal to smithville as always been a agriculture/poultry township. Wellfair of the animals always matters first and foremost - there is no reason that backyard chickens bshouldn't be allowed as long as they are being taken care of. The same can be said of a cat or dog when it comes to noise, odor and cleanliness.	1/11/2024 8:02 AM
173	Everyone should have the right to own 2-5 chickens.	1/11/2024 7:35 AM
174	Doesn't need to be another money grab to get a permit to own chickens. The people who already own chickens are doing it to benefit their own health, the chickens have more room to run around than most chicken barns and chickens are fairly quiet not disturbing anyone.	1/11/2024 7:07 AM
175	I think, if chickens can be conscientiously placed and cared for, that people should be free to have them and their benefits for themselves, especially in the Chicken Capital of Canada. I can agree with scrutiny applied in the downtown area, but do not believe that necessary in the surrounding areas. Be very careful of government overreach.	1/11/2024 7:04 AM
176	If chickens are going to be permitted it needs to be done properly and monitored to ensure healthy chickens, cleanliness and there needs to be a one warning and then fine for not abiding by the rules and regulations. Complaints need to be taken seriously as well.	1/11/2024 6:08 AM
177	Land owners have the right to be healthy and self sufficient, free of government intervention. This is not a debate.	1/11/2024 5:28 AM

Backyard Chickens

178	Don't like them don't want them anywhere near me or property. Just more targets for coyotes and foxes (we have both living in our immediate area).	1/11/2024 2:20 AM
179	Yes to backyard hens!! Before Council votes "no" to backyard hens, PLEASE consider Serama hens! Their smaller size is perfect for smaller, urban spaces. Their poop is less, easier to keep clean and slightly less volume to their vocalizations. Even Serama Roosters are surprisingly not that loud! They lay cute, usable eggs that would help people be more sustainable. I know that chicken farmers are perhaps one of the biggest opponents to "backyard hens". If it is any assurance to them, ban the sale of eggs, making them for personal use only. That way farmers do not have to worry about it affecting their business sales. For Avian flu, I have done immense research. I have found no studies proving that backyard hens are a significant risk to the spread of the flu. In fact, the facts suggest that backyard hens are unlikely to spread the disease. I will be submitting my pages of referenced research. If council is going to vote "no" because of Avian flu, please show us the research suggesting, properly housed backyard hens are a significant risk! If mid to small scale chicken farmers are worried, why do I see flocks out free ranging?	1/11/2024 1:23 AM
180	Stop trying to regulate people's means to survive	1/11/2024 12:20 AM
181	I am not really educated on the issue. Our neighbour has chickens. Rural residential hamlet. It's their right as the property owner in my eyes. That being said the rooster can be loud! If I was in town I would be upset. The hens seem to have free range. I think if you want chickens don't move to urban centre and if you do a permit is wise for fair treatment of animals and animals. Too many people get in to things uneducated so a little work is not a bad thing.	1/10/2024 11:53 PM
182	Everyone should be allowed to have chickens and be able to share or sell their eggs without government oversight as it is their property.	1/10/2024 11:17 PM
183	Number of chickens should depend on the size of the yard. Roosters are the biggest issue. Roosters should not be permitted in Smithville for certain and depending on distance between houses in other areas	1/10/2024 9:18 PM
184	Poultry should be treated like,other pets. No restrictions unless cruelty is observed.	1/10/2024 8:55 PM
185	With today's rising food costs and the additives that are given to our food sources, raising chickens should be allowed. I would have a procedure for complaints rather than a permit required. West Lincoln properties vary greatly in size and that is a major consideration, maybe a minimum size as it would not be appropriate in a town house.	1/10/2024 8:47 PM
186	Chickens are cared for- only restriction necessary	1/10/2024 8:36 PM
187	Our neighbours have about 20 hens and 4 roosters. Their property back right up to ours with the coop next to our property. It is a big nuisance for us as these roosters make noise all day. I contacted a bylaw officer lady dummer about this and nothing was done.	1/10/2024 8:13 PM
188	Owning chickens is good for mental health and good for the earth. Studies have shown that when populations own chickens, the amount of garbage that city workers have to pick up decreases. Households should be able to own however many chickens they feel they can manage, with no stipulations and no permits.	1/10/2024 7:48 PM
189	West Lincoln has always been a chicken municipality. Poultry Fest was our big thing for many years. If people want to provide themselves with good healthy food no one should try take that away.	1/10/2024 7:04 PM
190	Backyard chickens feed families.	1/10/2024 7:03 PM
191	There are many Large residential lots in urban areas so I think this should be kept in mind and larger lots that can allow for it should be allowed to have more chickens and possibly even roosters. I think allowing neighbors to have input / give permission is a mistake as it can become a bargaining chip in neighbor disputes and is difficult if neighbour's move. I think allowing backyard chickens will allow people affordable protein sources, get kids engaged with food and is a great way to use up food scraps.	1/10/2024 6:21 PM
192	It is important to keep the governance over this as simple as possible. Also how many chickens per property would depend on the size of property, with a minimum yard size requirement because you wouldn't chickens in something like tiny condo backyards.	1/10/2024 5:32 PM
193	Let people have there chickens. Only asses on a complaint based system.	1/10/2024 4:56 PM

Backyard Chickens

194	People have the right to have chickens and so all they can to provide for themselves without the overbearing micromanaging and interference of municipal governments.	1/10/2024 4:22 PM
195	Backyard chickens are no bother to those around them if they are properly taken care of. The fact that in a country such as Canada, we can't have something as simple as chickens in our backyard is shameful. Cities like Toronto allow chickens in their backyard yet places like a West, Lincoln and LINCOLN do not. The inconsistencies do not make sense.	1/10/2024 4:04 PM
196	Chickens are farm animals not pets	1/10/2024 4:03 PM
197	I live in Smithville and in my area, coyotes are becoming more common. I am worried that backyard chickens would attract the coyotes more. A lot of people walk/walk their dogs where I live and I wouldn't want people or their pets to be in danger.	1/10/2024 4:01 PM
198	Chickens in the back yard are an awesome family project and bring so much value to the family. Would the waste be put into the green bin for recycle? The by-law enforcement officer has more than enough to do already, there is no need to burden them with this. I did have chickens when I first moved here and was disappointingly told that I could not have them. This made no sense. I had a beautiful set up for them.	1/10/2024 3:57 PM
199	This should not be restricted. With the cost of food this is a great way for people to help sustain themselves. The rules you listed should be changed to things like if chickens get out there may be a fine to help people make sure they are responsible	1/10/2024 3:29 PM
200	Back yard chickens are great recipients of avian flu which will carry over to chicken farms. How are you going to monitor that and what compensation will be given to chicken farms if avian flu did start from back yard chickens. You are walking a slippery slope if this is allowed	1/10/2024 3:19 PM
201	Backyard chickens are a very valuable asset; they indeed help alleviate poverty through egg production, particularly at a time when the prices of groceries due to inflation are soaring, they are good for the environment and support sustainability of the soil and gardening practices, and can provide much better quality of eggs when compared to commercially-raised chickens. The only chicken odour I have ever smelled in West Lincoln is from commercial chicken barns housing hundreds of chickens; I have never smelled backyard chicken coops. Chicken noise is not constant and not very loud - in contrast I have had to live with loud barking from neighbours' dogs. Predators are primarily raccoons and foxes around these parts, which are found in nature regardless of the presence of chickens. I can not speak firsthand about diseases, but those who own small flocks tend to pay special attention to their chickens and provide attentive care; they only have a few birds to begin with. p.s. I consider the above 'guideline' considerations to be largely irrelevant aside from cleanliness.	1/10/2024 3:01 PM
202	I noted "no" on number 7; however if this is something already done for the rest of the farms in our area then I would change my answer to yes - I just honestly don't know. I see these as "pets" and right now the township doesn't have much say in pets so I don't believe they should have much say in the chickens, however again if already done for IE 3 cows on a farm then yes I'd change my answer.	1/10/2024 2:14 PM
203	I think this is a great initiative. Pilot it at least and see how it goes. So many benefits!	1/10/2024 1:53 PM
204	With regards to noise, dogs are far louder than chickens. With regards to attracting pests, predators, and avian flu prevention, residents are currently permitted to have bird feeders, bird baths etc. Which encourage birds to congregate in yards. Many residents also have outdoor cats that have free range into neighboring yards, where they will defecate and can potentially spread disease, or attack pets and/or children.	1/10/2024 1:51 PM
205	Leave well enough alone. There is no need for more laws and guidelines. Let people live.	1/10/2024 1:51 PM
206	The limit on chickens should be based on lot size.. rural properties should not have a limit. This should not effect rural properties at all. Chickens are good for the environment. They eliminate waste from the home and provide a source of nutrition great for all people . Their waste goes back into the ground to sustain the earth with the nutrients it needs. Allow backyard chickens.	1/10/2024 1:09 PM
207	I don't understand your insistence in interfering with what others choose to do on their own property	1/10/2024 12:57 PM
208	People should be allowed to cultivate their own food for dietary and health concerns. I do not believe that the government should stop that from happening as long as there is no annoyance to the surrounding neighbours and no animal cruelty is occurring.	1/10/2024 12:29 PM

Backyard Chickens

209	Not appropriate on standard residential lots. Maybe lots of 1 acre or more but still don't like the idea of them in residential areas at all because of the smell and rodents.	1/10/2024 12:22 PM
210	Do not regulate my ability to feed my family.	1/10/2024 12:20 PM
211	Find something more productive to do with our tax dollars	1/10/2024 11:52 AM
212	7-10 birds are not enough to sustain my family with enough food that we need.	1/10/2024 11:48 AM
213	No limitations	1/10/2024 11:46 AM
214	Find something more productive to do	1/10/2024 11:44 AM
215	No limitations and no permits necessary	1/10/2024 11:42 AM
216	You can't limit personal property	1/10/2024 11:40 AM
217	There should not be a limit to the amount of animals that I want to purchase with my money on my property that I pay for	1/10/2024 11:38 AM
218	I think that people should have the freedom and wisdom to have chickens on their own property. If there is a problem where they don't treat them properly, or the whole neighborhood is stinky, then it is the business of other people, otherwise let people do and live without so many rules a regulations.	1/10/2024 11:38 AM
219	It should be unlimited amount with no permits necessary. This is private property back off	1/10/2024 11:37 AM
220	No backyard chickens in residential Ares	1/10/2024 11:35 AM
221	There shouldn't be a limit	1/10/2024 11:31 AM
222	That fact that this has to be allowed is strange. We live in the greenbelt of Ontario, we have some of the best rural lands. Why are we not taking full advantage of our space. We have seen a soaring cost in meats, eggs are a valuable source of protein that should be available to everyone.	1/10/2024 11:21 AM
223	People should have the freedom to have hens in their backyard. Esp in the agricultural non farming areas. But all people should be able to be able to provide food for themselves. I'm curious why is it a problem for those who live on a country lot with no neighbours nearby to have having chickens or the amount of chickens restricted?	1/10/2024 10:47 AM
224	Backyard chickens give ppl means to feed their family healthy food while learning many life lessons that are replaceable	1/10/2024 10:17 AM
225	Regulations for properties outside town boundaries should be different than within. Yard/land size should also be factored in.	1/10/2024 10:17 AM
226	In my opinion, the government shouldn't have a say over this. People should not be stopped from providing for their families in a healthier way. We live in a FREE country and shouldn't be so controlled by our government. You are going to seriously upset people if you implement something like this.	1/10/2024 10:05 AM
227	Definitely no roosters. Too noisy!	1/10/2024 9:57 AM
228	Stop trying to regulate this. If we wanted to live in china, we would move there. Any issues can be dealt with among neighbours. Smithville of all places is the poultry capital of ontario. Remove any restrictions on backyard poultry. In brussels some years ago, they gave each resident 3 chickens and it reduced their green bin waste astronomically. Huge savings to the town. Chickens eat bugs and green bin waste. Win win. Question 6 , there doesnt need to be a limit. Common sense among neighbours will apply.	1/10/2024 9:29 AM
229	Backyard chickens should not be monitored by the township.	1/10/2024 8:51 AM
230	Let's not become China....	1/10/2024 8:40 AM
231	Noise , smells , cleanup of waste ,other animals not wanted , health concerns	1/10/2024 8:33 AM
232	I personally raise and exhibit heratige varieties of chickens. Iam live out on. Rural country lot and I have roosters. I need roosters to keep reproducing my breeding lines or generations of a blood line for years. I know this is not an issue with my neighbors. This issue was dealt with in Pelham and I was involved in that process. There is a clause in their amendment regarding	1/10/2024 8:29 AM

Backyard Chickens

and preserving heratige varieties of chickens . I am also a member of the American poultry association and the American bantam association who encourage preserving these certain breeds and sometimes endangered species. I completely understand there is a fine line with people directly in town wanting pets and that don't really have a clue with raising birds to people that live in the rural agricultural parts of our municipality. I will be attending this meeting .

233	Number of chickens allowed shoul depend on rural or subdivision. 20 chickens in country lot is no big deal but 20 chickens on a subdivision is a lot	1/10/2024 8:24 AM
234	No one should have to get permission from neighbors or anybody else in order to have chickens, any more than they would have to request permission to own a dog or cat. The ability to be able to be more self-sufficient, and to alleviate some of the pressure from inflation, and to raise your own healthy, nutritious food is crucial to people's well-being, and their very existence. The very idea of trying to restrict people's ability to provide for themselves is ludicrous.	1/10/2024 8:19 AM
235	Hens are rather quiet. They are trainable pets, who also happen to eat ticks which have become endemic to Niagara. Cleanliness standards would be the biggest consideration. Guidelines on how to handle and properly dispose of poultry waste would be useful for new chicken owners. Chicken feed should be in a sealed container to avoid mice and rats.	1/10/2024 8:13 AM
236	We should all be growing our own food and having chickens is part of that. Their compost is great for gardens and fresh eggs can't even compare with store bought eggs. Let the people who choose to be more self sustaining do just that. We rely way to much on government as it is. We need to take care of ourselves, so government needs to back off.	1/10/2024 8:05 AM
237	Please help sustainability here! My kids would love to care for a few chickens and it would help us with our grocery bills- eggs are so good for growing kids!	1/10/2024 7:57 AM
238	Chickens are no more of a problem to neighbors than other pets/noisy dogs etc.. People.should be able to provide a sustainable stable food supply for their families same way they can grow a vegetable garden.	1/10/2024 7:50 AM
239	Predators , odour , noise	1/10/2024 7:31 AM
240	This seems like an absurd thing to consider in this area. Leave people alone.	1/10/2024 6:08 AM
241	Who assumes liability should illness arise or coyotes attack young children as a result of backyard chickens luring them closer into the urban residential community.	1/10/2024 12:23 AM
242	This seems ridiculous that you would even put this type of survey out! If you don't want the things that come with country living, please go back to the city.	1/9/2024 11:45 PM
243	Followups should be conducted by bylaw officers to confirm adherence to the conditions and restrictions.	1/9/2024 11:09 PM
244	I don't think 7-10 need be the max. If you can manage more, including the manure, go for it. The town should stay out of people's backyards. Remember we used to host Poultry Fest?! Not chicken quota Fest!	1/9/2024 11:05 PM
245	Chickens are environmentally friendly composters of all your food scraps!! Every household should have at least 2 chickens to do their part in caring for the environment.	1/9/2024 11:00 PM
246	We are living in tough economical times. It is common knowledge that backyard chicken eggs are an excellent source of nutrition. You cannot take away the rights of residents to take care of their families and health. We live in an over-regulated society. Please stop looking to add more regulations to our lives and leave us free to make our own informed decisions. If issues arise from irresponsible residents they can be dealt with on an individual basis - no sweeping regulations are necessary.	1/9/2024 10:53 PM
247	This is ridiculous. Stop trying to insert yourselves into our private lives there shouldn't be a limit to anything. I put 7-10 on question 6 only because that was the only option the answer should be however many you want. You can try to stop people from owning chickens but it's not going to happen. You have 1 bylaw officer to attempt to enforce anything. There will not be compliance. Get a life and stay out of our business.	1/9/2024 10:51 PM
248	Its a great idea.	1/9/2024 10:45 PM
249	Rodent control might be an issue	1/9/2024 9:59 PM

Backyard Chickens

250	They are fantastic we desperately want this!	1/9/2024 9:55 PM
251	Backyard chickens are an environmentally friendly option for the ethical raising of quality food for the people of West Lincoln.	1/9/2024 9:44 PM
252	Backyard chickens are wonderful. They're a good source of sustainability, and provide a great resource for education about agriculture for families. Assuming adequate cleanliness and living conditions, their presence is a delight in almost any neighborhood and should be actively encouraged rather than hampered.	1/9/2024 9:42 PM
253	It's a great idea! I believe Ottawa and other cities have allowed this.	1/9/2024 9:36 PM
254	If I live in the country and own my land I will be the one deciding if I have chickens or not. My property taxes should pay whomever. I will not listen to this agreement regardless of the outcome.	1/9/2024 9:32 PM
255	I don't see any reason for permits. As long as the person is sensitive to their neighbours requests, noise levels, and smell (no different than pet dogs or cats), there is no use in wasting money through by-laws, permits, and unnecessary monitoring unless complaints are made to the township regarding an overabundance of chickens. Also, chickens are great at keeping ticks at bay on your property 😊	1/9/2024 9:29 PM
256	I think it would be great to have chickens. Our family loves them.	1/9/2024 9:19 PM
257	Having chickens are hard work and costly, so I don't believe careless owners would want this responsibility. There should be some guidelines such as property fencing so that chickens don't run onto the road along with others listed above. The responsible chicken owners should be able to have a few in their home for at least eggs (food sustainability) which will encourage more people to enjoy planting a garden (mental health too). I think it's a great idea for backyard chickens in our community!	1/9/2024 9:10 PM
258	Extremely concerned with the cleanliness issue and rat problem that comes along with chickens being in urban areas	1/9/2024 9:08 PM
259	Backyards must be fully fenced in, so chickens do not venture out to neighbouring properties.	1/9/2024 8:49 PM
260	I strongly oppose the allowance of backyard chickens within the urban boundaries of the town of Smithville.	1/9/2024 8:36 PM
261	Other birds should also be considered...such as ducks, geese guinea fowl, quail and turkeys	1/9/2024 8:10 PM
262	I worry that they attract rats. The rats will want the feed.	1/9/2024 8:07 PM
263	Rules should be modified between residential lots in Smithville as being different to residential lots in rural hamlets	1/9/2024 7:47 PM
264	Great tick control	1/9/2024 7:41 PM
265	Having backyard chickens in a residential agricultural area should be allowed with keeping the following in mind: keep the coop clean and dry, lock feed and chickens up at night to keep rats/night predators away, keep an eye on the chickens during free range time making sure they're not on neighbours property or out on roadway and make sure you have clean shoes if visiting another chicken farm so you're not transmitting diseases such as avian flu back to your coop or to theirs. Having chickens is wonderful for one's mental health and family life. They make awesome pets for the kids and gives them responsibility as well. Knowing where your eggs come from directly makes them taste even more delicious.	1/9/2024 7:32 PM
266	Chickens are amazing pets. Our friends are permitted to have them in their area and it has greatly affected their community in a positive way. They share eggs with their neighbours and have met multiple other chicken owners that share their interests.	1/9/2024 7:05 PM
267	I would think that people within the town limits of Smithville ought not be allowed as many chickens as those in rural areas or in the smaller hamlets. Perhaps 3 hens. Guidelines are a good idea but the thought of a by law officer coming for each infraction seems like over reach. Feed ought to be stored in sealable containers to keep predators out. The coops ought to be clean and dry to keep smell away. Chickens are a calming kind of pet and hens are very quiet to keep.	1/9/2024 6:30 PM
268	Chickens do not require much land to have adequate care, they reduce waste and provide	1/9/2024 6:22 PM

Backyard Chickens

beneficial compost material that enriches the soil. It is within our Canadian rights to provide food for ourselves by raising or growing it. Forcing people to buy factory farmed eggs from supermarkets is not a sustainable solution.

269	Having chickens provides not only fresh eggs for that family, it also reduces food waste and is better for the environment. https://www.connexionfrance.com/article/French-news/Town-hands-out-chickens-to-cut-waste https://adventure.com/reducing-food-waste-belgium-urban-chickens/	1/9/2024 6:02 PM
270	I would like to ask a simple question why should chickens be treated differently than any other domesticated pet bird? Especially when they provide an environmental benefit with food scraps not to mention keeping rodents and other pest AWAY from ur garbages. daily scraps are eaten by chickens, so not rotten smelly garbage for rodents to infest	1/9/2024 5:49 PM
271	In non agricultural areas, permits should be required and inspected to ensure quality of area for chickens and cleanliness is kept.	1/9/2024 5:10 PM
272	I can appreciate the concerns with urban backyard coops - I believe 1 -2 hens is not an issue in URBAN boundaries. I take exception to restricting residences in rural (rural residential / agricultural zoning area). The lots are typically large and we are not "packed in" like folks in town. If this township is considering this I will be moving - between everything - tax increases despite us rural folks not having services (sewer, water, sidewalks, etc) and the quality of road maintenance and then you start restricting what we can do on out lots that are currently allowed - what incentive is there for me to remain. When I bought in this area, it was based on life long knowledge that i have a degree of autonomy (within bylaws) and I accept that. We are regulated enough!!!! Before I bought and move here, I did my due diligence and read the bylaws - now years later you are changing the goal posts. So why should I remain - you don't focus on building infrastructure to support the population with more business and the council has done little to nothing to bring business into town and THAT should be your focus. Not this small potatoes stuff - it is yet another waste of time and resources. Your questions are also not well defined.	1/9/2024 5:10 PM
273	--	1/9/2024 4:58 PM
274	I think number of chickens should be a formula based on lot size, and type of area (urban, hamlet, or agricultural)	1/9/2024 4:37 PM
275	I have been keeping chickens for 30 years, obviously flying under the radar. Those concerns you listed are stereotypically and not based on fact. I look forward to seeing this legalized in West Lincoln	1/9/2024 4:01 PM
276	Backyard chickens are a sustainable and healthy food source. Especially in a time of unsustainable inflation and families struggling to buy groceries, it would be a massive disservice to the community to take away something as simple as backyard chickens because some residents "don't like the smell" of real food	1/9/2024 3:32 PM
277	My grandparents had chickens in an urban area (Hamilton) and it created a continuous source of aggravation between neighbours. Rodents became more prevalent. Now with avian flu in the area it could cause problems for commercial producers.	1/9/2024 3:21 PM
278	Get rid if the frigging government overreach and let people be sustainable for healthy eating. Why should everyone be forced to buy hormone laden foods?	1/9/2024 3:16 PM
279	Do not take away our rights to have backyard animals to provide food and sustainable living. We live in country setting. If people don't like it, move to the city	1/9/2024 2:46 PM
280	Take down the speed cameras.	1/9/2024 2:40 PM
281	Attract unwanted predators like foxes and coyotes Avion Flu is also a concern with transference to human	1/9/2024 2:16 PM
282	I'm 100% FOR the allowance of backyard chickens, with the exception that it is monitored. Chickens are clean and great animals and the learning they can provide children are outstanding. The only thing I am wary about is the people that would own them. I think people need to do the work to keep their property and clean. While chickens themselves won't attract rodents and pests, the way people keep their pens will.	1/9/2024 2:15 PM
283	I have always had them as well as many neighbours in our area. I think a few chickens for personal use is awesome and we have no issues with them.	1/9/2024 2:12 PM

Backyard Chickens

284	I love the idea of backyard chickens, however, I don't love the idea of rat and rodent activity as a result of feed; don't love the idea of Avian flu being transmitted to flock by wild birds; and don't love the idea that some neighbour's with chickens will likely not comply with by law and health standards...	1/9/2024 1:50 PM
285	No roosters as they are noisy. Having chickens is a fun activity which can provide healthy foods for the owner. They need to stay and not wander onto other peoples property. Lastly, it's to the credit of the owner to keep the barn and yard clean or else there can be consequences. Please allow.	1/9/2024 1:42 PM
286	Chickens are great, they provide entertainment along with food. They are easy to keep clean and everyone should have some. They clean kitchen scraps, keep the yard clean from bugs and provide great fertilizer for the gardens	1/9/2024 1:38 PM
287	It's been my experience that people who raise hens care for them as pets and they are taken care of extremely well! I wish some dog owners were as courteous and respectful of their neighbours!	1/9/2024 1:25 PM
288	I would love the opportunity to teach my children about growing food at home and the responsibility.	1/9/2024 1:25 PM
289	They should not be allowed in Smithville in the subdivisions. I rural homes and hamlets become able to have chickens, the number of chickens allowed could vary by situation based upon a number of factors. Some conditions might be suitable for 1-3 chickens and others for a higher number. One solution may not be appropriate for all lot sizes etc.	1/9/2024 1:24 PM
290	This is a long time coming and something that should be welcomed.	1/9/2024 1:24 PM
291	Eggs are expensive. Having chickens is organic and teaches responsibility, discipline and sustainability. Having a few disgruntled citizens and council decide in an undemocratic is not fair to those who want chickens.	1/9/2024 1:05 PM

About the respondents

- 674 total survey respondents
- 37 of respondents identified as outside West Lincoln or Other (5.5%)
 - 35 of whom said YES for all 3 areas
 - 2 said NO for the Urban Area, but YES for Rural Hamlets and Agricultural Area
- 637 survey respondents identified as within West Lincoln (94.5%)
 - 1 Abingdon
 - 3 Attercliffe
 - 1 Basingstoke
 - 7 Bismark
 - 2 Boyle
 - 75 Caistor Centre
 - 12 Caistorville
 - 8 Fulton
 - 24 Grassie
 - 1 Kimbo
 - 10 Silverdale
 - 353 Smithville
 - 78 St. Anns
 - 61 Wellandport
 - 1 identified just as West Lincoln

Responses

Urban Area

- 73.89% of all respondents said YES
- 72.68% of respondents identifying within West Lincoln said YES (463/637)
 - 1 Abingdon
 - 3 Attercliffe
 - 1 Basingstoke
 - 2 Bismark
 - 1 Boyle
 - 65 Caistor Centre
 - 8 Caistorville
 - 6 Fulton
 - 18 Grassie
 - 1 Kimbo
 - 8 Silverdale
 - 241 Smithville
 - 60 St. Anns
 - 47 Wellandport
 - 1 West Lincoln
- 26.11% of all respondents said NO
- 27.32% of respondents identifying within West Lincoln said NO (174/637)
 - 5 Bismark
 - 1 Boyle
 - 10 Caistor Centre

- 4 Caistorville
- 2 Fulton
- 6 Grassie
- 2 Silverdale
- 112 Smithville
- 18 St. Anns
- 14 Wellandport

Rural Hamlets

- 90.06% of all respondents said YES
- 89.48% of respondents identifying within West Lincoln said YES (570/637)
 - 1 Abingdon
 - 3 Attercliffe
 - 1 Basingstoke
 - 3 Bismark
 - 1 Boyle
 - 73 Caistor Centre
 - 12 Caistorville
 - 8 Fulton
 - 24 Grassie
 - 1 Kimbo
 - 10 Silverdale
 - 301 Smithville
 - 76 St. Anns
 - 55 Wellandport
 - 1 West Lincoln
- 9.94% of all respondents said NO
- 10.52% of respondents identifying within West Lincoln said NO (67/637)
 - 4 Bismark
 - 1 Boyle
 - 2 Caistor Centre
 - 52 Smithville
 - 2 St. Anns
 - 6 Wellandport

Agricultural Area

- 91.84% of all respondents said YES
- 91.37% of respondents identifying within West Lincoln said YES (582/637)
 - 1 Abingdon
 - 3 Attercliffe
 - 1 Basingstoke
 - 2 Bismark
 - 1 Boyle
 - 74 Caistor Centre
 - 12 Caistorville
 - 8 Fulton
 - 22 Grassie
 - 1 Kimbo
 - 10 Silverdale

- 311 Smithville
- 77 St. Anns
- 58 Wellandport
- 1 West Lincoln
- 8.16% of all respondents said NO
- 8.63% of residents identifying within West Lincoln said NO (55/637)
 - 5 Bismark
 - 1 Boyle
 - 1 Caistor Centre
 - 2 Grassie
 - 42 Smithville
 - 1 St. Anns
 - 3 Wellandport

Maximum Number

- 48.66% of all respondents said 7-10
- 48.01% of West Lincoln respondents said 7-10 (306/637)
 - 3 Attercliffe
 - 2 Bismark
 - 1 Boyle
 - 49 Caistor Centre
 - 6 Caistorville
 - 7 Fulton
 - 14 Grassie
 - 1 Kimbo
 - 8 Silverdale
 - 111 Smithville
 - 61 St. Anns
 - 43 Wellandport
- 30.71% of all respondents said 4-6
- 30.61% of West Lincoln respondents said 4-6 (195/637)
 - 1 Abingdon
 - 1 Basingstoke
 - 1 Bismark
 - 19 Caistor Centre
 - 6 Caistorville
 - 1 Fulton
 - 8 Grassie
 - 2 Silverdale
 - 133 Smithville
 - 12 St. Anns
 - 10 Wellandport
 - 1 West Lincoln
- 10.53% of all respondents said 1-3
- 10.68% of West Lincoln respondents said 1-3 (68/637)
 - 6 Caistor Centre
 - 1 Grassie

- 52 Smithville
- 4 St. Anns
- 5 Wellandport
- 10.09% of all respondents said 0
- 10.68% of West Lincoln respondents said 0 (68/637)
 - 4 Bismark
 - 1 Boyle
 - 1 Caistor Centre
 - 1 Grassie
 - 57 Smithville
 - 1 St. Anns
 - 3 Wellandport

Special Permit or Licence

- 66.17% of all respondents said NO
- 65.93% of West Lincoln respondents said NO (420/637)
 - 1 Abingdon
 - 3 Attercliffe
 - 3 Bismark
 - 1 Boyle
 - 65 Caistor Centre
 - 9 Caistorville
 - 8 Fulton
 - 18 Grassie
 - 1 Kimbo
 - 10 Silverdale
 - 180 Smithville
 - 70 St. Anns
 - 50 Wellandport
 - 1 West Lincoln
- 33.83% of all respondents said YES
- 34.07% of West Lincoln respondents said YES (217/637)
 - 1 Basingstoke
 - 4 Bismark
 - 1 Boyle
 - 10 Caistor Centre
 - 3 Caistorville
 - 6 Grassie
 - 173 Smithville
 - 8 St. Anns
 - 11 Wellandport

Comments

- 297 of all respondents took time to provide additional comments

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-XX

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

WHEREAS the Township of West Lincoln Council is empowered to enact this by-law by virtue of the provisions of Section 34 of the Planning Act, 1990, as amended;

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

1. THAT, Part 2 – Definitions of Zoning By-law 2017-70, be amended by adding the following Definitions:

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

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

“Chicken Run” means a covered, fully fenced and secure enclosure that allows hens access to the outdoors from the coop.

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

Section 3.8.3 Backyard Chickens

The following regulations apply to *backyard chickens*:

- (a) No person shall keep *backyard chickens* except where permitted and in accordance with these regulations, and regulations and standards of the Animal Care and Control By-law 2023-54, as amended from time to time:
 - (i) Maximum of six (6) hens are permitted per lot.
 - (ii) Required enclosures (coop and run) shall not exceed 3 metres in height.
 - (iii) Required enclosures (coop and run) shall be located in the rear yard.
 - (iv) Required enclosures (coop and run) shall be a minimum of 3 metres from all lot lines.
 - (v) Combined floor area of the coop and run shall not exceed 15 square metres.
- (b) Roosters are prohibited.
- (c) The slaughter or processing of backyard chickens is prohibited on site.

3. THAT, Part 3 – General Provisions of Zoning By-law 2017-70, be amended by deleting Section 3.13 Prohibited Uses subsection (h) and replacing with the following:

Section 3.13 Prohibited Uses

- (h) Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential lot or in any building or structure in a Residential Zone within a Settlement Area, but this shall not prevent the keeping of up to three (3) of any type of household pet, such as dogs, cats, hamsters, mice, turtles, and up to four (4) rabbits, unless otherwise permitted in this By-law.

4. THAT, Part 6 – Residential Zones of Zoning By-law 2017-70, specifically Section 6.2 Permitted Uses and Table 13: Permitted Uses in Residential Zones be amended to include the following:

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted												
Principal Uses													
Apartment dwelling											RM3	RM4	RH
Duplex dwelling										RM2			
Fourplex dwelling										RM2	RM3		
Retirement home													RH
Semi-detached dwelling						R2	R3	RM1	RM2	RM3			
Single detached dwelling	RuR	R1A	R1B	R1C	R1D	R2	R3						
Stacked townhouse dwelling											RM3	RM4	
Street townhouse dwelling									RM1	RM2	RM3		
Back to Back townhouse dwelling												RM4	
Townhouse dwelling										RM2	RM3		
Triplex dwelling										RM2	RM3		
Accessory Uses ⁽¹⁾													
Accessory buildings or structures and accessory uses (see s. 3.1)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RM4 ⁽¹⁾	RH ⁽¹⁾	
Accessory dwelling unit (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1	RM2	RM3	RM4	RH	
Bed and breakfast establishment (see s. 3.4)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾								
Boarding or rooming house	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾						RM3 ⁽¹⁾		
Garden suite (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾								
Group home (see s. 3.6)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾						
Home occupation (see s. 3.7)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾						
Renewable energy system (see s. 3.15)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾		RH ⁽¹⁾	
Backyard Chickens (see s.3.8.3)	RuR ⁽¹⁾	R1A ⁽¹⁾											

(1) Denotes uses that are only permitted accessory to or in conjunction with a permitted principal use.

5. THAT, regulations for the coop and run enclosures, manure storage, and animal care are found in the Animal Care and Control By-law 2023-54, as amended from time to time.
6. THAT, all other provisions of Zoning By-law 2017-70, as amended continue to apply.
7. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
8. THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
XX DAY OF XXXXX, 2025**

MAYOR CHERYL GANANN

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

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2025-XX

The purpose of this By-law is to address the permissions for backyard chickens within the Township. These regulations are to control the accessory use that is to be incidental to the principle use including the location and setbacks for the backyard chickens and their coops/enclosures.

A Public Meeting was held on October 15, 2024 and members of the public provided oral comments. Survey and written comments were additionally received by the public and agencies. All comments received were evaluated by Staff and Council through their decision.

File: 1601-002-24
Township of West Lincoln

DATE: February 10, 2025

REPORT NO: PD-06-2025

SUBJECT: **Recommendation Report**
Interim Control Fulton Rural Employment Land Use Study

CONTACT: Gerrit Boerema, Director of Growth and Sustainability

OVERVIEW:

- Interim Control is a tool in the Planning Act that municipalities can use to put a temporary freeze of some land uses while the municipality is studying or reviewing its policies. The freeze can only be imposed for one year, with a maximum extension of one year.
- The initial freeze is not appealable, however, the additional one year extension is.
- Administration is recommending that Committee and Council pass an interim control bylaw, as found in Schedule B to this report, in order to freeze any development activity within the Fulton Rural Employment Land Use area.
- This would prevent any planning or development related applications from being applied for, or any building permits for one year, to allow time for the completion of the Employment Land Use Study.
- Administration is proposing that the interim control only applies to the larger parcels of land, and not impact the smaller residential holdings.

RECOMMENDATION:

1. That, Recommendation Report PD-06-2025, titled “Recommendation Report, Interim Control By-law Fulton Rural Employment Land Use Study” dated February 10, 2025, be received; and,
2. That, Council pass the interim control by-law as attached to this report.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Champion** Strategic and Responsible Growth

BACKGROUND:

In 2022, through the new Niagara Region Official Plan and through the Township’s Official Plan Amendment 62 added 89 acres of land to the Hamlet of Fulton for future Rural Employment land uses. The Niagara Official Plan includes a special policy requiring that the lands be designated for rural employment uses in the Township’s Official Plan.

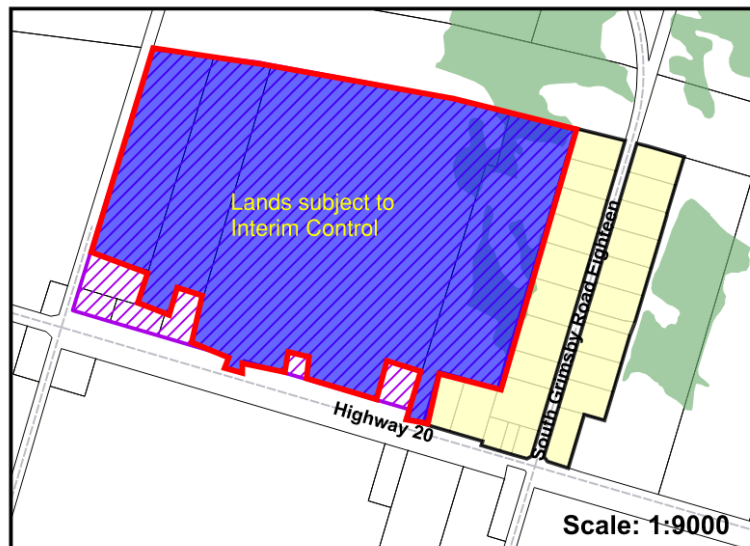
In order for the Township to designate these lands for rural employment land uses, a land use study needs to be completed to determine what the appropriate land uses should be in this area. Consideration needs to be given to compatibility between existing land uses, drainage and stormwater, design and character of the hamlet, job creation and other factors.

CURRENT SITUATION:

On November 25, 2024 Township Council passed a resolution to retain WSP Canada Inc. to undertake a Rural Employment Land Use study specifically for the lands added to the Fulton Hamlet. This study has officially started and is expected to be completed by Fall/Winter of 2025.

In order to allow the study to progress, and to prevent new development from being proposed to Council, Administration is proposing the implementation of an Interim Control Bylaw.

FULTON



The Interim Control Bylaw does not require any advance notice to land owners, and can be implemented for one year by Council so long as there is related ongoing planning study work. The initial Interim Control Bylaw is not appealable. There is an opportunity for a one year extension to the Interim Control Bylaw, however, that is appealable.

If approved, notice would need to be provided to landowners upon passage of the bylaw informing them of the passage of the bylaw.

FINANCIAL IMPLICATIONS:

There is no additional expenses relating to the implementation of the Interim Control Bylaw.

INTER-DEPARTMENTAL COMMENTS:

This report and associated Interim Control Bylaw has been reviewed and discussed by the CAO, Director of Legislative Services and Township Legal Counsel.

CONCLUSION:

Administration is recommending that Council pass an Interim Control Bylaw over the Fulton Expansion lands, as shown in the Location Map in Attachment 1 and as drafted in the bylaw shown in Attachment 2.

SCHEDULES:

- A. Interim Control Bylaw

Prepared & Submitted by:

Approved by:

**Gerrit Boerema
Director of Planning & Building**

**Truper McBride
CAO**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-05

Being an interim control by-law under Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, regarding the use of lands, buildings and structures within the Hamlet of Fulton.

WHEREAS, Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS on November 25, 2024, the Council of the Corporation of the Township of West Lincoln passed a resolution directing staff to undertake a review of its land use planning policies pertaining to the properties described as follows: 1. Concession 8, Part Lot 34, In the former Township of South Grimsby being PIN 46057-0377(LT); 2. 9127 Regional Road 20 being PIN: 46057-0061(LT); 3. Concession 8, Part Lot 35, former Township of South Grimsby being PIN: 46057-0159(LT); and, 4. 2931 South Grimsby Road 19 being PIN: 46057-0055(LT), in the Township; and to develop appropriate policies and regulations to manage and control the future growth and development of these lands;

AND WHEREAS the Council of the Township of West Lincoln has deemed it necessary and expedient to pass this interim control by-law to provide the Township with the time to undertake the review of land use planning policies and regulations pertaining to future employment land uses;

AND WHEREAS the interim control by-law will restrict the use of these lands as shown on Schedule A attached, for the future land use of the Fulton Rural Employment Area for a period of one (1) year, pending the completion of the review of its land use planning policies and regulations;

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

1. For the purpose of this By-law:
 - a) "Interim Control Area" shall mean properties described as 1. Concession 8, Part Lot 34, In the former Township of South Grimsby being PIN 46057-0377(LT), 2. 9127 Regional Road 20 being PIN: 46057-0061(LT), 3. Concession 8, Part Lot 35, former Township of South Grimsby being PIN: 46057-0159(LT), & 4. 2931 South Grimsby Road 19 being PIN: 46057-0055(LT).
2. The provisions of this By-law shall apply to the Interim Control Area.
3. Notwithstanding any other by-law to the contrary, no person shall within the Interim Control Area:
 - a) Use any land, building or structure for any use other than a use that lawfully existed on the date of the passage of this By-law as long as it continues to be used for such purpose; or
 - b) Be permitted to construct, alter or expand any building or structure except where a Building Permit application filed in accordance with the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, was complete on or before the date

of the passage of this By-law.

4. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
5. This Bylaw shall come into effect and force immediately upon its passing by Council and shall be in effect until 11:59 pm local time on February 23, 2026 unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

ENACTED, SIGNED AND SEALED THIS

24th DAY OF February, 2025 A.D.

MAYOR CHERYL GANANN

CLERK JUSTIN PAYLOVE