



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

**MEETING NO. FIVE**

**Monday, June 9, 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.

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**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](mailto: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**

**3.1 Mayor Cheryl Ganann - ITEM GS32-25**

The Mayor was not able to attend the Public Meeting that this report relates to.

Public Meeting(s)

**4. PUBLIC MEETING(S)**

There are no public meetings

**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 Growth and Sustainability Committee agenda.

**8. CONSENT AGENDA ITEMS**

**8.1 ITEM GS30-25**

There are no consent agenda items

**9. COMMUNICATIONS**

There are no communications

**10. STAFF REPORTS**

**10.1 ITEM GS31-25**

Manager, Legislative Services, (Justin Paylove)

Re: Information Report LLS-05-2025 - Economic Development

Roundtable –Initial Engagement Sessions

6

**RECOMMENDATION:**

1. That, Information Report LLS-05-2025 titled “Economic Development Roundtable –Initial Engagement Sessions” dated June 9, 2025 be received for Information.

**10.2 ITEM GS32-25**

9

Manager, Community Planning and Design, (Susan Smyth) and  
Director, Growth and Sustainability, (Gerrit Boerema)  
Re: Recommendation Report PD-21-2025 - Zoning By-law Amendment  
for 4426 Regional Road 20 (File No. 1601-014-24)

Mayor Cheryl Ganann declared a conflict on this item. (The Mayor was not able to attend the Public Meeting that this report relates to.)

**RECOMMENDATION:**

1. That, Recommendation Report PD-21-2025, titled "Recommendation Report – Zoning By-law Amendment for 4426 Regional Road 20 (File No. 1601-014-24) for 1806018 Ontario Inc. (Linde Truck and Trailer)", dated June 9, 2025, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That, the application for Zoning By-law Amendment submitted by Lofcore Ltd. (Consultant/Agent) on behalf of 1806018 Ontario Inc. (Linde Truck and Trailer) (Owner/Applicant) be approved in accordance with the attached Zoning By-law Amendment with the site specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-law.

**10.3 ITEM GS33-25**

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Manager, Community Planning and Design, (Susan Smyth) and  
Director, Growth and Sustainability, (Gerrit Boerema)  
Re: Recommendation Report PD-22-2025 - Elite Smithville  
Developments Inc. Zoning By-law Amendment (File No. 1601-009-24)  
and Draft Plan of Subdivision (File No. 2000-94-24)

**RECOMMENDATION:**

1. That, Recommendation Report PD-22-2025, titled "Recommendation Report – Elite Smithville Developments Inc. Zoning By-law Amendment (File No. 1601-009-24) and Draft Plan of Subdivision (File No. 2000-94-24) dated June 9, 2025 be received; and,
2. That, Section 34(12) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-009-24 to change the Development zone to Medium & High Density Residential, Open Space, Environmental Protection and Development with site-specific provisions contained in Schedule A, be approved in accordance with the attached amending Zoning By-law and Schedule, and that Council authorize the Mayor and Clerk to sign the necessary by-law; and,
4. That, application for Draft Plan of Subdivision (File No. 2000-

94-24), be approved, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Schedule B of report PD-22-2025; and,

5. That, the Applicant is advised the Township's draft approval of this Plan of Subdivision will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

**RECOMMENDATION:**

That, this item be referred to administration to report back on the July 14, 2025 All Committees meeting and that Administration be directed to work with the applicants on increasing the parking requirement to align with the Zoning By-law.

**10.4 ITEM GS34-25**

67

Director, Growth and Sustainability, (Gerrit Boerema)

Re: Information Report PD-23-25 - Legion Villa Fee Waiving Request

**RECOMMENDATION:**

1. That, Information Report PD-23-2025 titled "Information Report, Legion Villa Fee Waiving Request" dated June 9, 2025, be received.

**10.5 ITEM GS35-25**

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Director, Growth and Sustainability, (Gerrit Boerema)

Re: Recommendation Report PD-24-2025 - South Grimsby Road 10 Road Allowance Closing, and Realignment

**RECOMMENDATION:**

1. That Recommendation Report PD-24-2025 titled "South Grimsby Road 10 Road Allowance Closing and Realignment", dated June 9, 2025, be received; and,
2. That, a Bylaw be passed to declare Parts 6, 7 and 14 of Plan 30R-15936 and Parts 1 and 2 on Plan 30R-16209 on South Grimsby Road 10 as Public Highway; and,
3. That Bylaws be passed to declare Parts 3, 4, 5, 8, 10, 11, 12, 13 of Plan 30R-15936, save and except for Parts 1 & 2 on Plan 30R-16209 as surplus to the needs of the Township of West Lincoln, and that surplus lands be conveyed to participating abutting land owners for cost; and,
4. That, Administration review the 2007 Road Closing policy and provide recommendations for updates to ensure future road closing applications are more streamlined and cost recoverable.

**11. OTHER BUSINESS**



**11.1 ITEM GS36-25**

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 declared the meeting adjourned at the hour of \_\_\_\_\_.

**DATE:** June 9, 2025

**REPORT NO:** LLS-05-2025

**SUBJECT:** **Economic Development Roundtable – Initial Engagement Sessions**

**CONTACT:** Justin Paylove, Manager, Legislative Services/Clerk

**OVERVIEW:**

- Strong Mayor Directive SMD-04-2025 initiates the formation of a staff-led Mayoral Task Force to explore the feasibility of launching an Economic Development initiative in the Township of West Lincoln.
- The directive reflects Council's ongoing interest in attracting and retaining businesses, creating local jobs, and strengthening the Township's economic base—while remaining mindful of West Lincoln's small-town and agricultural character.
- The Task Force will include staff from key departments and will examine best practices from other municipalities, identify potential program models, assess resource needs, and collaborate with local businesses/organizations.
- The goal of the initiative is to better position the Township for sustainable growth through proactive planning and research.
- Findings and recommendations will be reported back to Council for discussion by October 30, 2025, to support informed decision-making on potential next steps.

**RECOMMENDATION:**

That, Information Report LLS-05-2025 titled "Economic Development Roundtable –Initial Engagement Sessions" dated June 9, 2025 be received for Information.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #2, #3, #4**

- **2 – Champion: Strategic and responsible growth**
- **3 – Enrich: Our Strong Agricultural Legacy**
- **4 – Advance: Organizational Capacity and Effectiveness**

## **BACKGROUND:**

The Township of West Lincoln, like many rural communities, faces the dual challenge of encouraging economic growth while maintaining the rural and small-town character that defines the community. As identified through Council priorities and community input, there is strong interest in fostering economic development opportunities that align with the Township's agricultural roots, support local entrepreneurship, and attracting strategic investment.

The Legal and Legislative Services Department, in collaboration with the Growth and Sustainability Department, has initiated preliminary discussions on a structured approach to economic development planning. Recognizing the need for both long-term planning and stakeholder engagement, administration is currently looking to hold two facilitated roundtable sessions to support this early-stage research.

## **CURRENT SITUATION:**

West Lincoln is home to a diverse and productive agricultural base, as well as a growing number of small, medium, and large scale businesses. However, the Township lacks a formalized economic development framework to guide investment attraction, business retention, and land-use alignment in support of these goals.

Council has consistently expressed interest in encouraging responsible growth and generating assessment dollars to support local services and infrastructure, while protecting the small-town and rural feel that residents value. On June 3, 2025 a Strong Mayor Directive was given to direct the Chief Administrative Officer (CAO) to establish a Mayoral Task Force composed of relevant municipal administration members. This taskforce intends to initiate dialogue that brings together Township goals of supporting growth that feels rooted in West Lincoln's identity.

In order to support this directive, Administration intends to hold two (2) Economic Development Roundtable Sessions, tentatively in Q3 2025, with the following goals:

- Engage key stakeholders including local agri-businesses, farmers, commercial landowners, business owners, and local business organizations;
- Identify priorities, challenges, and opportunities specific to agriculture, agri-business, and rural entrepreneurship;
- Explore policy, land-use, and servicing considerations that support economic activity in a way that complements rather than competes with the Township's rural charm;
- Build momentum and legitimacy for future planning work (e.g., economic development strategy or committee structure).

Sessions would be designed for meaningful, guided discussions to make concrete plans for the future. Invitations will target those who are both directly impacted and have potential to contribute to the Township's economic future. Each session will be focused on specific industry, with one entirely focused on Agriculture and Agri-business.

### **FINANCIAL IMPLICATIONS:**

Costs related to hosting the roundtable sessions are expected to be minimal and can be accommodated within existing operational budgets for the Legal and Legislative Services and Growth and Sustainability departments.

### **INTER-DEPARTMENTAL COMMENTS:**

This report was reviewed by the CAO, Director of Corporate Services/CFO, Director of Growth and Sustainability, and the Director of Legal and Legislative Services

### **CONCLUSION:**

The proposed roundtable sessions represent a low-cost, potential high-impact opportunity to initiate meaningful economic development work in West Lincoln. By grounding the conversation in actionable business focused ideas, the Township will be poised to be able to position itself to not only meet opportunities when they arise, but be proactive in seeking out potential economic expansion within West Lincoln.

Administration will look to provide a follow-up report summarizing feedback and proposed next steps, including potential pathways for a formal Economic Development Strategy and/or committee.

### **Prepared & Submitted by:**

**Justin Paylove**  
**Manager, Legislative Services/Clerk**

### **Approved by:**

**Truper McBride**  
**CAO**

### **Reviewed by:**

**Gerrit Boerema**  
**Director, Growth and Sustainability**

**Jessica Dyson**  
**Director, Legal and Legislative Services**

**DATE:** June 9, 2025

**REPORT NO:** PD-21-2025

**SUBJECT:** **Recommendation Report – Zoning By-law Amendment for 4426 Regional Road 20 (File No. 1601-014-24) for 1806018 Ontario Inc. (Linde Truck and Trailer)**

**CONTACT:** Susan Smyth, Manager, Community Planning and Design  
Gerrit Boerema, Director, Growth and Sustainability

**OVERVIEW:**

- An application for Zoning By-law Amendment was submitted by Lofcore Ltd. (Consultant/Agent) on behalf of 1806018 Ontario Inc. (Linde Truck and Trailer) (Owner/Applicant).
- The intent of the rezoning application is to facilitate an expansion of 492 square metres to the existing truck and vehicle repair service shop and to rezone the current site specific Agricultural Related (AR-31) zone with a new site specific zone and provisions including the removal of the maximum number of six vehicles available for retail sale, to reduce the minimum rear yard setback, to increase the accessory lot coverage, and to permit outdoor storage in the front yard.
- The existing dwelling, accessory structures and buildings are to remain with no impact to the agricultural lands.
- Upon the review of the application against the applicable policies and zoning regulations, Administration can recommend approval of this Zoning By-law Amendment Application.

**RECOMMENDATION:**

1. That, Recommendation Report PD-21-2025, titled “Recommendation Report – Zoning By-law Amendment for 4426 Regional Road 20 (File No. 1601-014-24) for 1806018 Ontario Inc. (Linde Truck and Trailer)”, dated June 9, 2025, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That, the application for Zoning By-law Amendment submitted by Lofcore Ltd. (Consultant/Agent) on behalf of 1806018 Ontario Inc. (Linde Truck and Trailer)

(Owner/Applicant) be approved in accordance with the attached Zoning By-law Amendment with the site specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-law.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #2**

- Champion strategic and responsible growth

**BACKGROUND:**

The subject lands associated with this rezoning application are referred as 4426 Regional Road 20. The lands are located on the south side of Regional Road 20 bounded by Gee Road to the east and Schram Road to the west.

The lands are  $\pm$  2.1 hectares (5.3 acres) of land containing a single detached dwelling and the existing truck repair commercial operation including two accessory buildings and surrounded by 32 hectare (79 acre) of active agricultural use. Refer to Figure 1 for the general location of the subject lands.

**Figure 1: Subject Lands**



The public meeting was held on Monday May 12, 2025 and the information that was presented to the Growth and Sustainability Committee is found in report [PD-19-2025](#).

Only one member of the public submitted oral comments as part of the public meeting, which was in support of the application.

### **CURRENT SITUATION:**

An application to amend the current site specific by-law (Agricultural Related – AR-31) was received by Lofcore Ltd. (Consultant/Agent) on behalf of the landowner 1806018 Ontario Inc. (Owner/Applicant).

The commercial trucking operation was originally approved in the 1950's for repairs to farm machinery and hauling of feed and fertilizer, and further rezoned in 1995 to legally recognize the trucking operation, rezoned in 1998 to allow for the sale of up to six un-plated motor vehicles, and rezoned again in 2005 to increase the area dedicated to the commercial operation.

Due to the steady growth of the commercial trucking and agricultural vehicle repair operation, this application was submitted to rezone to permit:

1. An increase to the existing building up to 492 square metres (5,295.84 square feet) to accommodate the growth of vehicle repair services. This expansion will require an increase to the accessory building lot coverage from 1,000 square metres to 1,799 square metres (1,800 square metres).
2. Reduced rear yard setback where the proposed expansion will shift the edge of the building closer to the rear lot line where currently the rear yard setback is to be 7 metres (22.96 feet) and the request is for a minimum rear yard setback of 1.4 metres (4.59 feet) due to the awkward lot configuration.
3. To remove the current outside storage maximum of six (6) motor vehicles allowed for retail sales since the operation does not sell the vehicles but requires the area for storing the vehicles queued for repairs. The Agricultural Related (AR) zone permits a maximum of 10% of outside storage and located in the rear or side yard and screened from view of the public streets, although the change is to have a maximum of 30% outside storage and located in the front yard.
4. A pre-existing condition where the distance from the main dwelling to the accessory building intended for the expansion is slightly further than the maximum of 50 metres (164 feet). The existing building is 51.1 metres (167.65 feet), a deviation of 1.1 metres (3.60 feet).



Refer to Schedule A for the proposed site plan.

### **Planning Analysis**

The proposed development was evaluated against the Provincial and Local policy framework as discussed below.

#### ***Planning Act, R.S.O. 1990, c. P.13***

The Planning Act provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests.

The Planning Act identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, such as, but not limited to, the adequate provision for residential and employment uses, efficient use of infrastructure, protection of the natural heritage resources and agriculture, and the appropriate location of growth and development. Decisions of Council must also be consistent with provincial planning statements and conform to provincial plans and municipal official plans that are in effect.

Applications for zoning by-law amendments are considered under Section 34 of the Act. This application has been filed with the required fee and supporting materials requested through pre-consultation and satisfied the requirements.

This application aligns with the Planning Act by seeking Council's approval of the appropriate regulations to adequately expand on a legally established commercial truck and vehicle repair operation without compromising the continued use of the surrounding agricultural lands.

#### ***Provincial Planning Statement, 2024***

The Provincial Planning Statement, 2024 (PPS 2024) replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Land use planning decisions are required to be consistent with the PPS 2024 policies, and in the context of this proposal, promoting healthy, integrated and viable rural areas, building upon the rural character, leveraging rural amenities and assets, and promoting diversification of the economic base and employment opportunities should be emphasized, while protecting the agricultural lands.

This application is consistent with the PPS because it supports a diversified rural economy with the commercial truck and vehicle repair operations while protecting and minimizes constraints on the agricultural and other resource-related uses.



### ***Township of West Lincoln Official Plan and Niagara Region Official Plan***

Bill 23 has changed Niagara Region's role in land use planning and as of March 31, 2025, the Niagara Official Plan is no longer a Regional Plan and is an official plan of the twelve area municipalities in Niagara.

Therefore, the subject lands are designated as 'Good General Agricultural' and policy 4.4.2 permits small scale commercial and industrial uses which do not require close proximity to agricultural uses but can support the agricultural community while minimizing the impact on the viability of existing and future agricultural operations.

Furthermore, the continued operation of legally established uses such as commercial and employment uses and/or the expansions to existing buildings and structures are permitted subject to the development does not expand into any key natural heritage or hydrological features, or the development does not result in the intrusion of new incompatible uses.

Considering the subject lands already has a site-specific 'Agricultural-Related (AR-31) Zone', which permits motor vehicle repair establishment accessory to an agricultural service and supply establishment, the proposed expansion and requested amendments to the zoning by-law meets the general intent of the Official Plan.

### ***Proposed Zoning By-law***

The zoning by-law amendment and schedule of the subject lands is found in Schedule B of this report and includes:

- Increase in the accessory building gross floor area up to 492 square metres.
- Increase the accessory lot coverage to 1,800 square metres.
- Reduce the rear yard setback to 1.4 metres.
- Remove the maximum of six (6) motor vehicles allowed for retail sales.
- Increase the maximum outside storage to 30%.
- Permit outside storage to be located in the front yard.
- Increase the maximum distance from the main dwelling to the accessory building or structure to 51.1 metres.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

### **INTER-DEPARTMENTAL COMMENTS:**

No new comments were received from the internal Township Departments or the external agencies since the public meeting held on May 12, 2025.

**PUBLIC COMMENTS:**

No written or verbal comments were received by any members of the public.

**CONCLUSION:**

1806018 Ontario Inc. (Linde Truck and Trailer) applied to amend the zoning by-law to facilitate the expansion of an existing commercial vehicle repair shop and to apply for new site specific regulations for an increased gross floor area and accessory building lot coverage, increase in outdoor storage and located in the front yard, removal of vehicle retail sales, reduced rear yard setback, and increased maximum distance from main building to an accessory building.

Administration has thoroughly assessed the proposed development against the policy framework as well as in the context of any proposed new negative impacts to the surrounding agricultural uses and is satisfied that the amendments will not create any new impacts and the use will also be monitored and controlled by an amendment to the site plan agreement. For these reasons, Administration recommends approval of the zoning by-law amendment application.

**ATTACHMENTS:**

Schedule A: Proposed Site Plan  
Schedule B: Amending Zoning By-law

**Prepared & Submitted by:**

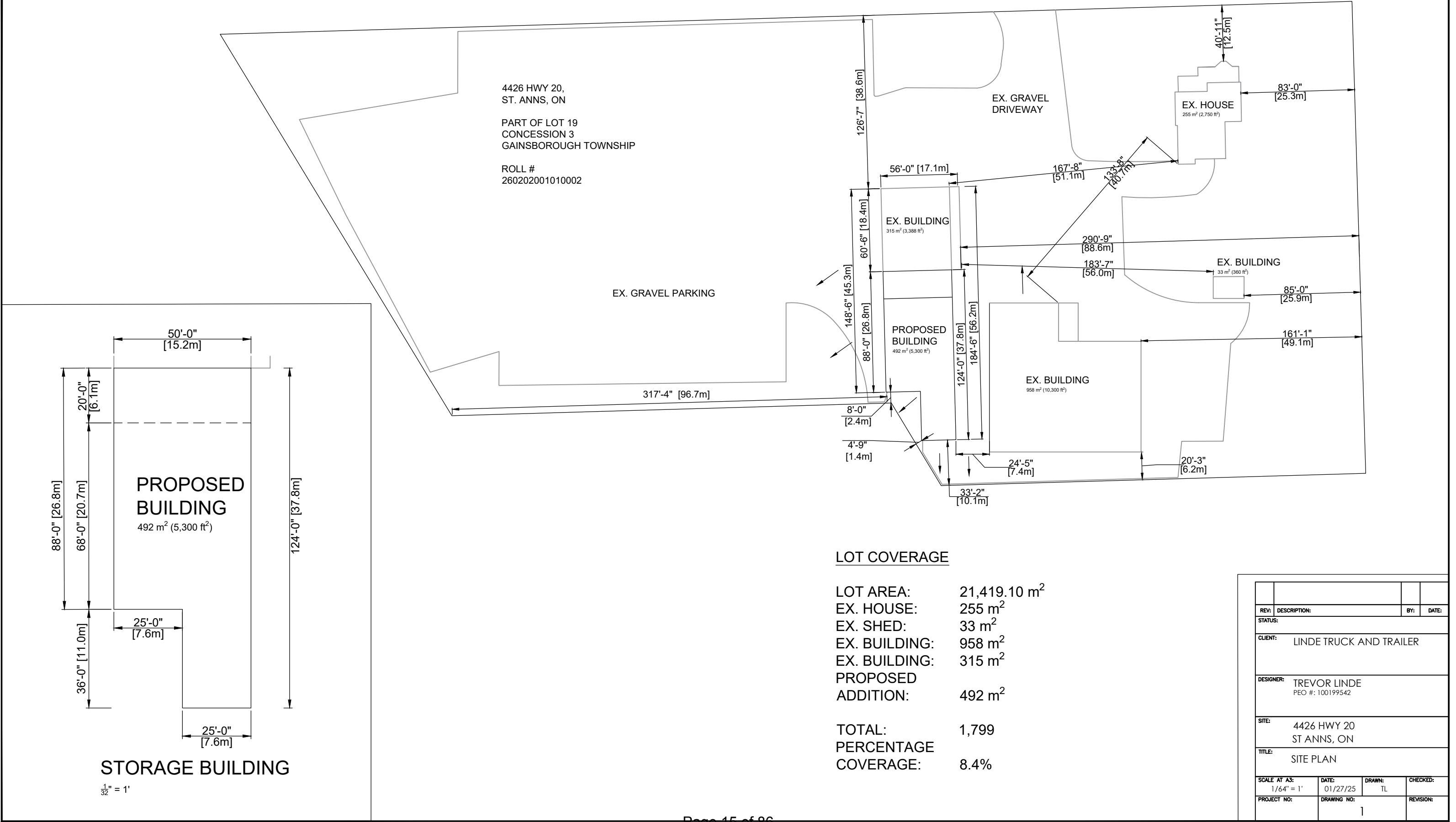
**Susan Smyth**  
**Manager, Community Planning and Design**

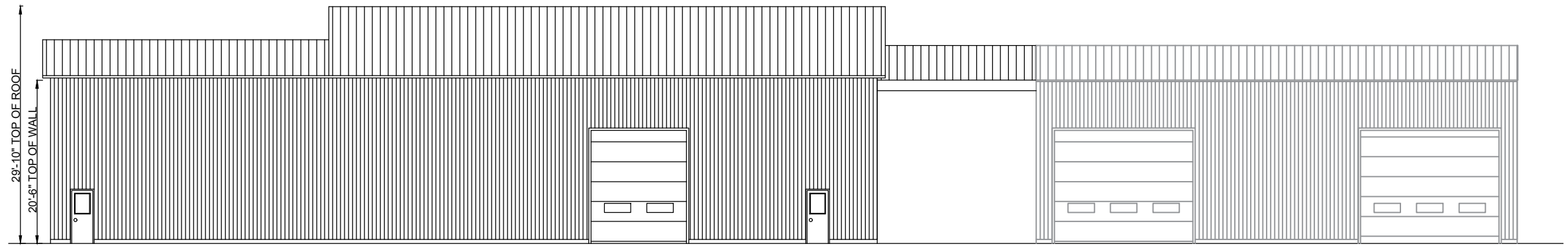
**Approved by:**

**Gerrit Boerema**  
**Director of Growth and Sustainability**

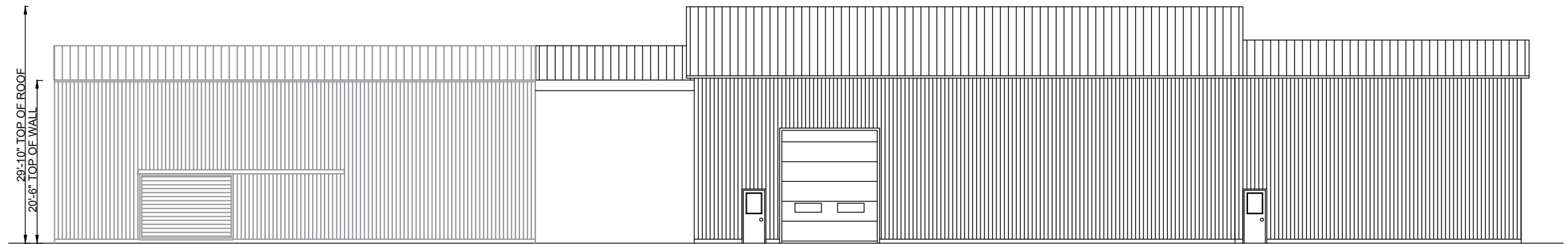
**Truper McBride**  
**CAO**

HIGHWAY 20

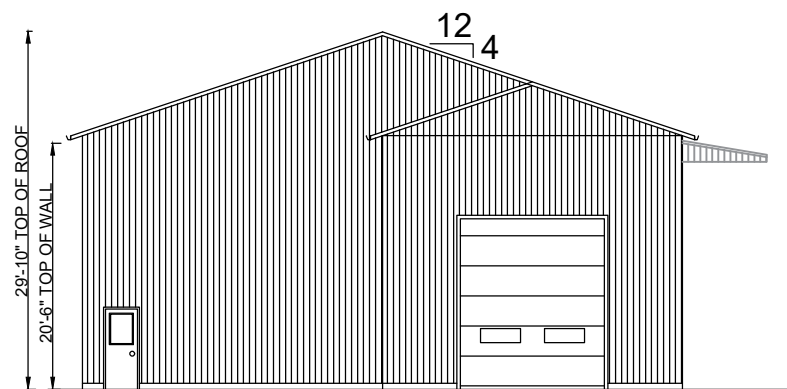




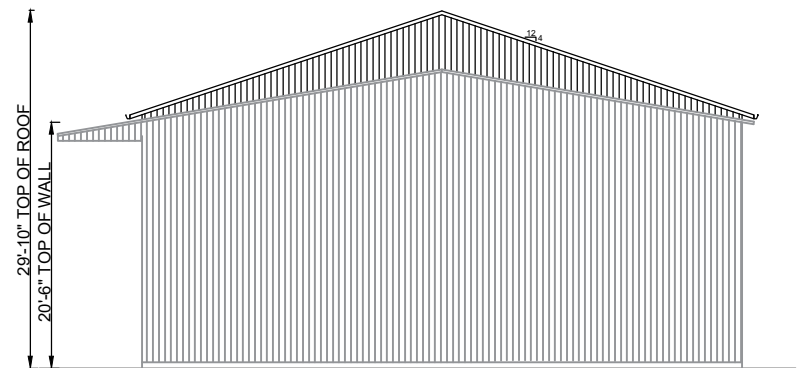
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

|                                            |                   |              |          |
|--------------------------------------------|-------------------|--------------|----------|
|                                            |                   |              |          |
| REV:                                       | DESCRIPTION:      | BY:          | DATE:    |
| STATUS:                                    |                   |              |          |
| CLIENT: LINDE TRUCK AND TRAILER            |                   |              |          |
| DESIGNER: TREVOR LINDE<br>PEO #: 100199542 |                   |              |          |
| SITE: 4426 HWY 20<br>ST ANNS, ON           |                   |              |          |
| TITLE: ELEVATIONS                          |                   |              |          |
| SCALE AT A3:<br>1/16" = 1'                 | DATE:<br>01/27/25 | DRAWN:<br>TL | CHECKED: |
| PROJECT NO:                                | DRAWING NO:<br>2  | REVISION:    |          |

SCHEDULE B - PD-21-2025

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 Schedule ‘A’ Map ‘E8’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part Lot 13, Concession 3 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 4426 Regional Road 20, shown on Schedule ‘A’, attached hereto and forming part of this By-law.
- 2. THAT Map ‘E8’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from Agricultural Related ‘AR-31’ zone to Agricultural Related ‘AR-xx’ zone with site specific exceptions.
- 3. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

AR-xx

Permitted Uses:  
As per the parent zone.

Regulations:  
As per the parent zone, except:  
(i) Remove the maximum of six (6) motor vehicles allowed for retail sales  
(ii) Accessory building gross floor area not to exceed 492 square metres  
(iii) Accessory lot coverage not to exceed 1,800 square metres  
(iv) Minimum rear yard setback of 1.4 metres  
(v) Maximum outside storage not to exceed 30%  
(vi) Outside storage permitted in the front yard  
(vii) Maximum distance from the main dwelling to the accessory building or structure to 51.1 metres

- 4. THAT, all other provisions of Zoning By-law 2017-70, as amended continues to apply;
- 5. THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS XX  
DAY OF XX, 2025.

MAYOR CHERYL GANANN

JUSTIN PAYLOVE  
MANAGER, LEGISLATIVE SERVICES/CLERK

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2025-XX**

### **Location:**

This By-law involves a parcel of land located on the south side of Regional Road 20 bounded by Gee Road to the east and Schram Road to the west.

Subject lands are legally described as Part Lot 13, Concession 3 in the former Township of Gainsborough, now in the Township of West Lincoln.

### **Purpose & Effect:**

The subject lands were zoned Agricultural Related (A-31) and have been rezoned to remove the provision of the maximum number of six vehicles available for retail sale, reduce the minimum rear yard setback, increase the gross floor area and accessory lot coverage, increase outdoor storage to 30% and permit outdoor storage in the front yard.

### **Public Consultation:**

Public Meeting was held on May 12, 2025. All comments received were evaluated by Administration and Council through their decision.

File: 1601-014-24

Township of West Lincoln

DRAFT



**DATE:** June 9, 2025

**REPORT NO:** PD-22-2025

**SUBJECT:** **Recommendation Report – Elite Smithville Developments Inc. Zoning By-law Amendment (File No. 1601-009-24) and Draft Plan of Subdivision (File No. 2000-94-24)**

**CONTACT:** Susan Smyth, Manager, Community Planning and Design  
Gerrit Boerema, Director, Growth and Sustainability

**OVERVIEW:**

- Weston Consulting (Agent) on behalf of Elite Smithville Developments Inc. (Owner) submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment for a 4 hectare (±10 acre) property located west of South Grimsby Road 5 and the Marz Homes Thrive Subdivision, north of the roundabout on Regional Road 20 and south of the CPKC rail line.
- The subject property is located half within the urban boundary and half within the expanded urban boundary, and bisected by a watercourse and karst feature.
- This development proposes to utilize municipal services (water and sewer) through the Marz Homes Thrive Subdivision development. The stormwater management proposes retention of storm runoff on the property and outlet to the Regional ditch on Regional Road 20.
- Originally, the proposal was to accommodate 217 residential units (mixture of townhouses and apartment dwellings), future public street connecting to the roundabout at Regional Road 20, environmental block, trail, parkland, and future development block.
- The statutory Public Meeting was held on April 14, 2025 and the Information Report, [PD-14-2025](#) provided the details and technical studies completed for the proposed development.
- Comments received at the Public Meeting precipitated refinements to the proposal bringing the total number of units to 201, with 41 townhouse dwellings and two 6-storey with 5-storey step down on each end apartment buildings with 160 units.
- Revisions included modification to the stormwater management design, improved pedestrian connectivity to open spaces and trail connection, clarity on new restoration areas, and increase in parking rate for the apartment units.
- Administration upon review of the applications against the Provincial and Local policies as well as consideration of the Committee, commenting agencies, and the public comments and feedback are satisfied that matters are adequately addressed and recommend approval of the applications.



**RECOMMENDATION:**

1. That, Recommendation Report PD-22-2025, titled “Recommendation Report – Elite Smithville Developments Inc. Zoning By-law Amendment (File No. 1601-009-24) and Draft Plan of Subdivision (File No. 2000-94-24) dated June 9, 2025 be received; and,
2. That, Section 34(12) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-009-24 to change the Development zone to Medium & High Density Residential, Open Space, Environmental Protection and Development with site-specific provisions contained in Schedule A, be approved in accordance with the attached amending Zoning By-law and Schedule, and that Council authorize the Mayor and Clerk to sign the necessary by-law; and,
4. That, application for Draft Plan of Subdivision (File No. 2000-94-24), be approved, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Schedule B of report PD-22-2025; and,
5. That, the Applicant is advised the Township’s draft approval of this Plan of Subdivision will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme # 1and #2**

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

**BACKGROUND:**

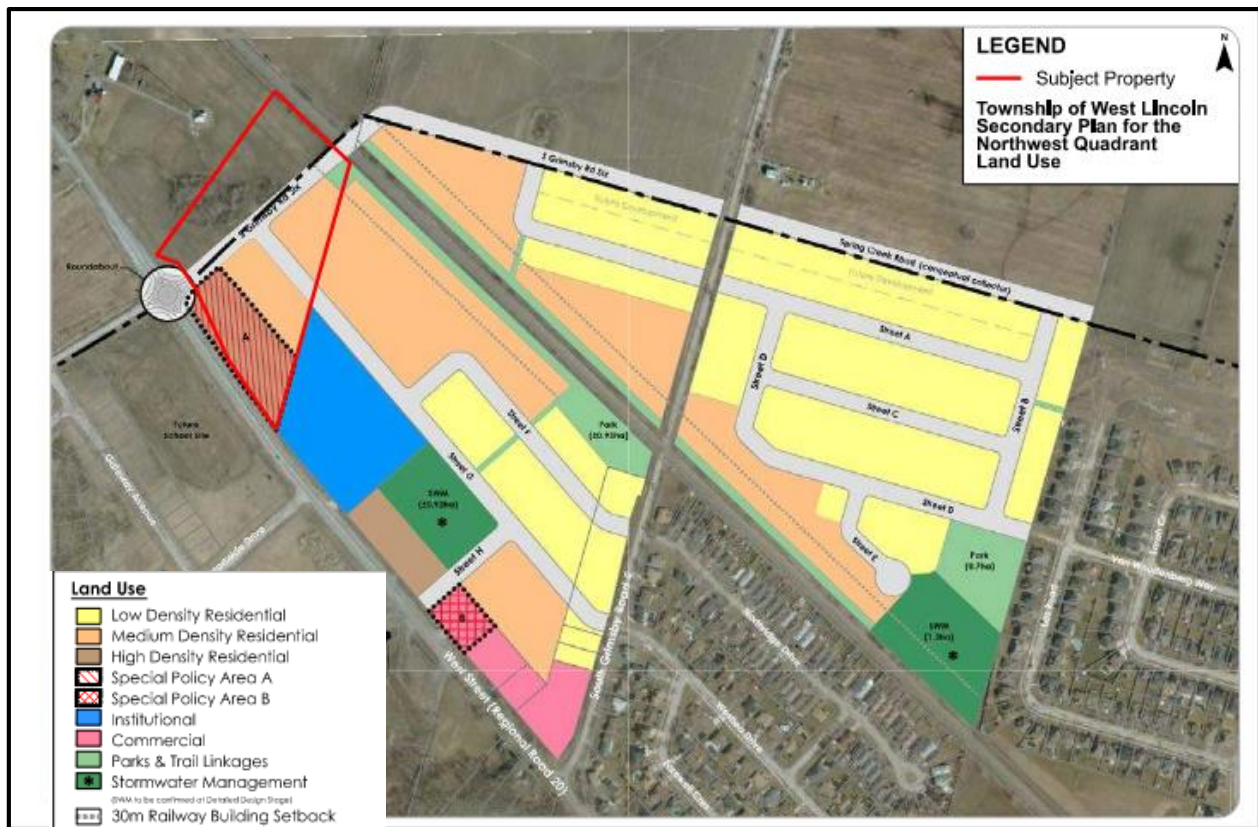
The subject property (eastern half) was added to the Smithville urban boundary in 2015 as part of the land swap Official Plan Amendment (OPA 45) process that added residential and employment land to the urban boundary of Smithville and removed excess land from a number of rural hamlets. This half of the property falls within the Northwest Quadrant Secondary Plan. Refer to Figure 1 for the location of the subject property.

The purpose of this Plan is to integrate new development with the existing urban neighbourhoods and adjacent rural lands while respecting and protecting the surrounding environmental features and agricultural uses. The lands area identified as designated greenfield area and to be developed primarily as a complete community with residential uses; integrated parks and open space system, and serve local commercial uses. Furthermore, function as a prominent gateway into the urban area of Smithville with the potential to accommodate a minimum of 570 new residential units by 2031.

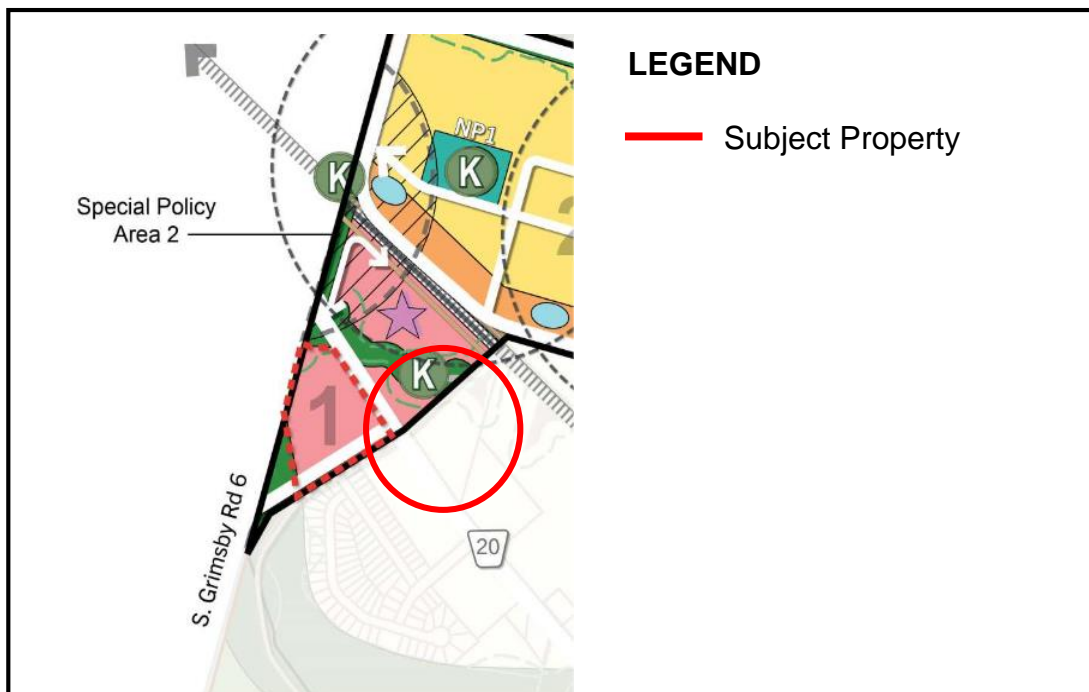
The western half of the property was added to the urban boundary expansion in 2022, part of the new urban boundary of Smithville Official Plan Amendment (OPA 62) and the Smithville Master Community Plan. Refer to Figure 2 for the location of the subject

property.

**Figure 1: Northwest Quadrant Secondary Plan (OPA 45) and Subject Property**



**Figure 2: Smithville Master Community Plan (OPA 62) and Subject Property**



The eastern half of the subject property is designated as “High Density Residential and Special Policy Area - 2, Medium Density Residential, Parks and Trail Linkage” as per the Northwest Quadrant Secondary Plan and the western half is designated as “Commercial, Natural Heritage and Karst” as per the Smithville Master Community Plan.

The eastern half of the property is zoned Development ‘D’ while the western half of the property is zoned Agricultural ‘A’.

**CURRENT SITUATION:**

The Zoning By-law Amendment Application is intended to change the Development (D) zone to “Residential Medium Density Type 3” (RM3-xxx) to permit the 41 condominium townhouse units and “Residential High Density” (RH-xxx) for the two 6-storey with 5-storey step down apartment buildings containing 80 units in each building (160 apartment dwelling units), a combined total of 201 residential units. The balance of the land will be zoned as “Open Space” (OS) for the parkland, and “Environmental Protection” (EP) for the Karst and watercourse feature including the 30-metre buffer.

The portion of the subject property that lies within the Smithville Master Community Plan Area and zoned as Agricultural (A) will be zoned Development (D) to intensify the use in accordance with the growth management strategy and the Block Plan process at a later stage.

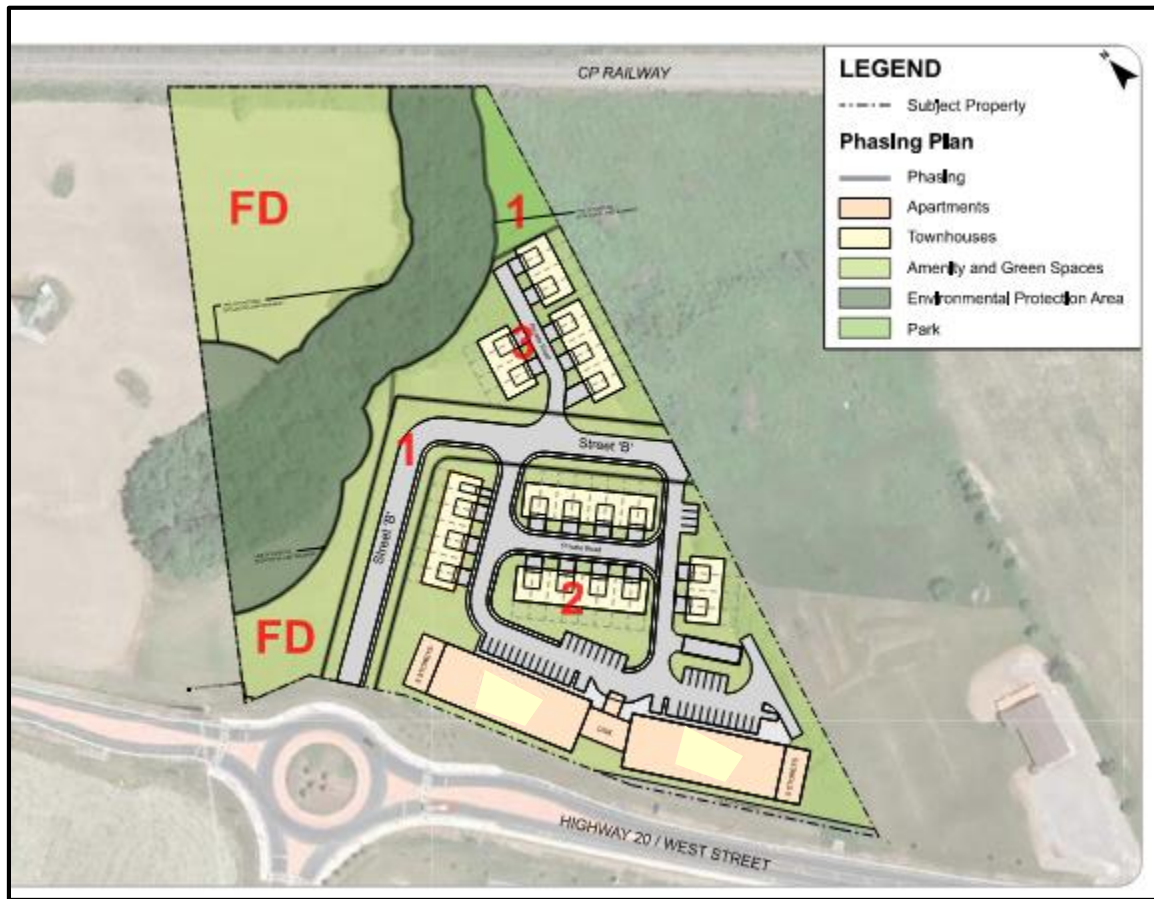
This development will be phased, starting with the proposed public street (Street B) to be developed in Phase 1 along with the required municipal infrastructure and dedication of the environmental block and block for the park.

Phase 2 will follow with the larger apartment block with the two 6-storey apartment buildings and 27 townhouse units.

Phase 3 will consist of the smaller townhouse block north of the new public road.

Phase 4 will be the future development blocks designed through a future Block Planning exercise. Refer to Figure 3 for the phasing strategy.

Figure 3: Phasing Plan



### Planning Analysis

The proposed development and applications were evaluated against the Provincial and Local policy framework as discussed below.

#### ***Planning Act, R.S.O. 1990, c. P.13***

The Planning Act provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests.

The Planning Act identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, such as, but not limited to, the adequate provision of a full range of housing, including affordable housing, efficient use of infrastructure, protection of the natural heritage resources and agriculture, and the appropriate location of growth and development. Decisions of Council must also be consistent with provincial planning statements and conform to provincial plans and municipal official plans that are in effect.



Section 34 of the Act allows applications for zoning by-law amendments to be considered. The application received provided the fees and supporting materials requested through the pre-consultation and satisfied the requirements.

Section 51 (24) of the Act prescribes that “in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. In this circumstance, the proposed subdivision is to serve in the public interest, not limited to the suitability of the land and its purpose to be subdivided, conforms to the official plan, adequacy of the road system, lot pattern and shape/dimension of the lot, conservation of natural resources, adequacy of utilities and municipal service and public uses.

The proposed draft plan of subdivision (Figure 4 below) has provided a public road (Street B) leading from Regional Road 20, an environmental protection block (Block 8), parkland (Block 5), with Block 1 and 2 dedicated for residential uses.

**Figure 4: Elite Smithville Developments Inc. Draft Plan of Subdivision**



Administration has confirmed that the proposed development has demonstrated that the anticipated number of residential units will provide a compact built-form that is utilizing an efficient land use and lot pattern, walkable community, boundary limit to protect valuable environmental features, and can complement the surrounding neighbourhood to support present and future residents.

### ***Provincial Planning Statement, 2024***

The Provincial Planning Statement, 2024 (PPS 2024) replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Land use planning decisions are required to be consistent with the PPS 2024 and to direct growth to settlement areas and encourage intensification where infrastructure is planned or available. An overview of consistency to the applicable PPS policies are provided below.

Chapter 2: Building Homes, Sustainable Strong and Competitive Communities:  
Consistent with policy 2.2, the proposed development is providing a range of housing options and densities that promotes the efficient use of land and existing and planned municipal infrastructure.

The proposed development is assisting the Township to accommodate residential growth through lands designated and available for residential development. The applications for zoning by-law amendment and draft plan of subdivision will allow the Township to provide a supply of residential units in the urban settlement area where the focus is for growth and development, consistent with policy 2.3.1.

Consistent with policy 2.9.1, the proposed development is providing for low impact development and stormwater management systems that help with protecting the environment and contribute to changing climate.

Chapter 3: Infrastructure and Facilities:  
Consistent with policy 3.5, the proposed development is located outside of the limits of sensitivity to active livestock and farming operations therefore avoiding odour, noise and other contaminants and minimizing risks to public health and safety.

Consistent with policy 3.6, the proposed grading can accommodate and maintain exiting drainage patterns and perimeter elevations without negative impacts to neighbouring properties.

Water servicing can be provided with the proposed network of municipal watermain with connections to existing watermain on West Street and future connections on the east side to Marz Homes Thrive Subdivision, including watermain looping through a private road with easements. Adequate fire protection can be provided within the required maximum day plus fire flow demand and the completed fire hydrant testing results.

Sanitary servicing can be provided with a proposed network of municipal sanitary sewers with the connection to a future 250mm diameter sanitary sewer along the east side of the property. Upon review of current demand, it appears there is capacity and sufficient sanitary servicing infrastructure, although further hydraulic modelling will be required to confirm.

Storm servicing can be provided with a proposed network of municipal storm sewers outletting onto the existing municipal sewer on West Street. Additional stormwater management measures can be provided including low impact development, landscape design, roof leaders and foundation drainage (sump pumps) slashing to grade for natural infiltration, and erosion and sediment control during construction.

Consistent with policy 3.9, the proposed development is dedicating a block for parkland and the apartment buildings have been equipped to provide private amenity space for each unit. The development is intending to provide a pedestrian trail connection and this will be further refined during the subsequent site plan approval process for the private townhouse condominium development.

#### Chapter 4: Wise Use and Management of Resources:

Consistent with policy 4.1, the proposed development will zone the watercourse and buffer area to the natural features to an environmental protection (EP) zone and prohibit any development or site alteration and this block will be dedicated to the Township for the long term protection and maintain the key ecological function.

Consistent with policy 4.6, a Stage 1 and 2 archaeological assessment was completed and cleared the need for future archaeological investigations on the majority of the lands, however, additional archaeological assessments will be conducted Spring 2025 due to timing windows of said work. Administration notes that the results of the archaeological assessment is required for final approval, therefore this can be included as a draft condition of approval.

#### Chapter 5: Protecting Public Health and Safety:

Consistent with policy 5.2, the proposed development has included the karst feature and the buffer to this natural hazard feature within the block dedicated for environmental protection.

### ***Township of West Lincoln Official Plan and Niagara Region Official Plan***

Bill 23 has changed Niagara Region's role in land use planning and as of March 31, 2025, the Niagara Official Plan (NOP) is no longer a Regional Plan and is an Official Plan of the twelve area municipalities in Niagara. Therefore, the Township has considered the applicable policies of the NOP alongside the Township's Official Plan (OP) for the assessment to support the achievement of complete communities and range and mix of housing units.

The proposed development contributes to accommodating current and future market-based housing needs at all stages of life. The introduction of the condominium apartment building can cater to the different needs of the community and offer a new housing option that efficiently utilizes the land, particularly the integrated road network with the taller buildings creating a dynamic and welcoming entry point into Smithville. The apartment units and townhouses integrated with single dwellings in the surrounding area provides an attractive transition between neighbourhoods.

Considering the proposed development is designated greenfield area, Section 5.4 provides policies where the development is intended to create more compact, mixed-use communities with a range of housing types. The Township in conformance with the Provincial growth target requires a minimum gross density target of 50 people and jobs per hectare across all designated greenfield areas. The proposed development contemplates a diverse intensified residential built-form that efficiently utilizes the lands and contributes towards the growth targets. The subject property is 4 hectares, although 1.793 hectares of land is dedicated to the residential uses. With 201 units being proposed, the density yield is 112 units/ha which exceeds the minimum 50 units/ha threshold and provides an opportunity for the Township to reach closer to the growth target for residential intensification in the settlement area.

The design policies for residential neighbourhoods as outlined in Section 6.6, provides the framework to focus on ensuring compatibility with neighbouring buildings, establishing appropriate setback and yard requirements, and maintaining visibility and accessibility of main entrances for safety. The proposed development has recognized the importance of maintaining privacy of adjoining lands. The layout of the townhouse lots and apartment buildings are conveniently accessed from a new public road (Street B) and private road network connecting to the subdivision located east (Marz Homes Thrive Subdivision).

Section 9 provides policies for parks and opportunities for interaction and recreation within neighbourhoods. The park proposed in this development intends to connect to the approved park in the Marz Homes Thrive Subdivision to the east, of which satisfies this policy.

Section 10 provides the policies for the protection of the natural heritage and hydrological features and avoiding any negative impacts to the function and feature. According to the Environmental Impact Study (EIS), the watercourse, karst, woodlot and associated buffers are to be zoned as Environmental Protection (EP) as well as combined into a block dedicated to the Township to ensure the long term protection of these features from future development.

Section 14 provides policies geared to the adequate infrastructure and transportation systems for community efficiency. As noted, the proposed development can connect to the available water and sanitary services as well as planned new services through Marz Homes Thrive Subdivision to the east. Additionally, proposed stormwater management strategies for low impact development with enhanced landscaping will help to achieve



the optimization of existing and planned services.

The proposed development has demonstrated that it can harmonize with the surrounding built-form and contribute towards the residential intensification and density targets. The provision of new housing units in a variety of sizes and types will promote the achievement of the Province's housing and affordability goals, by providing different housing units to accommodate the demand in the community.

### ***Township Zoning By-law 2017-79***

The following are the requested site specific provisions to the by-law to facilitate the proposed development.

#### **Parking for Apartment Dwellings (Part 3.12.4 and 3.12.6 – Table 4 and Table 6)**

##### ***Parking Spaces***

Subsequent to the Public Meeting, particularly the concerns around the deficient parking ratio for the apartment building, the Applicant has changed the total number of apartment dwelling units (reduction of 16 units bringing the unit count from 172 units to 160 units). This resulted in the parking ratio originally proposed from 1.42 spaces per unit to 1.54 spaces per unit whereas the zoning requires 1.75 spaces per unit.

Administration realize that the parking ratio is set less than the required minimum per apartment dwelling unit however, the proposed parking ratio is comparable to neighbouring municipalities for high density residential uses. The parking arrangement is offering opportunities for at grade and underground parking spaces dedicated for the residents as well as for visitor parking and will help to minimize the tendencies to park on the public roads.

##### ***Bicycle Parking Spaces***

Furthermore, the bicycle ratio is being reduced from 1 per unit to 0.30 per unit, which can provide 48 dedicated bicycle spaces. Administration has no concerns with the reduced bicycle ratio for the proposed apartment dwelling since current trends in apartment style buildings have individuals bring the bikes to their units for storage purposes instead of an indoor/outdoor facility. However, further details and options will be explored during the subsequent site plan approval phase.

#### **Residential Zone (Part 6 – Table 13 and Table 14)**

##### ***Medium Density Residential***

RM3-xxx

Permitted Uses:

As per the parent zone.

Notwithstanding the permitted uses in Residential Zones Table 13 of Section 6.2, lands shown as RM3-xxx on Schedule 'A' attached hereto shall permit single detached dwellings subject to the regulations of Section 6.3 and Table 14 for the Residential Low Density – Type 3 'R3' zone.

**Regulations:**

As per the parent zone, except:

- (a) Minimum Lot Area (per dwelling unit) for a townhouse shall be 135 m<sup>2</sup>
- (b) Minimum lot frontage for a townhouse dwelling shall be 22 metres
- (c) Minimum front yard setback for a townhouse dwelling shall be 1.7 metres
- (d) Minimum exterior side yard for a townhouse dwelling shall be 1.3 metres
- (e) Minimum rear yard adjoining any zone shall be 3 metres

RH-xxx

**Permitted Uses:**

As per the parent zone.

**Regulations:**

As per the parent zone, except:

- (a) Minimum Lot Area (per dwelling unit) for an apartment dwelling shall be 40 m<sup>2</sup>
- (b) Minimum front yard setback shall be 3.5 metres
- (c) Minimum interior side yard shall be 7.5 metres
- (d) Minimum exterior side yard shall be 9 metres
- (e) Maximum building height shall be 25 metres for the 6-storey portion and required to have the step down to 5-storeys
- (f) Minimum landscape open space shall be 10%

The requested site specific provisions for this residential zones will provide for some flexibility in the housing types and styles that can include the apartments, townhouses as well as permit for single detached dwellings. This offers a mix of housing choices for all stages of life and affordability. Considering this development is planning for a future condominium tenure and on private lands, the reductions are internal to this development and with no existing development nearby there are no known negative impacts.

Administration note the orientation of the townhouse lots and apartment buildings can be refined during the subsequent site plan approval phase. The provisions being sought offer the most efficient use of the land in the context of the irregular rectangle to account for the public and private road system, area dedicated for stormwater management, area for environmental protection, and the parking for the apartment buildings.

**FINANCIAL IMPLICATIONS:**

While this application does not have any financial implications, if approved and once construction commences, all new dwelling units would be required to pay Development Charges. At this time there are no planned affordable or attainable dwelling units which

would be exempt from development charges.

#### **INTER-DEPARTMENTAL COMMENTS:**

No further comments or concerns were raised by the Building Department or the Fire Services Department since the Public Meeting held on April 14, 2025.

##### Operations Department

Confirm the requirement for noise attenuation mitigation measures including noise wall and warning clauses as per the Preliminary Noise and Vibration Study dated September 2024 and explain the difference in the recommendation of the May 2025 report. Details for the noise mitigation can be confirmed during the subsequent site plan approval phase.

##### Niagara Region

Offers no objections subject to the restoration area be zoned appropriately to address the previous environmental requirements and the restoration plan/landscape plan is to increase the use of non-cultivar plant species throughout the site. Review of the restoration plan is required and approval of the subdivision is subject to the conditions of draft plan approval found in Schedule C of this report.

##### Niagara Peninsula Conservation Authority (NPCA)

Offers no objection to the buffer to the karst feature and the environmental protection zone. Furthermore, the stormwater quantity controls being proposed are being satisfied and no objections but will require work permits.

NPCA requires additional information on the flood line limits and offered conditions of draft plan of approval found in Schedule C of this report.

#### **CONCLUSION:**

Applications for Zoning By-law Amendment and Draft Plan of Subdivision approval were submitted by Weston Consulting on behalf of Elite Smithville Developments Inc. The applications are to facilitate a residential development, which would create 201 units consisting of 41 townhouse units and 160 apartment dwelling units. The development is subject to two future draft plan of condominium applications and site plan approval will be required at a future date to finalize the design of the two condominium blocks.

The proposed development contributes to accommodating current and future market-based housing needs at all stages of life and cater to the different needs of the community with housing options that efficiently utilizes the land and creating a dynamic and welcoming entry point into Smithville.

Administration upon review of the applications against the Provincial and Local policies

as well as consideration of the Committee, commenting agencies, and the public comments and feedback are satisfied that matters are adequately addressed and recommend approval of the applications.

**ATTACHMENTS:**

Schedule A – Draft Plan of Subdivision

Schedule B – Draft Amending By-law and Schedule

Schedule C – Draft Conditions of Approval

Schedule D – Agency Comments

**Prepared & Submitted by:**

**Susan Smyth**

**Manager, Community Planning and Design**

**Approved by:**

**Gerrit Boerema**

**Director, Growth and Sustainability**

**Truper McBride**

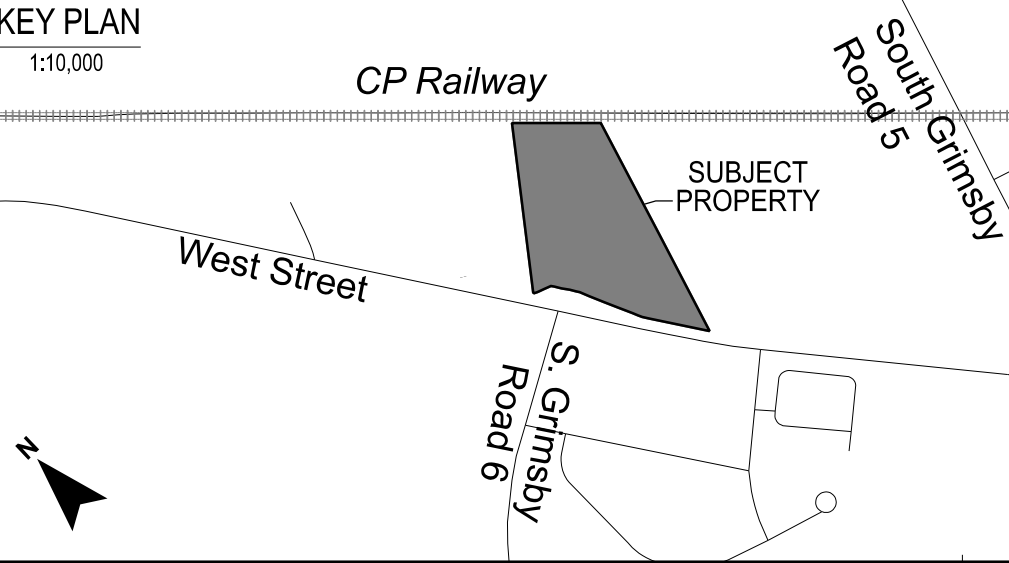
**CAO**



SCHEDULE A - PD-22-2025

DRAFT PLAN OF SUBDIVISION

PART LOT 11  
CONCESSION 9  
SOUTH GRIMSBY PART 4, PLAN 30R9485,  
SAVE AND EXCEPT PART 1, PLAN 30R15485  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA



OWNER'S CERTIFICATE:  
I authorize Weston Consulting Group Inc. to prepare and submit this plan for draft approval.

Date: \_\_\_\_\_  
ELITE M.D. DEVELOPMENTS INC.  
429 HAMILTON DRIVE  
HAMILTON, ON L7N 3T2  
1-844-464-4184

SURVEYOR'S CERTIFICATE:  
I hereby certify that the boundaries of the lands being subdivided and their correct relationship to the adjacent lands are accurately and correctly shown on this plan.

Date: \_\_\_\_\_  
S.D. McLAREN, O.L.S.  
A.T. McLAREN LIMITED  
69 JOHN ST. S. SUITE 230  
HAMILTON, ON L8N 2B9  
TEL. (905) 527-8559

ADDITIONAL INFORMATION:  
[Section 51(17) of the Planning Act, R.S.O. 1990, c. P.13],  
as amended to May 2nd, 2025.  
a), b), e), f), g), j), & l) - on plan.  
c) - on key plan  
d) - see statistics  
h) - piped water to be installed by developer  
i) - silty clay loam  
k) - all services to be made available by developer

| DEVELOPMENT STATISTICS:            | UNITS | AREA(HA) |
|------------------------------------|-------|----------|
| Residential [Blocks 1 & 2]:        | -     | 1.793    |
| Future Development [Blocks 3 & 4]  | 0     | 0.874    |
| Parkland [Blocks 5 & 6]            | 0     | 0.074    |
| Trail Dedication [Block 7]         | 0     | 0.003    |
| Environmental Protection [Block 8] | 0     | 0.784    |
| Future Development [Block 9]       | 0     | 0.008    |
| 0.3m Reserve [Block 10 & 11]       | 0     | 0.003    |
| Road Widening [Blocks 12 & 13]     | 0     | 0.026    |
| Roads                              | 0     | 0.385    |
| TOTAL                              | ---   | 3.950    |

WESTON  
CONSULTING

REVISIONS LIST

|             |                                                      |
|-------------|------------------------------------------------------|
| 07 MAY 2025 | Update based on new Site Plan dated April 25th, 2025 |
| 16 SEP 2024 | First Draft                                          |

File Number: 10498  
Drawn By: NDC  
Planner: MQ  
Scale: see scale bar  
CAD: 10498/draft plans/D1.dgn

Drawing Number:  
**D2**

Notes:

- Property Boundary and underlying survey based on survey prepared by A.T. McLaren Limited (August 15, 2022)
- Site Plan prepared by Arsenault Architect Inc (April 25, 2025).
- Adjacent Draft Plan prepared by IBI group (July, 2020)

**SCHEDULE B - PD-22-2025**

**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 Schedule 'A' Map 'S1' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part N, Part Lot 11 designated as Part Lot 4 on 30R-9485, Concession 9 (HWY-20-NS), shown on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'S1' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from Development 'D' zone to Residential Medium Density 'RM3-xxx' zone, and Residential High Density 'RH-xxx' zone, and Open Space 'OS' zone, and Environmental Protection 'EP' zone.
3. THAT Map 'S1' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from Agricultural 'A' zone to Development 'D' zone.
4. THAT Map 'S1' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from Agricultural 'A' zone to Environmental Protection 'EP' zone.
5. THAT Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2 Site Specific Provisions, including:

RM3-xxx

Permitted Uses:  
As per the parent zone.

Notwithstanding the permitted uses in Residential Zones Table 13 of Section 6.2, lands shown as RM3-xxx on Schedule 'A' attached hereto shall permit single detached dwellings subject to the regulations of Section 6.3 and Table 14 for the Residential Low Density – Type 3 'R3' zone.

Regulations:  
As per the parent zone, except:  
(a) Minimum Lot Area (per dwelling unit) for a townhouse shall be 135 m<sup>2</sup>  
(b) Minimum lot frontage for a townhouse dwelling shall be 22 metres  
(c) Minimum front yard setback for a townhouse dwelling shall be 1.7 metres  
(d) Minimum exterior side yard for a townhouse dwelling shall be 1.3 metres  
(e) Minimum rear yard adjoining any zone shall be 3 metres



RH-xxx

Permitted Uses:  
As per the parent zone.

- Regulations:  
As per the parent zone, except:
- (a) Minimum Lot Area (per dwelling unit) for an apartment dwelling shall be 40 m<sup>2</sup>
  - (b) Minimum front yard setback shall be 3.0 metres
  - (c) Minimum interior side yard shall be 7.5 metres
  - (d) Minimum exterior side yard shall be 9 metres
  - (e) Maximum building height shall be 25 metres for the 6-storey portion and required to have the step down to 5-storeys
  - (f) Minimum landscape open space shall be 10%

Notwithstanding Table 4 ‘Required Bicycle Parking Facilities’ of Section 3.12.4 Off-Street Bicycle Facility Requirements, lands shown on Schedule ‘A’ attached hereto for the RH-xxx zone shall be subject to the following:

- (a) Minimum number of bicycles to be accommodated for an apartment dwelling is 0.30 per unit

Notwithstanding Table 6 ‘Required Parking Facilities’ of Section 3.12.6, lands shown on Schedule ‘A’ attached hereto for the RH-xxx zone shall be subject to the following:

- (a) Minimum Parking Spaces per apartment dwelling unit shall be 1.54 parking spaces per unit

- 6. THAT, Holding (H) Provision be applied to the R3 zoned section for future single detached lot that adjoins the lot (east) in the Thrive Subdivision. Holding provision to be removed at the time of final approval and registration of both subdivisions.
- 7. THAT, all other provisions of Zoning By-law 2017-70, as amended continues to apply;
- 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 \_\_\_\_  
DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR CHERYL GANANN

\_\_\_\_\_  
JUSTIN PAYLOVE  
MANAGER, LEGISLATIVE SERVICES/CLERK

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

### **Location:**

This By-law involves a parcel of land located west of South Grimsby Road 5, north of the roundabout on Regional Road 20 and south of the CPKC rail line.

Subject lands are legally described as Part N, Part Lot 11 designated as Part Lot 4 on 30R-9485, Concession 9 (HWY-20-NS), Township of West Lincoln.

### **Purpose & Effect:**

The subject lands were zoned Development (D) zone for future development and the creation of new subdivisions and complete communities that provide for housing needs and choices in a more compact, multi-modal, and higher density mix of uses that utilizes land, infrastructure and services efficiently.

The rezoning of the lands will permit new housing dwelling units including apartment dwellings, townhouse dwelling units with some flexibility to allow for single detached dwellings.

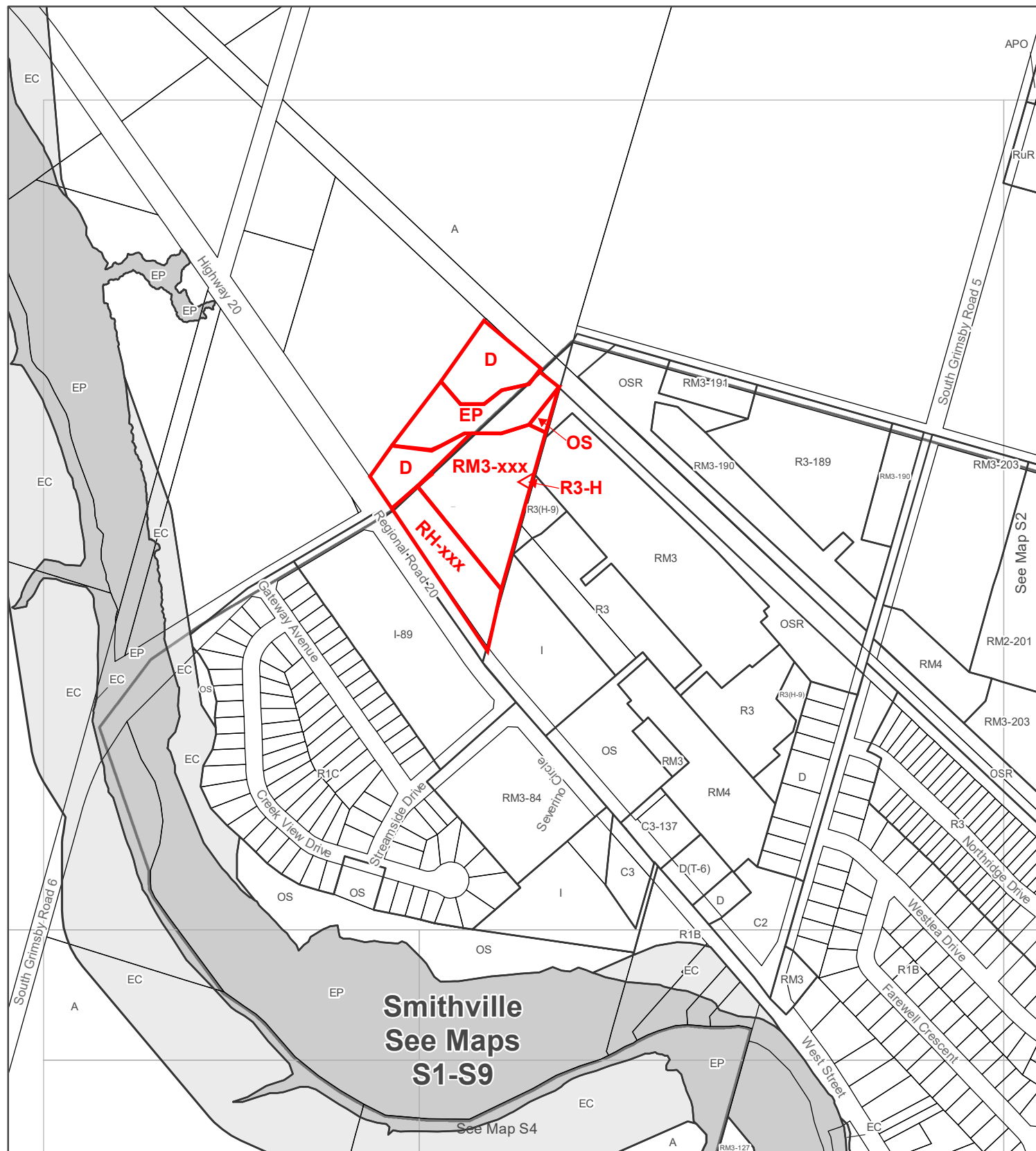
### **Public Consultation:**

Public Meeting was held on April 14, 2025. All comments received were evaluated by Administration and Council through their decision.

File: 1601-009-24  
Township of West Lincoln






DRAFT





### Smithville Key Map

|    |    |    |
|----|----|----|
| S1 | S2 | S3 |
| S4 | S5 | S6 |
| S7 | S8 | S9 |

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

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

1:6,000

0 150 m

Last Updated: July 2019

# S1

# SCHEDULE C - PD-22-2025

## TOWNSHIP OF WEST LINCOLN CONDITIONS OF FINAL APPROVAL

### ELITE SMITHVILLE DEVELOPMENTS INC.

The conditions for final approval and registration of the Elite Smithville Developments Inc. File No. 2000-94-24, Township of West Lincoln are:

1. That this approval applies to the Elite Smithville Developments Inc. Draft Plan of Subdivision drawing prepared by Weston Consulting, dated May 7, 2025 containing Blocks 1 & 2 for Residential (Medium and High Density), Blocks 3, 4 & 9 for Future Development, Blocks 5 & 6 for Parkland, Block 7 for Trail, Block 8 for Environmental Protection, Block 10 & 11 for 0.3m Reserve, Block 12 & 13 for Road Widening.
2. That the Draft Plan of Subdivision is legally described as Part Lot 11; Concession 9 South Grimsby; Part 4, Plan 30R9485, Save and Except Part 1, Plan 30R15485 Township of West Lincoln.
3. That the Owner provide to the Township of West Lincoln a letter advising that all lots and blocks conform to the requirements of the Township's Zoning By-law.
4. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
5. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
6. That any outstanding Township invoices, including invoicing related to peer reviews and local servicing studies, be paid in full.
7. That the Subdivision Agreement contain a clause requiring that the road allowance shown on the Draft Plan referred as Street 'B' be dedicated to the Township of West Lincoln as Public Highway.
8. That the Subdivision Agreement contain a clause requiring that the proposed public street (Street 'B') has a road allowance with a minimum of 20 metres and will be subject to the Street Naming Policy POL-PD-01-11.
9. That the Subdivision Agreement contain a clause requiring that the Owner deed a 0.3 metre reserve at the eastern terminus of the Street 'B' road allowance to the Township of West Lincoln, until such time as future development is to occur on those lands, free and clear of any mortgages, liens and encumbrances.
10. That the Subdivision Agreement contains a clause stating that a building permit

shall not be issued for Block 9 until such time that the roadway (Street 'B') is extended and the temporary cul-de-sac is removed to the satisfaction of the Township of West Lincoln.

11. That the Subdivision Agreement contains a clause limiting the number of units that can be constructed to no more than 100 units, until such time that a second permanent access be constructed.
12. That the Subdivision Agreement contain a clause requiring that sidewalks, a minimum of 1.5 metres, be provided along at least one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
13. That the Subdivision Agreement contain a clause requiring that all easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.
14. That the Subdivision Agreement contain a clause requiring that Block 7 be dedicated to the Township of West Lincoln for a public primary off-road multiuse trail identified as part of the southwest rail trail corridor in the Township's Transportation Master Plan.
15. That the Subdivision Agreement contain a clause requiring that the Owner design and construct a primary off-road multiuse trail in Block 7 to be a minimum of 4.5 metres wide with 3 metre wide asphalt trail (75mm HL3F asphalt and 300mm Granular 'A') with 0.75 metre on each side that can be maintained. The public off-road multiuse trail shall also connect to the public street (Street 'B') including a trail head where the trail terminates (e.g. park benches, trash receptacles, trees) as determined through the engineering review. This north south connection shall be within the environmental block, subject to approval from NPCA, or a block dedicated to the Township for such purpose.
16. That the Subdivision Agreement contain a clause requiring that Blocks 5 and 6 be dedicated to the Township of West Lincoln for parkland.
17. That the Owner, provide a park design for Blocks 5 and 6, showing integration with surrounding parkland, trail corridor and environment block (Block 8), including, but not limited to park benches and tree plantings, prior to final approval, satisfactory to the Township of West Lincoln, Growth and Sustainability and Community and Protective Services Departments as a part of the engineering submission.
18. That the Owner agrees to install decorative fencing and landscaping on the rears of Blocks 1, 2, and 7.
19. That the Subdivision Agreement contains a clause indicating that the detailed water, sanitary sewer and stormwater drainage systems, required to service this

development are to be confirmed by a qualified professional engineer and that existing capacity of the sewer and watermain servicing to the site is adequate. This must be submitted to the Niagara Region Public Works Department Growth Management and Planning Division and the Township of West Lincoln's Operations Department for review and approval.

20. That the Subdivision Agreement contains a clause that sanitary capacity and allocation within the Township's wastewater network cannot be guaranteed until final registration of the development.
21. That the Subdivision Agreement contains a clause that water and sanitary servicing is dependent on connections through the neighbouring Marz Homes Thrive Subdivision which ultimately requires the construction of the Regional trunk 400mm watermain on South Grimsby Road 5 and upgrades to the Streamside Pumping Station to proceed.
22. That prior to final approval and registration of this plan or prior to servicing, the Owner obtain Environmental Compliance Approval through the Township's CLI-ECA program for the necessary servicing (watermains, sanitary sewers and stormwater management) of this development.
23. That prior to approval of the final plan or any on-site grading, the Owner submit to the Township of West Lincoln's Operations Department for review and approval, copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Township of West Lincoln's Storm Drainage Policies, the Niagara Region's Stormwater Management Guidelines and the Ministry of the Environment, Conservation and Parks Stormwater Management Planning and Design Manual:
  - (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; and
  - (b) Detailed erosion and sedimentation control plans showing how exposed soils, sediment and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected and maintained. Plans should include a maintenance requirement for all employed erosion and sediment control devices.
24. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions whereby the Owner agrees to implement the approved stormwater management plan and erosion and sediment control plan.
25. That the Subdivision Agreement contains a clause that the Owner shall maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will

revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.

26. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating mitigation measures identified in the final Township approved Noise and Vibration Study, prepared by dBA Acoustical Consultants, be implemented.
27. That the Owner agrees to have all final architectural drawings stamped by an acoustical engineer to ensure that the noise control measures recommended in the Detailed Noise Study (required by Condition 26) have been incorporated and NPC-300 indoor sound level criteria has been addressed/satisfied.
28. That the following warning clause is included in the Subdivision Agreement between the Owner and Township of West Lincoln to protect for any potential archaeological resources that may be encountered during construction activities:

*"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>)."*
29. As per the Canadian Pacific and Kansas City (CPKC) Railway, all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the Owner 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/>
30. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that 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 ploughing and emergency exits via windows or doors.
31. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring 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.”*

32. That the Subdivision Agreement includes provisions requiring the Owner to implement all mitigation measures and recommendations outlined in the Scoped Environmental Impact Study (EIS) and Technical Memorandum prepared by Palmer, part of SLR (dated August 30, 2024 and May 16, 2025, respectively). These measures shall include, but are not limited to, the following:
- (a) Vegetation removals shall be conducted between October 1 and March 14, outside of both the breeding bird nesting period and the active bat season. Should vegetation removal or site alteration be proposed during the restricted period, a survey for active bird nests shall be completed no more than 48 hours prior to the commencement of such activities.
  - (b) Construction activities taking place during the active bat season (April 1 to September 30) shall be limited to daylight hours only. The use of artificial lighting during this period shall be avoided to minimize disturbance to rare bat species.
  - (c) All exterior lighting incorporated into building designs shall be directed downward and/or oriented away from adjacent woodland areas (i.e., directed southward), to the extent feasible, in order to minimize light pollution and impacts to wildlife.
  - (d) Bird-friendly design principles shall be incorporated into residential building designs. These may include strategies consistent with the City of Toronto's Best Practices for Bird-Friendly Glass and Best Practices for Effective Lighting, or equivalent guidelines.
  - (e) Construction materials, equipment, and staging areas shall not be located, even on a temporary basis, within identified natural features or their associated buffers.
33. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Township of West Lincoln. The plan should incorporate the recommendations found in the Scoped EIS prepared by Palmer, part of SLR dated August 30, 2024. 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.
34. That a Grading Plan be provided to the satisfaction of the Township of West Lincoln, that demonstrates that no grading within the natural heritage features and/or their buffers will occur, with the exception of the public multi-use trails. 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 features and their buffers.

35. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Township of West Lincoln. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law. That a revised Landscape Plan be prepared and submitted for review and approval by the Town of West Lincoln. The revised plan shall increase the proportion of native, non-cultivar species plant species, with the objective of enhancing local biodiversity and promoting long-term ecological resilience.
36. That a Restoration Plan be prepared to the satisfaction of the Township of West Lincoln. The plan should include, at a minimum, the following elements:
  - (a) Native plantings will be installed in the 'Restoration Area' (identified on Figure 3 of the Technical Memorandum) incorporating a diversity of trees and shrubs.
  - (b) Removal of invasive species within the NES and associated buffers.
  - (c) Restoration planting areas will be treated as 'natural, self-sustaining vegetation' (no mow).
  - (d) Removal of litter and debris within the NES and Restoration Area.
37. That the Owner provide 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 Township for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the Owner agrees that the Township may draw on the Letter of Credit or cash deposit, if required, to ensure installation of the plantings. Ninety percent of the securities for plantings to be returned upon the expiry of the one year maintenance period. The remaining ten percent to be returned upon completion of the Ecological Monitoring Plan as found in Condition 38.
38. That an Ecological Monitoring Plan be prepared to the satisfaction of the Township of West Lincoln. At a minimum the plan should assess the success of the restorative plantings and invasive species removals. The Report should be submitted to the Township of West Lincoln's Growth and Sustainability Department by September 1st of years 1 through 3. The Report should also include photographs and advise actions necessary to address any deficiencies. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 3 years from full build out.
39. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Preservation Plan, Landscape Plan, Restoration Plan and Ecological Monitoring Plan.



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

## **Region of Niagara**

41. That the Owner dedicates to the Regional Municipality of Niagara, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to the following:
- (a) Irregular widening along the frontage of Regional Road 20;
  - (b) Land required to accommodate the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6; and
  - (c) 0.3 metre (1ft) reserve along the frontage of Block 1 and Block 4.
42. That detailed engineering drawings for the last leg of the roundabout are submitted to Niagara Region for review and approval.
43. 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.
44. That the Owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
45. That the Owner provides a written acknowledgement to Niagara Region Public Works Growth Management and Planning Division 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.
46. That the Owner provides a written undertaking to Niagara Region Public Works Growth Management and Planning Division 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.

47. That prior to final approval for registration of this Plan of Subdivision, the Owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development. The capacity in the Regional system is to be confirmed and copies of the approved CLI ECA forms and final drawings must be forwarded to Niagara Region.
48. 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 Public Works Department 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; and
  - (b) Detailed erosion and sedimentation control plans.
49. That the Owner provide revised engineering drawings to address the comments provided in the proposed servicing within the newly constructed roundabout for review and approval by the Niagara Region Public Works Department.
50. 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.
51. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling, if Regional services are to be provided. Where a through street is not maintained, the Owner/Developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
52. That the Subdivision Agreement between the Owner and the Township contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

#### **Niagara Peninsula Conservation Authority**

53. That the Owner provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority (NPCA) for review and

approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.

54. That prior to the commencement of any works or site alterations on site, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed erosion protection for the overland spill. In support of the application, the following information will be required:
  - (a) Detailed design plans which include erosion mitigation techniques; and
  - (b) Any other information as may be determined necessary by the NPCA.
55. That Block 8 be zoned Environmental Protection, or similar protective zoning to preclude development, unless in accordance with the policies and satisfaction of the NPCA.
56. That the Owner provide a 1.5 metre high (minimum) chain link fence along the rear lot lines of the residential lots (Block 2) and the Future Development (Block 4), along the Environmental Protection Block to the satisfaction of the NPCA.

#### **Enbridge Conditions**

57. That the Subdivision Agreement include a clause that states to always call before you dig, see web link for additional details:  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>
58. That the Owner 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](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F))
59. That the Owner should be aware 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 Owner/Applicant.
60. That the Owner should be aware that in the event that easement(s) are required to service this development, and any future adjacent developments, the Owner/Applicant will provide the easement(s) to Enbridge Gas at no cost.

#### **Niagara Peninsula Energy Conditions**

61. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara

Peninsula Energy facilities servicing this Draft Plan of Subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.

62. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.

#### **Telecommunications (Bell Canada) Conditions**

63. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
64. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.

#### **Canada Post Conditions**

65. That the following clause shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

*"The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales."*

66. That the Owner agrees to:
- (a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - (b) Install a concrete pad in accordance with the requirements and approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - (c) Identify the pads on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;

- (d) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and
- (e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

67. That the Owner agrees to Canada Post's multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

## **CLEARANCE OF CONDITIONS**

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

### **TOWNSHIP OF WEST LINCOLN**

Conditions 1 to 40

### **NIAGARA REGION**

Conditions 41 to 52

### **NIAGARA PENINSULA CONSERVATION AUTHORITY**

Conditions 53 to 56

### **ENBRIDGE**

Conditions 57 to 60

### **NIAGARA PENINSULA ENERGY**

Conditions 61 and 62

### **TELECOMMUNICATIONS (BELL CANADA)**

Conditions 63 and 64

### **CANADA POST**

Conditions 65 to 67

## **NOTES:**

### **Conveying**

As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by "metes

and bounds”, we suggest that the description be so worded.

We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

### **Land Required to be Registered Under the Land Titles Act**

Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;

Section 160(2) – allows certain exceptions.

### **Water and Sewerage Systems**

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

### **Agencies to be contacted:**

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

Mr. Gerrit Boerema  
Director of Growth and Sustainability  
318 Canborough Street, P.O. Box 400  
Smithville, Ontario L0R 2A0  
Telephone – (905) 957-5138  
Email – [gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)

Engineering and Infrastructure

Ms. Jennifer Bernard  
Manager, Civil Land Development  
318 Canborough Street, P.O. Box 400  
Smithville, Ontario L0R 2A0  
Telephone – (905) 957-3346 ext. 6732  
Email – [jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)

- (c) With respect to the requirements of the Region of Niagara contact:  
Development Approvals  
[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)
- (d) With respect to the requirements of the Niagara Peninsula Conservation Authority (NPCA) contact Paige Pearson, Watershed Planner:

[ppearson@npca.ca](mailto:ppearson@npca.ca)

- (e) With respect to the requirements for Enbridge contact:  
[MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)
- (f) With respect to the requirements of Bell Canada contact:  
[rowcentre@bell.ca](mailto:rowcentre@bell.ca)
- (g) With respect to Canada Post contact:  
[Thomas.Dell@canadapost.postescanada.ca](mailto:Thomas.Dell@canadapost.postescanada.ca)
- (h) With respect to Niagara Peninsula Energy contact:  
[jim.sorley@npei.ca](mailto:jim.sorley@npei.ca)

### **Review of Conditions**

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the Growth and Sustainable Committee's attention. The Committee will consider requests to revise or delete conditions.

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

### **Hydro One Cautionary Note**

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



## Memo

**To:** Susan Smyth, Manager, Community Planning & Design  
**From:** Jennifer Bernard, Manager, Civil Land Development  
**Date:** May 27, 2025  
**Re:** Elite Developments ZBA & DPS Re-submission Package Review

A review has been completed of the re-submission package for the Zoning By-law Amendment and Draft Plan of Subdivision Applications for Elite Developments for the property located on the north side of West St (RR20) at South Grimsby Rd 6 (designated as Part Lot 4 on 30R-9485, Concession 9), prepared by Weston Consulting.

### Noise and Vibration Study

The previous version of the Preliminary Noise and Vibration Study, dated September 2024, noted that the outdoor living areas of the 3-Storey Townhouses required mitigation to reduce outdoor noise levels and the recommendation was to provide a warning clause registered on title. An explanation was provided as to why only a warning clause was required and not a noise barrier(s) which was acceptable to the Township.

The latest version of the study, dated May 2025, appears to include further modelling work and revised data. The recommendations now state that the outdoor noise levels are below the criteria for noise mitigation measures to be required. There is no mention of providing a warning clause.

A review of the new data shows noise levels for Blocks 1, 6 and 7 are within the range identified in Table 2 of the report that states a Barrier or Warning Clause Type "A" is required. The Township would like to understand why the recommendation for the warning clause has been removed. This item can be discussed and addressed as the application proceeds to detailed design submission.

### Stormwater Management Plan

Previous comments on the proposed servicing for stormwater have been revised as discussed, there are no further comments to provide at this time.

### Functional Servicing Report

Previous comments have been acknowledged and addressed, there are no further comments to provide at this time.

## Susan Smyth

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**From:** Taran Lennard <tlennard@npca.ca>  
**Sent:** May 28, 2025 2:41 PM  
**To:** Susan Smyth  
**Subject:** NPCA Response: Elite Development - Hwy 20 & South Grimsby Rd 6

Hi Susan,

At a high level, the NPCA is supportive of the application in principle. We do note the following and would like clarity on this aspect:

- The provided grading and servicing plans differ slightly from the plan from in the SWM Appendix. Please clarify / revise.
- The NPCA notes the SWM Report explains: *“The existing drainage feature in the middle of the site is regulated by the NPCA for various hazards including a Regional Floodline where NPCA records show the theoretical floodline encroaching various portions of the site. Once a topographic survey was completed for the site, based on the NPCA records, a conservative theoretical floodline elevation of 191.00”*
  - The NPCA does not regulate the Regional Storm.
  - The NPCA does not have floodplain mapping for the watercourse, could the applicant please provide further details regarding the reviewed NPCA records?

Upon clarity of the above, the NPCA would like to advise as well:

- Our Agency does not offer objections to the 50m Karst Buffer. We recognize development is slated to remain outside, and we are supportive of this limit.

Respecting Stormwater quantity controls:

- We note that maximum release rates have been established for the existing Municipal infrastructure. We do not offer objections.
- No objections to the emergency overland flow to the watercourse (greater than 100-year), and no objections to a general reduction in flows being directed to the watercourse.
  - Detailed design elements shall include erosion mitigation at this overland spill location. The NPCA will require permits for this work. A draft plan condition will be established to address this aspect.

If the applicant would kindly provide clarity on the flood aspects, the NPCA would be pleased to advise that our draft plan conditions will be:

- That the Developer provide detailed grading, construction sediment and erosion and sediment control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
- That prior to the commencement of any works or site alterations on site, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed erosion protection for the overland spill. In support of the application, the following information will be required:
  - Detailed design plans which include erosion mitigation techniques.
  - Any other information as may be determined necessary by the NPCA.
- That Block 8 be zoned Environmental Protection, or similar protective zoning to preclude development, unless in accordance with the Policies of the NPCA, to the satisfaction of our Agency.

- That the Developer provide a 1.5 metre high (minimum) chain link fence along the rear lot lines of the residential lots (Blocks 4 and 2), along the Environmental Protection Block to the satisfaction of the Niagara Peninsula Conservation Authority.
- That Conditions 1 to 5 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.

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](http://www.npca.ca)

[tlennard@npca.ca](mailto: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>

## Susan Smyth

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**From:** Taran Lennard <tlennard@npca.ca>  
**Sent:** June 3, 2025 3:42 PM  
**To:** Susan Smyth  
**Cc:** Mary Malhi; Ahmed Mahmoud; Steve Park; Martin Quarcoopome; Ian Male; Kevin Nunn; Gerrit Boerema  
**Subject:** RE: NPCA Response: Elite Development - Hwy 20 & South Grimsby Rd 6

Good Afternoon,

No further concerns from NPCA. The draft plan conditions in my email of May 28<sup>th</sup> can be included within the text of the Subdivision Agreement.

It should be noted that there is no floodplain on these lands. Any discussion of NPCA floodplains should be removed from any reports as is not applicable to this property.

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](http://www.npca.ca)

[tlennard@npca.ca](mailto: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>

**Public Works Infrastructure Planning & Development**

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

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

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**Via Email Only**

May 29, 2025

File Number: PLSD202401744, PLZBA202401747

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

Dear Ms. Smyth:

**Re: Regional and Provincial Comments**  
**Application Type(s): Zoning By-law Amendment and Draft Plan of Subdivision**  
**Town File Number(s): 2000-94-24, 1601-009-24**  
**Applicant: Elite Smithville Developments Inc.**  
**Location: South Grimsby 6 Road, Concession 9, Part Lot 11, Reference Plan 30R9485 (Roll No. 260203001232400), Township of West Lincoln**

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Regional Public Works Infrastructure Planning & Development staff have reviewed the revised submission of the Zoning By-Law Amendment and Draft Plan of Subdivision applications for the lands legally described as South Grimsby Concession 9, Part lot 11, Reference Plan 30R9485 (Roll No. 260203001232400) in the Township of West Lincoln ("subject lands").

The applicant is proposing to rezone the subject lands from *Agricultural (A)* and *Development (D)* to *Open Space (OS)*, *Environmental Protection (EP)*, *Development (D)* and *Residential Medium Density 3 (RM3-XXX)* with site-specific provisions to facilitate the development of nine blocks of townhouses consisting of 41 units and two six-storey apartment building consisting of approximately 176 units. A total of 217 total residential use are proposed.

A virtual pre-consultation meeting attended by the Applicant and Township and Regional staff was held on December 7, 2023 for the proposed development. At the meeting, staff noted that the Smithville Master Community Plan (OPA 63) is currently under appeal. Since the pre-consultation meeting OPA 63 was approved (with the exception of a portion of lands that remain under appeal) and, therefore, NOP Policy 4.1.9.2 no longer applies to the subject lands.

Regional staff provided comments in a letter dated April 9, 2025. At this time, Regional staff were unable to recommend deeming the application complete due to outstanding concerns pertaining to the environmental studies completed to date.

The following comments are provided to assist the Township in their review of the applications.

### **Planning Act Changes**

Staff advise pursuant to the Planning Act, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Township Council approved entering into a service level agreement with Niagara Region ('Planning Services Agreement') to continue providing support and advice to the Township of West Lincoln for environmental planning matters.

Please be advised that through this change to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

Regional staff previously provided preliminary comments pertaining to Provincial and Regional Policies, Minimum Distance Separation Formulae, Archaeological Resources, and Noise Impacts in a letter dated January 14, 2025. These comments are included for information purposes only to assist Township staff in their review of the applications.

Under the Memorandum of Understanding for Engineering Review between the Township and the Region, the comments related to regional infrastructure are considered Regional requirements with respect to the Region's interests. These issues should be addressed as part of the current applications.

### **Planning Review**

#### **Provincial and Regional Policies**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

#### **Minimum Distance Separation Formulae**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only.

## **Archaeological Potential**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Noise Impacts**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Natural Environment System**

The subject lands are situated within the Master Community Plan area associated with the Smithville Expansion lands. Among the supporting studies prepared in support of the Master Community Plan is the Smithville Subwatershed Study (SWS), which delineates a comprehensive natural heritage system across the broader study area. Within the subject lands, the SWS identifies key environmental features, including a watercourse, headwater drainage features, and a designated ecological linkage. Additionally, the SWS outlines a potential Restoration Area and Karst feature, both of which are subject to a 50 metre buffer.

In accordance with the policies of the NOP, an Environmental Impact Study (EIS) was required to verify the extent of all natural heritage features and areas, apply mandatory buffer requirements, and evaluate the property for supporting features and areas, enhancement areas, as well as the size and location of the wildlife corridor.

Regional Environmental Planning staff have reviewed the Scoped EIS prepared by Palmer (dated August 30, 2024), along with the subsequent Technical Memorandum (dated May 16, 2025), which was prepared in response to Regional comments issued on January 14, 2025. The Technical Memorandum confirms the presence of several natural heritage features on the subject lands, including a permanent/intermittent stream, an 'Other Woodland', and candidate Significant Wildlife Habitat associated with bat maternity Colonies. The Site Plan has since been revised to address agency feedback, incorporating a designated restoration area and the integration of a trail within the development layout.

In summary, Regional Environmental Planning have no objection to the proposed Zoning By-law Amendment (ZBA) application, provided that all Natural Environment System (NES) features and associated buffers, including the extent of the Restoration Area, are zoned with an appropriately restrictive environmental designation. Upon review of the proposed ZBA Schedule, staff note that lands identified for Restoration have not been zoned appropriately. Accordingly, staff request that the schedule be revised and recirculated for confirmation that all environmental planning requirements have been properly addressed.



With respect to the proposed Draft Plan of Subdivision application, Regional staff recommend that the Landscape Plan be revised to increase the use of native, non-cultivar plant species throughout the Site. In addition, a dedicated Restoration Plan for the designated Restoration Area is recommended as a condition of approval. Subject to the implementation of these items and the following recommended conditions of approval, staff have no objection to the proposed Draft Plan of Subdivision.

We are available to meet with the Township and the applicant to discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Urban Design**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Regional Engineering Review**

### **Regional Road**

#### Road Allowance

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Regional Road, Entrance and Permit Requirements

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Regional Entrance / Construction Permits

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Region Sign Permits

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Legal Agreement**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Protection of Survey Evidence**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Servicing**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Regional Sewage Pumping Station**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Stormwater Management**

Regional staff noted that the updated *Stormwater Management (SWM) Report* prepared by EXP Services Inc. (dated May 2025), removes pumping discharge from the underground stormwater cistern. The Subdivision Blocks 3 and 4 (i.e., the northwest and southwest corner of the property) are considered as the existing land use (undeveloped) in the SWM plan. Future development of the two blocks shall demonstrate it will not adversely affect the Karst area.

Overall, staff have no objection to the SWM plan, however, the following details shall be addressed with engineering design prior to clearing the Region's SWM conditions (included in the attached Appendix):

- Staff note that water quality treatment for Catchment 201B (i.e., building A & B area) is missing.
- It must be confirmed that the SWM cistern within the underground parking is variable and ensure the cistern's location and invert are consistent among the Architectural site plan, the Servicing plan, and the SWM Report 'storage-discharge table'.
- The SWM Report is required to fix typos and discrepancies in context and tables, storage-discharge curves in modelling, and the warning 'Storage-discharge table was exceeded'. Staff recommend minor and major flow be added to Table 3 'peak flow summary' to compare with the allowable rates clearly.

May 29, 2025

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## Waste Collection

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## Conclusion

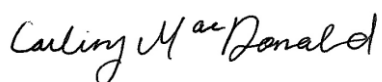
Regional Public Works Infrastructure Planning & Development staff offer no objection to the Zoning By-law Amendment application, provided that all Natural Environment System (NES) features and associated buffers, including the extent of the Restoration Area, are zoned with an appropriately restrictive environmental designation. As noted above, staff request that the revised zoning schedule be recirculated for confirmation that all environmental planning requirements have been properly addressed.

With respect to the proposed Draft Plan of Subdivision application, staff recommend that the Landscape Plan be revised to increase the use of native, non-cultivar plant species throughout the site. Additionally, staff advise that the proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout.

Please be advised that through this change to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

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](mailto:carling.macdonald@niagararegion.ca).

Kind regards,



Carling MacDonald  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Josh Wilson, P.Eng., Manager of Development Engineering, Niagara Region  
Adam Boudens, MSc, Senior Environmental Planner  
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region  
Khaldoon Ahmad, Manager of Urban Design, Niagara Region  
Philippe Biba, Development Approvals Technician, Niagara Region

**Appendix 1**  
**Regional Conditions of Draft Plan Approval**  
**South Grimsby Concession 9, Part Lot 11, Reference Plan 30R9485**  
**(Roll No. 260203001232400), Township of West Lincoln**

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**Planning Conditions (provided for information purposes only at the Township's discretion)**

1. That the following warning clause is included in the Subdivision Agreement between the Owner and Township of West Lincoln to protect for any potential archaeological resources that may be encountered during construction activities:
  - *"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>)."*
2. That a Detailed Noise Study prepared by an acoustical engineer be submitted at the site plan stage when final building plans are available. The site plan agreement shall include a clause requiring the owner to implement the recommendations of the Detailed Noise Study.
3. That the owner agrees to have all final architectural drawings stamped by an acoustical engineer to ensure that the noise control measures recommended in the Detailed Noise Study (required by Condition 1) have been incorporated and NPC-300 indoor sound level criteria has been addressed to the satisfaction of the Township.
4. That the subdivision agreement includes provisions requiring the owner to implement all mitigation measures and recommendations outlined in the Scoped Environmental Impact Study (EIS) and Technical Memorandum prepared by Palmer (dated August 30, 2024 and May 16, 2025, respectively). These measures shall include, but are not limited to, the following:
  - a) Vegetation removals shall be conducted between October 1 and March 14, outside of both the breeding bird nesting period and the active bat season. Should vegetation removal or site alteration be proposed during the restricted period, a survey for active bird nests shall be completed no more than 48 hours prior to the commencement of such activities.

- b) Construction activities taking place during the active bat season (April 1 to September 30) shall be limited to daylight hours only. The use of artificial lighting during this period shall be avoided to minimize disturbance to rare bat species.
  - c) All exterior lighting incorporated into building designs shall be directed downward and/or oriented away from adjacent woodland areas (i.e., directed southward), to the extent feasible, in order to minimize light pollution and impacts to wildlife.
  - d) Bird-friendly design principles shall be incorporated into residential building designs. These may include strategies consistent with the City of Toronto's Best Practices for Bird-Friendly Glass and Best Practices for Effective Lighting, or equivalent guidelines.
  - e) Construction materials, equipment, and staging areas shall not be located, even on a temporary basis, within identified natural features or their associated buffers.
5. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Town of West Lincoln. The plan should incorporate the recommendations found in the Scoped EIS prepared by Palmer dated August 30, 2024. 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.
6. That a Grading Plan be provided to the satisfaction of the Town of West Lincoln, that demonstrates that no grading within the natural heritage features and/or their buffers 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 features and their buffers.
7. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Town of West Lincoln. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
8. That a revised Landscape Plan be prepared and submitted for review and approval by the Town of West Lincoln. The revised plan shall increase the proportion of native, non-cultivar species plant species, with the objective of enhancing local biodiversity and promoting long-term ecological resilience.
9. That permanent fencing be installed between the development limit and NES features. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
10. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take

to protect the natural environment. This information package is to be reviewed and approved by the Town of West Lincoln. The package should be provided as an appendix to all offers of purchase and sale for properties within the subdivision development.

11. That a Restoration Plan be prepared to the satisfaction of the Town of West Lincoln. The plan should include, at a minimum, the following elements:
    - a) Native plantings will be installed in the 'Restoration Area' (identified on Figure 3 of the Technical Memorandum) incorporating a diversity of trees and shrubs.
    - b) Removal of invasive species within the NES and associated buffers.
    - c) Restoration planting areas will be treated as 'natural, self-sustaining vegetation' (no mow).
    - d) Removal of litter and debris within the NES and Restoration Area.
  12. That the developer provide securities to the Town of West Lincoln in the form of a Letter of Credit in the amount of the estimated cost as approved by the Town for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
  13. That an Ecological Monitoring Plan be prepared to the satisfaction of the Town of West Lincoln. At a minimum the plan should assess the success of the restorative plantings and invasive species removals. The Report should be submitted to the Town of West Lincolns planning department by September 1st of years 1 through 3. The Report should also include photographs and advise actions necessary to address any deficiencies.
- Note. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 3 years from full build out.
14. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Preservation Plan, Landscape Plan, Restoration Plan and Ecological Monitoring Plan.

### **Regional Conditions of Draft Plan Approval**

1. That the owner dedicates to the Regional Municipality of Niagara, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to the following:
  - i. Irregular widening along the frontage of Regional Road 20;
  - ii. Land required to accommodate the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6; and
  - iii. 0.3 metre (1ft) reserve along the frontage of Block 1 and Block 4.

2. That detailed engineering drawings for the last leg of the roundabout are submitted to Niagara Region for review and approval.
3. 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.
15. That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
16. That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
17. That the owner provides a written acknowledgement to Niagara Region Public Works Growth Management and Planning Division 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.
18. That the owner provides a written undertaking to Niagara Region Public Works Growth Management and Planning Division 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.
19. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development. The capacity in the Regional system is to be confirmed and copies of the approved CLI ECA forms and final drawings must be forwarded to Niagara Region.
20. 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 Public Works Department for review and approval:

- 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.
  - Detailed erosion and sedimentation control plans.
21. 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 approved Stormwater Management Plan.
22. That the owner provide revised engineering drawings to address the comments provided in the proposed servicing within the newly constructed roundabout for review and approval by Regional staff.
23. That the 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.
24. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
25. That the agreement between the owner and the Township contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

**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 Condominium/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 circulated 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 Area Municipality. The submission shall include: the required review fee; a letter which outlines how each condition has been met, accompanied by the necessary supporting documents; and a copy of the draft agreement prepared by the Area Municipality. 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 Area Municipality.

**DATE:** June 9, 2025

**REPORT NO:** PD-23-2025

**SUBJECT:** **Information Report**  
**Legion Villa Fee Waiving Request**

**CONTACT:** Gerrit Boerema, Director, Growth and Sustainability

**OVERVIEW:**

- On the May 12<sup>th</sup> Growth and Sustainability Committee Meeting the Project Development Committee of the Legion Villa submitted a written request to waive planning and building related fees for a new 52 unit senior apartment building located at 161/171 Mill Street in Smithville.
- The [letter from the Legion Project Development Committee](#) also requested general support for the project.
- The proposed 6 storey, 52 unit apartment building requires a zoning bylaw amendment and site plan approval. A public meeting was held on May 12<sup>th</sup>, 2025 together with [Information Report PD-20-2025](#).
- The Legion has also applied to the Township Committee of Adjustment for a boundary adjustment, which the Committee of Adjustment approved in 2024.
- The Project Development Committee is requesting that the Township waive all Planning and Building related fees, which amount to \$22,777 for Planning Fees and approximately \$93,000 for Building Permits.
- Development Charges (DCs) are exempt for non-profit housing developments, which amounts to an exemption of \$776,360.
- This Information Report provides the Mayor and Council options to respond to this request.

**RECOMMENDATION:**

1. That, Information Report PD-23-2025 titled “Information Report, Legion Villa Fee Waiving Request” dated June 9, 2025, be received.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #**

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

**BACKGROUND:**

Representatives from the Legion Villa’s Project Development team have presented a

number of times before Committee and Council regarding the proposed 52 unit senior apartment development located at 161/171 Mill Street. The Legion Villa currently provides not-for-profit housing to seniors in two buildings on the property, and they are now proposing a third building.

The development has required the Legion to seek approval of a boundary adjustment, a zoning bylaw amendment and site plan approval to facilitate the proposed 6 storey, 52 unit rental building.

On September 11<sup>th</sup>, 2023, representatives from the Legion and Niagara Regional Housing presented a request to Council to waive planning fees a building permit fees to show support for the project. [Recommendation Report PD-59-2023](#) was prepared and submitted to Council recommending that the most transparent avenue to provide fee relief would be to create an Affordable Housing Community Improvement Plan under the Planning Act and that money be included in the 2024 budget. Council supported this recommendation, however, funds were not allocated in the 2024 budget but rather the 2025 budget.

Representatives from the Legion also presented their fee waiving request to Council on January 13, 2025. The [slideshow for their presentation](#) indicated their request to waive/refund approximately \$20,000 in planning fees, and \$100,000 in Building Permit fees.

### **CURRENT SITUATION:**

Most recently, the representatives from the Legion submitted a [written letter](#) which was included on the May 12<sup>th</sup> 2025 Growth and Sustainability Committee Meeting outlining their request for municipal support and for Council to provide a response.

Administration has calculated the planning fees at \$22,777, and have calculated the Building Permit fee at \$92,301.55, using the approved Consolidated User Fees and Charges by-laws in effect at the time of writing this report. The Development Charges that would be subject to exemption amount to \$776,360 and were calculated using the current Development Charges rates, as at the right of writing this report. The Development Charges amount was calculated using the one bedroom apartment category, based on information known by Administration.

| Application                           | Fee             | Status                                    |
|---------------------------------------|-----------------|-------------------------------------------|
| Pre-consultation Fee                  | \$500           | Waived                                    |
| Boundary Adjustment Certification Fee | \$2,318         | Paid and Complete                         |
| Zoning Bylaw Amendment                | \$10,619        | Paid March 4 & May 8 2025 and In Progress |
| Site Plan Preliminary                 | \$3,114         | Paid                                      |
| Site Plan Formal                      | \$6,226         | Not paid                                  |
| <b>Total Planning Fees</b>            | <b>\$22,777</b> |                                           |
|                                       |                 |                                           |

|                                  |                                                                                 |                                        |
|----------------------------------|---------------------------------------------------------------------------------|----------------------------------------|
| Building Permits                 | \$92,269.15 (968.4 sq. m x 6 floors x \$15.88/sq. m.)                           | Required at time of permit application |
| <b>Total Building Fees</b>       | <b>\$92,269.15 (based on 2024 fees)</b>                                         |                                        |
| Development Charges              | \$14,930/unit x 52 units = \$776,360<br>Based on apartment – 1 bedroom category | Subject to exemptions under the DC Act |
| <b>Total Development Charges</b> | <b>\$776,360</b>                                                                |                                        |

There remain a number of options for the Mayor and Council to consider when reviewing this request, which are summarized below:

### 1. Continue work on the Affordable Housing CIP

The Affordable Housing CIP Request for Proposals (RFP) is currently being finalized. A consultant would be retained to complete a Housing Needs Assessment and the CIP, which could include options for retroactive grants to cover all, or a portion of planning and building related fees. The Affordable Housing CIP could also provide grants at the time of occupancy. Affordable Housing CIP's are regulated under Section 28 of the Planning Act, and allow municipalities to enter into agreements with affordable housing providers, and have those agreements registered on title ensuring that the units remain affordable for a set period of time.

### 2. Amend the Consolidated User Fees & Charges By-law

Currently, the Consolidated User Fees & Charges By-law, as approved by Council on December 9, 2024, includes the following clause:

*“8. The user fees and charges that comprise this By-law may not be waived upon request under any circumstances, in either full or in part, unless required or allowed by external government legislation.”*

If desired, Council could amend the Fees and Charges By-law to provide delegated authority to the Mayor (and/or CAO) to waive or reduce a fee or charge (excluding development charges) under certain circumstances. There are anti-bonusing provisions under the Municipal Act which limit Council's ability to waive fees for specific developments and or specific developers/owners.

### 3. Utilize Strong Mayor Powers

The Strong Mayor Powers (set out in [Part VI.1 of the Municipal Act, 2001](#)) do not permit the Mayor to unilaterally waive a fee or charge set by by-law.

The Mayor could, however, bring a by-law forward to Council to “advance a prescribed provincial priority” (i.e., more homes faster) by reducing fees and charges related to development (e.g., by a set % or under certain circumstances such as affordable

housing), and if more than 1/3 of Council agrees, it would go into force and effect, pursuant to [s. 284.11.1 of the \*Municipal Act, 2001\*](#). An agreement between the Legion Villa and the Township should be implemented if this option is utilized to ensure that the units remain affordable for a set period of time, similar to an agreement done under a CIP program.

#### 4. Create a Small Business Support Program

Often referred to as Incubator Hubs, the *Municipal Act, 2001*, allows Municipalities to establish programs to assist small businesses, subject to certain conditions and can include various forms of financial assistance. Municipalities with a CIP typically do not include development-related businesses within this type of program.

While there have not been any formal announcements or information released, additional funding opportunities may become available through new Federal and Provincial legislation and programs.

### FINANCIAL IMPLICATIONS:

As the Legion Villa is a non-profit housing provider, seeking to provide affordable and attainable rental units, the Development Charges Act, under section 4.2, (in conjunction with the Township's Development Charges By-Law 2024-70, under clause 3.7) provides a mandatory exemption for paying Development Charges to the Township and Region.

Per section 4.2 of the Development Charges Act:

- “(1) “Non-profit housing development” means the development of a building or structure intended for use as a residential premises and developed by,
  - (a) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing,
  - (b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing, or
  - (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, 2022, c. 21, Sched. 3, s. 4.
- (2) A non-profit housing development is exempt from development charges. 2022, c. 21, Sched. 3, s. 4.”

The Township would seek confirmation to solidify that the applicant meets the applicable criteria to receive a Development Charges exemption.

It is very important to note that when a development is exempt from DCs, the municipality must fund the foregone DC amount back into the DC reserve funds. In other words, the DC reserve funds need to reflect the DC exemption amounts, as if the reserve had actually received the DC monies. This required funding applies to all forms

of exemptions. This is a requirement of the Development Charges Act, as the Act does not allow exemptions or reductions to one type of development to be made up through higher DC charges to other forms of development.

Therefore, the Township would need to fund the cost of DC exemptions from existing tax and ratepayers, in the absence of upper level funding programs. As noted above, the total exempted DCs for this development would be \$776,360. Given the significant value, a funding source would need to be identified, to ensure compliance with the Act.

Furthermore, the representatives from the Region have requested that all of the Township's planning fees, totalling \$22,777, be waived and that the Building Permit fees of \$92,269.15 be waived. Unlike DCs, there is no explicit provincial requirement that mandates municipalities to fund building permit or planning fee waivers from a specific source. However, when a municipality chooses to waive these user fees, the result is a loss of revenue. In the case of Building Permit fees, this loss of revenue would result in the inability to recover full costs associated with the services prescribed by the Building Code Act.

Council approved \$15,000 for the creation of an affordable housing CIP for 2025. The Request for Proposal is being finalized, however, through discussions with various consultants, the cost to create an Affordable Housing CIP could be greater than the amount budgeted for. If this is the case, Administration will be seeking a Budget Amendment to proceed with this project work. Following creation of a CIP program, Council would also need to provide funding for the program to award the grants to affordable housing projects.

#### **INTER-DEPARTMENTAL COMMENTS:**

This report has been reviewed by Township Legal Counsel, the Director of Corporate Services/CFO, the CAO and the Clerk.

Development Engineering, Infrastructure and Fire have provided comments on the related zoning bylaw amendment and site plan applications, which will be brought forward in a separate report.

#### **CONCLUSION:**

Representatives from the Legion Villa have submitted multiple requests to waive their planning and building related fees for their new 52 unit non-profit senior's apartment. In a previous resolution by Council, administration has been directed to complete an Affordable Housing Community Improvement Plan in 2025. This work is underway but will not be completed until later in 2025. In addition, once a CIP is created, Council would need to provide additional funding to issue grants for affordable housing projects.

#### **ATTACHMENTS:**

1. Legion Villa Request Letter – May 2025

**Prepared & Submitted by:**

**Approved by:**

**Gerrit Boerema**  
**Director, Growth and Sustainability**

**Truper McBride**  
**CAO**



***To our honorable Mayor, council members and staff of the West Lincoln Community***

We, the Legion Villa Project Development Committee, have presented to you, multiple times over the last number of years, the planned project indicating our commitment to this beautiful community of West Lincoln by way of adding additional affordable housing for the 55 and over age group that continues to grow in this area.

The West Lincoln area has been designated for some incredible growth over the next few years and we as an organization realized that there are specific areas of development that are missing in this Community.

Affordable housing ranks High on the List. (Another is a facility of assisted living and long-term care which we are not.) The challenge is that for 55+/seniors that have lived in this area for many years, there is no where in Smithville for them to continue living in their later years and remain in their chosen community. Sadly, they are forced to move outside of their community.

Our goal as you know, is to build 52 additional Affordable Housing units for our seniors and 55+ community to help address the dire need. With waiting lists of multiple years, the reality is that these units were needed years ago, and we are now working diligently and as efficiently as the systems will allow to get this project built.

The Board of Directors of the Legion Villa along with Branch 393 Legion had the foresight and initiative over 35 years ago, to start a Non-Profit to Build Villa I and Villa II to address the need back then. They successfully accomplished building, provided 2 very successful projects of Affordable Housing with the support of all levels of government at that time.

Well, here we are in 2025, already a few years into this project development, and entering the stage of applying for permits and have yet to have received any clear direction or communication from West Lincoln Township in the conversation regarding support by way of assistance with planning and permit fees and reimbursement of the fees already paid). This important part of the process is crucial to enable us be shovel ready and begin to build desperately needed affordable housing units.

It is of great concern to us, that as we submit this letter, we don't have a formal commitment from the Township of West Lincoln regarding assistance with development charges. We have been told that given this type of project, the Township funding would need to come from a fund called the Community Impact Program Fund. We then presented to you again, before the last budget, to appeal to the fact that this is something that our

local community council would at the very least want to take part in the funding of this project as it is being built within the West Lincoln Township borders. As all other levels of government have committed to support affordable housing, it is our hope that the Township of West Lincoln would be willing to waive any fees that would be required for this build. This project is fulfilling the mandate of increasing housing units within our community while also addressing the affordable housing crisis that exists.

The Township budget came out with \$15,000 in the CIP fund. We have been told that the funding for the waiving of development fees would most likely be coming from this fund. We as the, LV Project Development Committee are questioning the actions, the motivation and the support that will be shown by the very community where our proposed building will be built.

Perhaps you have come up with an alternative for where these funds would be designated to come from. Either way, it is imperative that we have some response from the Township of West Lincoln to let us know what support we can expect.

As we have not received any correspondence from the Township which in turn created the need to ask the questions, we are asking for clarification and commitment.

As we endeavor to fund this project along with support from the Community, we would like to be able to share, that we have indeed received support from the Township of the very community that this building will hopefully be built in.

### **Why is your support critical for this Legion Villa project?**

- 1) Legion Villa is a non-profit charity with limited funds – government incentives allow the project to move through planning and approvals.
- 2) Financial support from all levels of government and private entities is critical to maintain deep affordability: **Less Debt financing = Lower Rent Rates**
- 3) CMHC and other Capital funding Programs need to see **FULL Municipal Partnership** which
  - a) De-risks the project (budget, approvals, timelines)
  - b) Significantly increases likelihood of funding application success

**Legion Vila is bringing land equity, has worked diligently with a Project Manager thru the Region and has secured CMHC Seed Grant & Loan Funding, FCM grant, plus Town and Regional DC waivers through Prov. Bill 23. Legion villa is targeting new grants & private support going into 2025.**

It is with all of this in mind that we appeal to you to once again, to review the needs of this Community, and understand that this is the only project for Affordable Housing in this area

at this moment. This committee has been successful in attaining every grant and loan available to a project like this. With the support of all levels of government confirmed we would like to be in a place of confidence that the West Lincoln Township will also be supporting us by waiving the fees for this project.

Legion Villa is a Non-Profit with limited available funds, has done years of planning and background work to make this project viable, thus far on a \$0 budget and because of the fantastic management of the organization in the last 30-35 years, have been able to qualify for the grants to date. Going forward, we do however, need the full support of our local community as well.

***Our current request is:***

**Can we count on and be confident in the support of the Township of West Lincoln?**

Sincerely

Project Development Committee of the Legion Villa

Rodger Vaughan (Chair) Nancy Neville, Peggy Cook

**DATE:** June 9, 2025

**REPORT NO:** PD-24-2025

**SUBJECT:** **Recommendation Report  
South Grimsby Road 10 Road Allowance Closing and  
Realignment**

**CONTACT:** Gerrit Boerema, Director, Growth and Sustainability

**OVERVIEW:**

- An application to close and purchase a portion of the South Grimsby Road 10 road allowance was submitted a number of years ago by Mr. John Cadman, owner of 7484 Regional Road 20.
- There were a number of complications regarding this file including lands owned by both the Province and the Region that needed to be downloaded to the Township, as well as re-surveying out a new road allowance.
- Administration has provided Committee and Council with updates through previous staff reports PD-11-2019 and [PD-89-2021](#).
- Following complications with the original survey, a new survey was completed which found a number of utilities located within the right of way which Mr. Cadman was seeking to purchase. These utilities have been contacted and easements will be required.
- This report recommends that Council support passing a bylaw to realign the road allowance for South Grimsby Road 10 (to capture where the roadway currently is) and to pass an additional bylaw declaring the lands east of the road allowance as surplus and authorize its transfer to the abutting landowners at cost to cover the Township's legal, surveyor and administration time.

**RECOMMENDATION:**

1. That Recommendation Report PD-24-2025 titled "South Grimsby Road 10 Road Allowance Closing and Realignment", dated June 9, 2025, be received; and,
2. That, a Bylaw be passed to declare Parts 6, 7 and 14 of Plan 30R-15936 and Parts 1 and 2 on Plan 30R-16209 on South Grimsby Road 10 as Public Highway; and,
3. That Bylaws be passed to declare Parts 3, 4, 5, 8, 10, 11, 12, 13 of Plan 30R-15936, save and except for Parts 1 & 2 on Plan 30R-16209 as surplus to the needs

- of the Township of West Lincoln, and that surplus lands be conveyed to participating abutting land owners for cost; and,
4. That, Administration review the 2007 Road Closing policy and provide recommendations for updates to ensure future road closing applications are more streamlined and cost recoverable.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #**

- **Champion strategic and responsible growth**

## **BACKGROUND:**

In 2018 Mr. John Cadman, owner of Bristol Motors, submitted an application for the closing and purchasing of a portion of the South Grimsby Road 10 Road Allowance directly west of 7484 Regional Road 20.

The road allowance in this section south of the Regional Road 20 intersection is over 50 metres wide, where a typical road allowance for a local road is only 20 metres wide. This was a result of an intersection realignment of South Grimsby Road 10 done in the 1970's or 1980's.

In 2018 when the application was originally submitted, a portion of this allowance was shown to be owned by the Ontario Ministry of Transportation, and a portion owned by the Region of Niagara. It has taken a number of years and significant Administration time to allow for the download of these portions of land to the Township.



Two surveys were also required to establish a new right of way over the existing roadway and ditches, to show the location of utilities, and to provide road widening and daylighting triangles to the Region.

The closing and sale of Township's road allowances are guided by the Township's Road Closing Policy POL-C-02-07. Other potential benefitting landowners were notified in 2019, and will again be notified if Council passes bylaws declaring these lands surplus.

## **CURRENT SITUATION:**

Administration now has the survey and legal work finalized to proceed with a recommendation report on the road closing request. This will require two bylaws to be

passed. The first Bylaw will be to establish the new right of way and to declare it as a public highway, while the second bylaw is to declare the remnant lands as surplus and authorize the sale of these lands.

The Road Closing Policy states that at least one appraisal shall be required to obtain the fair market value of the land. Historically this has not always been completed and in this particular application, the applicant was informed early on in the application that an appraisal would not be required, but that they would only be required to pay the costs to cover the legal and survey work.

| Property                                           | Parts                                                                           | Area                             | Benefiting proportion |
|----------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------|-----------------------|
| 7484 Regional Road 20 - Bristol Motors/John Cadman | Parts 3, 10 and 11 Plan 30R-15936, save and except for Part 1 on Plan 30R-16209 | 2,094 sq m (0.52 acres)          | 64%                   |
| 2885 South Grimsby Road 10 – Private Owner         | Parts 4 and 12, Plan 30R-15936, save and except for Part 2 on Plan 30R-16209    | 548 sq. m (5,899 sq. ft.)        | 17%                   |
| 2883 South Grimsby Road 10 – Private Owner         | Parts 5 and 13, Plan 30R-15936                                                  | 450 sq. m. (4,844 sq. ft.)       | 14%                   |
| 7526 Regional Road 20 - Sicards                    | Part 8, Plan 30R-15936                                                          | 183 sq. m. (1,970 sq. ft.)       | 5%                    |
| <b>TOTAL</b>                                       |                                                                                 | <b>3,275 sq. m. (0.81 acres)</b> |                       |
|                                                    |                                                                                 |                                  |                       |
| Township Road Allowance                            | Parts 7, 14 of Plan 30R-15936 and Parts 1 & 2 of Plan 30R-16209                 | -                                |                       |
| Regional Road Allowance                            | Parts 1, 2, 6, & 9 of Plan 30R-15936                                            | -                                |                       |

## FINANCIAL IMPLICATIONS:

As per the Township's Road Closing Policy, the closing and sale of surplus road allowances should be at the sole cost of the applicant(s) and sold for market value. In 2018, the applicant paid a road closing deposit of \$1,150 and an administrative fee of \$350 to the Township. According to the Policy, any additional costs for the closing and sale of the road allowance shall be required prior to the transfer of land in order to ensure costs are appropriately recovered.

Administration has calculated the total cost for the surveys, legal costs, and significant Township Administration time spent on this file (between 2018-2025) at a total value of

\$30,000. These costs would be recovered in proportion to the road allowance that each property owner can acquire through this process, as presented in the below table. At this time, Mr. Cadman is the only one who has made an application, and he would be required to pay the determined net cost of \$18,050 in order to proceed in the transfer. The previously paid \$1,150 deposit has been applied against the proportionate land cost that is owing.

The remaining three adjacent property owners would be required to submit the road closing fee, in addition to the proportional share of the costs, if they wish to acquire the surplus lands. Once the by-laws are approved by Council, notices will be sent out to the additional property owners to inform them of their proportionate land costs.

| Property                                           | Area                             | Benefiting proportion | Land Costs                                                                       |
|----------------------------------------------------|----------------------------------|-----------------------|----------------------------------------------------------------------------------|
| 7484 Regional Road 20 - Bristol Motors/John Cadman | 2,094 sq m (0.52 acres)          | 64%                   | \$19,200 (less \$1,150 deposit already paid), for total amount owing of \$18,050 |
| 2885 South Grimsby Road 10 – Private Owner         | 548 sq. m (5,899 sq. ft.)        | 17%                   | \$5,100                                                                          |
| 2883 South Grimsby Road 10 – Private Owner         | 450 sq. m. (4,844 sq. ft.)       | 14%                   | \$4,200                                                                          |
| 7526 Regional Road 20 - Sicards                    | 183 sq. m. (1,970 sq. ft.)       | 5%                    | \$1,500                                                                          |
| <b>TOTAL</b>                                       | <b>3,275 sq. m. (0.81 acres)</b> |                       | <b>\$30,000</b>                                                                  |

It should be noted that the above proportional costs remain far below market value for vacant land. As a comparison, a recent commercial property appraisal that the Township received for a property in the Township has valued commercial land in excess of \$900,000 per acre. This property was fully serviced in the urban area of Smithville, whereas the property within this report has private services and falls outside of the urban area. While this is not a direct comparison, it provides some context of current market values for vacant land.

#### INTER-DEPARTMENTAL COMMENTS:

This report has been discussed and reviewed by the Township Director of Infrastructure and Operations, the Director of Corporate Services/CFO, the CAO and Township Legal Counsel.

#### CONCLUSION:

In order to allow for the transfer of surplus lands to adjacent property owners, Township Council needs to pass a bylaw to establish the new road allowance as public highway, and to pass additional bylaws for to deem the excess lands as surplus to the Township's needs and to authorize its transfer.

Township staff are recommending that these bylaws be passed, as found in Schedule D and E to this report.

**SCHEDULES:**

- A. Location Map
- B. Plan 30R-15936
- C. Plan 30R-16209
- D. By-law to establish lands as a Public Highway
- E. By-laws to close and declare surplus
- F. Bylaw to transfer lands to 7484 Regional Road 20

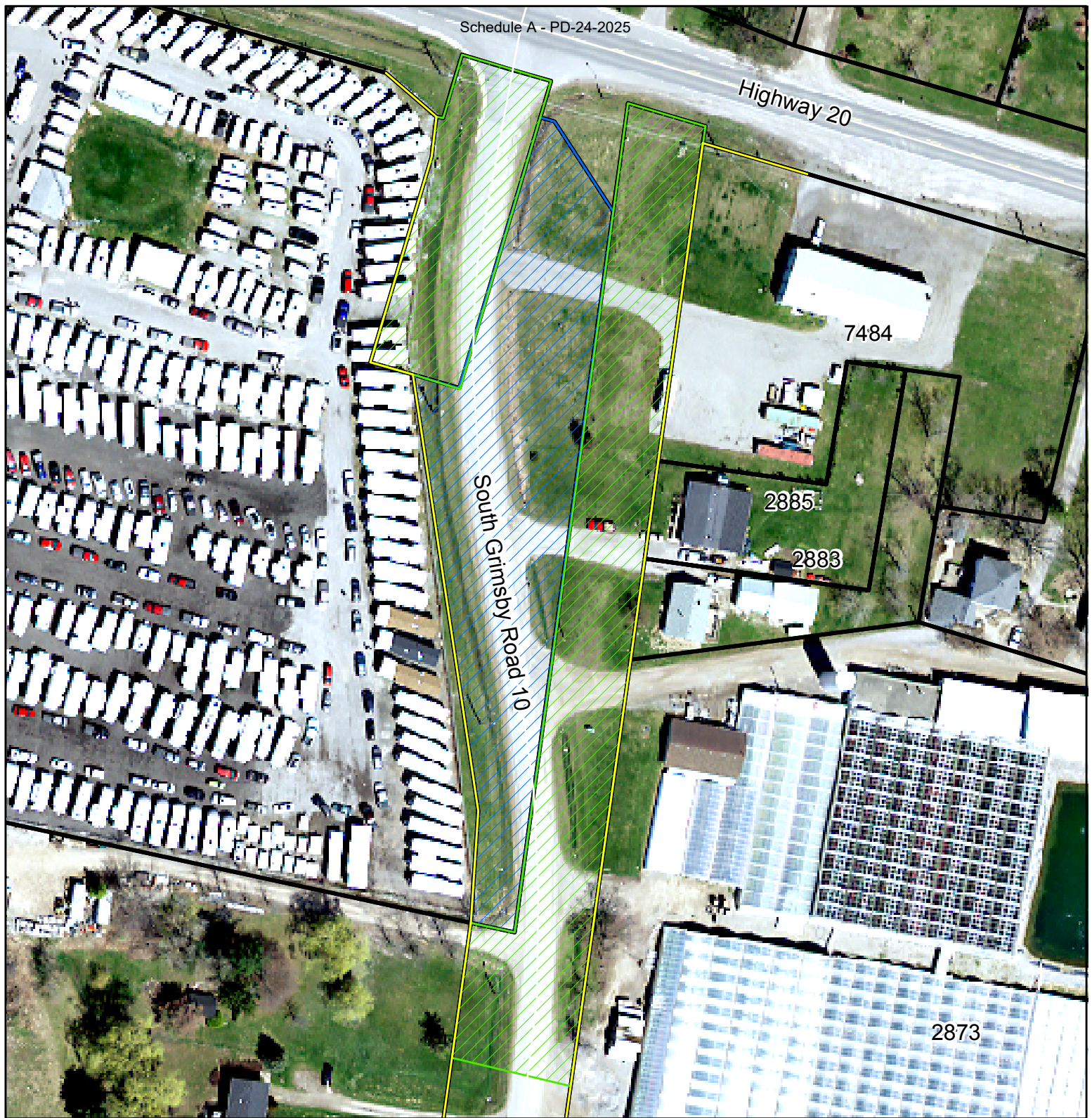
**Prepared & Submitted by:**

**Approved by:**

**Gerrit Boerema**  
**Director, Growth and Sustainability**

**Truper McBride**  
**CAO**





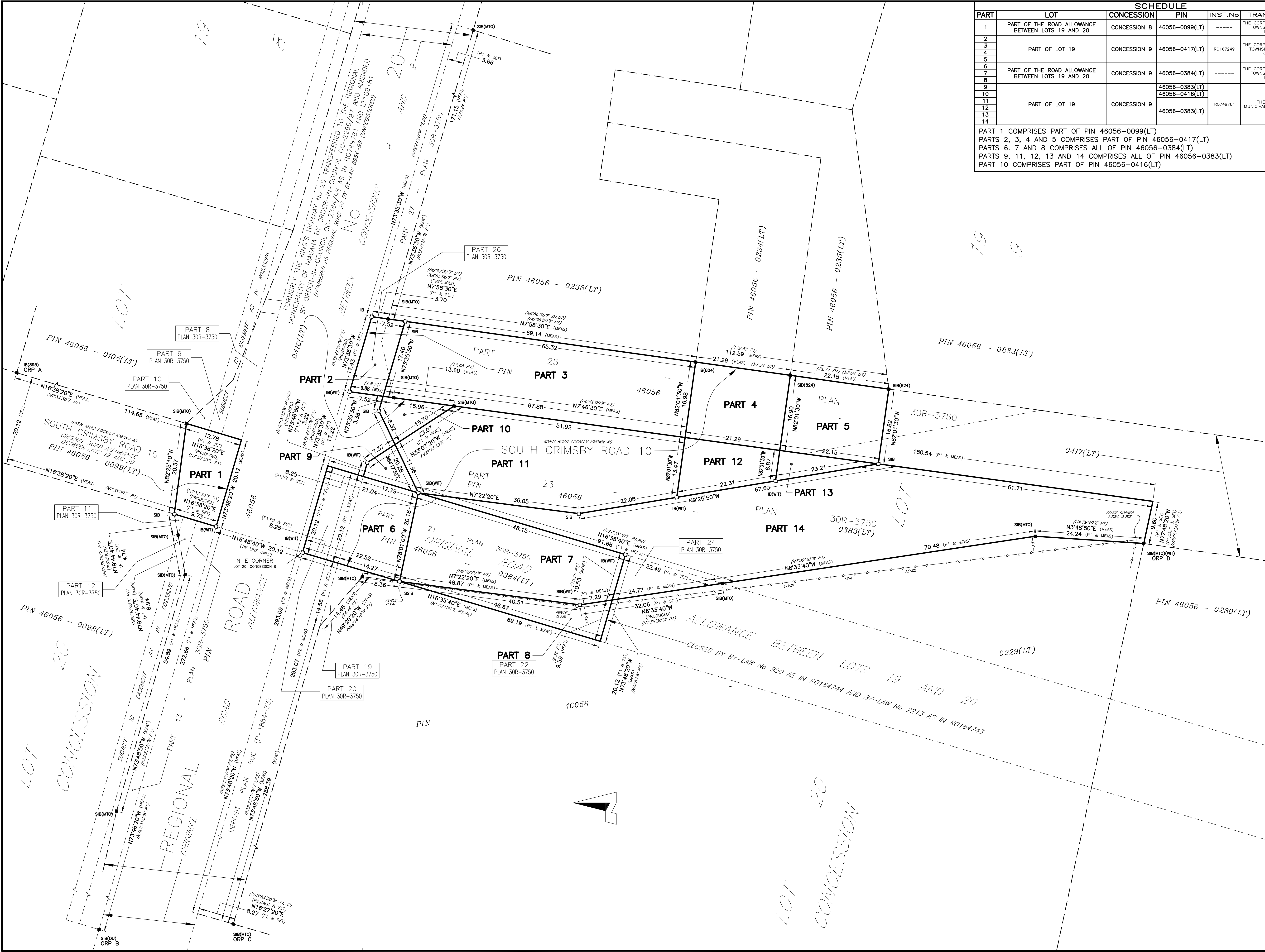
# Bristol Motors Possible Road Allowance Conveyance

December 2018

West Lincoln  
Your Future Naturally

## Legend

- Road Allowance
- ▨ Township Lands
- ▨ Provincial Lands
- Ownership Parcels



| SCHEDULE |                                                      |              |                |          |                                                        |                     |
|----------|------------------------------------------------------|--------------|----------------|----------|--------------------------------------------------------|---------------------|
| PART     | LOT                                                  | CONCESSION   | PIN            | INST.No  | TRANSFEE                                               | AREA                |
| 1        | PART OF THE ROAD ALLOWANCE<br>BETWEEN LOTS 19 AND 20 | CONCESSION 8 | 46056-0099(LT) | -----    | THE CORPORATION OF THE<br>TOWNSHIP OF WEST<br>LINCOLN  | 226m <sup>2</sup>   |
| 2        | PART OF LOT 19                                       | CONCESSION 9 | 46056-0417(LT) | R0167249 | THE CORPORATION OF THE<br>TOWNSHIP OF SOUTH<br>GRIMSBY | 130m <sup>2</sup>   |
| 3        |                                                      |              |                |          |                                                        | 1,138m <sup>2</sup> |
| 4        |                                                      |              |                |          |                                                        | 361m <sup>2</sup>   |
| 5        |                                                      |              |                |          |                                                        | 374m <sup>2</sup>   |
| 6        | PART OF THE ROAD ALLOWANCE<br>BETWEEN LOTS 19 AND 20 | CONCESSION 9 | 46056-0384(LT) | -----    | THE CORPORATION OF THE<br>TOWNSHIP OF WEST<br>LINCOLN  | 438m <sup>2</sup>   |
| 7        | PART OF LOT 19                                       | CONCESSION 9 | 46056-0383(LT) | R0749781 | THE REGIONAL<br>MUNICIPALITY OF NIAGARA                | 770m <sup>2</sup>   |
| 8        |                                                      |              |                |          |                                                        | 183m <sup>2</sup>   |
| 9        |                                                      |              |                |          |                                                        | 64m <sup>2</sup>    |
| 10       |                                                      |              |                |          |                                                        | 91m <sup>2</sup>    |
| 11       |                                                      |              |                |          |                                                        | 1,119m <sup>2</sup> |
| 12       |                                                      |              |                |          |                                                        | 216m <sup>2</sup>   |
| 13       |                                                      |              | 46056-0416(LT) |          |                                                        | 76m <sup>2</sup>    |
| 14       |                                                      |              | 46056-0383(LT) |          |                                                        | 2,225m <sup>2</sup> |

PART 1 COMPRISES PART OF PIN 46056-0099(LT)  
PARTS 2, 3, 4 AND 5 COMPRISES PART OF PIN 46056-0417(LT)  
PARTS 6, 7 AND 8 COMPRISES ALL OF PIN 46056-0384(LT)  
PARTS 9, 11, 12, 13 AND 14 COMPRISES ALL OF PIN 46056-0383(LT)  
PART 10 COMPRISES PART OF PIN 46056-0416(LT)

PLAN 30R-15936

Received and deposited

April 27<sup>th</sup>, 2022

Carolyn Adsett

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

PLAN OF SURVEY OF  
PART OF LOT 19 AND PART OF THE  
ROAD ALLOWANCE BETWEEN LOTS 19  
AND 20 – CONCESSION 9  
AND PART OF THE ROAD ALLOWANCE  
BETWEEN LOTS 19 AND 20  
CONCESSION 8

GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY  
ALL IN THE

**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 400

DONALD G. CHAMBERS  
ONTARIO LAND SURVEYOR

THE INTENDED PLOT SIZE OF THIS PLAN IS 862mm IN WIDTH BY  
559mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:400

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

**BEARING NOTE**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY  
REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

**DISTANCE NOTE**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE  
COMBINED SCALE FACTOR OF 0.999734.

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD 83 (CSRS) (2010).  
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

| POINT ID | NORTHING   | EASTING   |
|----------|------------|-----------|
| ORP A    | 4775432.71 | 613783.75 |
| ORP B    | 4775392.33 | 613466.18 |
| ORP C    | 4775365.20 | 613457.76 |
| ORP D    | 4775109.74 | 613724.20 |

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

| LEGEND  |         |                                             |
|---------|---------|---------------------------------------------|
| —       | DENOTES | SURVEY MONUMENT FOUND                       |
| —       |         | SURVEY MONUMENT SET                         |
| SIB     |         | STANDARD IRON BAR                           |
| SSIB    |         | SHORT STANDARD IRON BAR                     |
| IB      |         | IRON BAR                                    |
| CP      |         | CONCRETE PIN                                |
| RIB     |         | ROUND IRON BAR                              |
| IP      |         | IRON PIPE                                   |
| MEAS    |         | MEASURED                                    |
| WIT     |         | WITNESS                                     |
| OU      |         | ORIGIN UNKNOWN                              |
| N/S/E/W |         | NORTH/SOUTH/EAST/WEST                       |
| PIN     |         | PROPERTY IDENTIFICATION NUMBER              |
| P1      |         | DEPOSITED PLAN 30R-3750                     |
| P2      |         | DEPOSITED PLAN 506 (P-1884-33)              |
| D1      |         | INSTRUMENT NO R0780662 – PIN 46056-0233(LT) |
| D2      |         | INSTRUMENT NO R0413770 – PIN 46056-0234(LT) |
| D3      |         | INSTRUMENT NO R053672 – PIN 46056-0235(LT)  |
| B24     |         | A. T. McLAREN, O.L.S.                       |
| B95     |         | D. A. LANE, O.L.S.                          |
| 1495    |         | P. D. REITSMA, O.L.S.                       |
| MTO     |         | MINISTRY OF TRANSPORTATION, ONTARIO         |

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE  
REGULATIONS MADE UNDER THEM;  
2) THE SURVEY WAS COMPLETED ON THE 19<sup>th</sup> DAY OF JANUARY, 2022.

APRIL 22, 2022  
DATE DONALD G. CHAMBERS, B. Sc., O.L.S.

**THE REGIONAL MUNICIPALITY OF NIAGARA**

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #V-15874

**CHAMBERS AND ASSOCIATES**  
SURVEYING LTD

12 THOROLD ROAD EAST (905) 735-7841 / 735-7844  
WELLAND ONTARIO L3C 3T2 FAX (905) 735-7333  
www.casl-surveying.com

DRAWN BY: D.H.T. REVISION: 99119-3\_MS 99119-3\_RP FILE NO: 99-119-3 RUN FILE NO: LS-21-089

| SCHEDULE |                |              |                            |          |                   |                                      |
|----------|----------------|--------------|----------------------------|----------|-------------------|--------------------------------------|
| PART     | LOT            | CONCESSION   | PIN                        | INST.No  | AREA              | TRANSFEE                             |
| 1        | PART OF LOT 19 | CONCESSION 9 | PART OF PIN 46056-0383(LT) | R0749781 | 254m <sup>2</sup> | THE REGIONAL MUNICIPALITY OF NIAGARA |
| 2        |                |              |                            |          | 29m <sup>2</sup>  |                                      |

PLAN 30R-16209

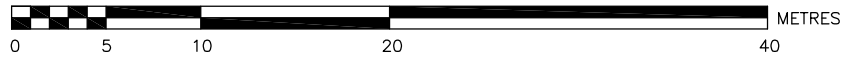
Received and deposited

January 29<sup>th</sup>, 2024

Elizabeth Borrow

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

PLAN OF SURVEY OF  
PART OF LOT 19 - CONCESSION 9  
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY  
ALL IN THE  
**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 400



DONALD G. CHAMBERS  
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OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD 83 (CSRS) (2010). CO-ORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

| POINT ID | NORTHING   | EASTING   |
|----------|------------|-----------|
| ORP A    | 4775280.05 | 613753.75 |
| ORP B    | 4775168.83 | 613741.93 |

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

| LEGEND  |         |                                |
|---------|---------|--------------------------------|
| —       | DENOTES | SURVEY MONUMENT FOUND          |
| SIB     | "       | SURVEY MONUMENT SET            |
| SSIB    | "       | STANDARD IRON BAR              |
| IB      | "       | SHORT STANDARD IRON BAR        |
| CP      | "       | IRON BAR                       |
| RIB     | "       | CONCRETE PIN                   |
| IP      | "       | ROUND IRON BAR                 |
| MEAS    | "       | IRON PIPE                      |
| WIT     | "       | MEASURED                       |
| OU      | "       | WITNESS                        |
| N/S/E/W | "       | ORIGIN UNKNOWN                 |
| PIN     | "       | NORTH/SOUTH/EAST/WEST          |
| P1      | "       | PROPERTY IDENTIFICATION NUMBER |
| 824     | "       | DEPOSITED PLAN 30R-15936       |
| 1654    | "       | A. T. McLAREN, O.L.S.          |
|         | "       | D. G. CHAMBERS, O.L.S.         |

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;  
2) THE SURVEY WAS COMPLETED ON THE 10<sup>th</sup> DAY OF OCTOBER, 2023.

JAN. 19, 2024  
DATE DONALD G. CHAMBERS, B. Sc., O.L.S.

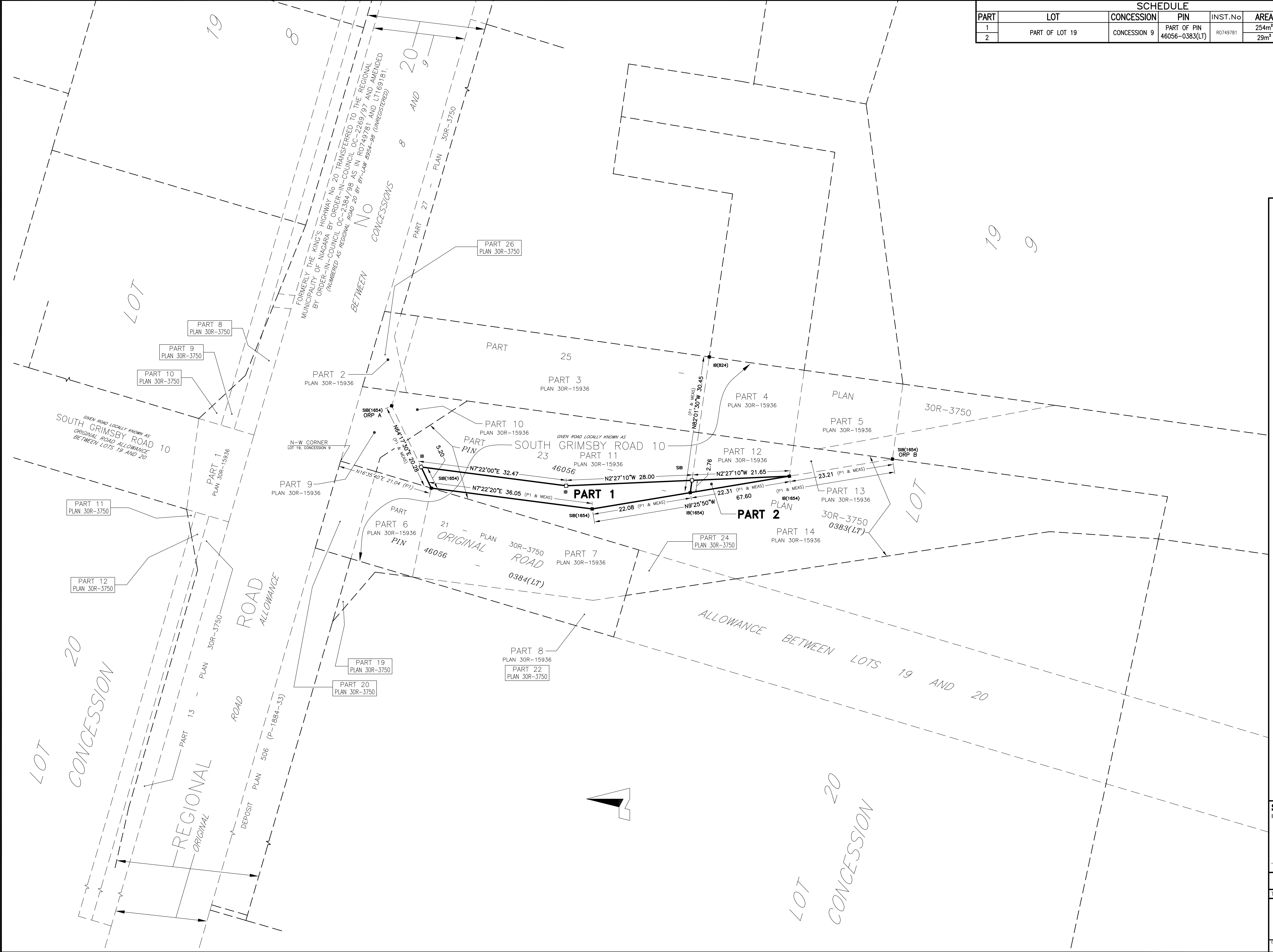
**THE REGIONAL MUNICIPALITY OF NIAGARA**

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM V-52306

**CHAMBERS AND ASSOCIATES  
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**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2025-XX**

**A BY-LAW TO ESTABLISH AS PUBLIC HIGHWAY TO FORM PART OF SOUTH GRIMSBY ROAD 10 THAT PART OF THE ROAD ALLOWANCE BETWEEN LOTS 19 & 20, CONCESSION 9, BEING PART 7 ON PLAN 30R-15936 AND PART OF LOT 19, CONCESSION 9, BEING PART 14 ON PLAN 30R-15936 AND PARTS 1 & 2 ON PLAN 30R-16209; TOWNSHIP OF WEST LINCOLN (GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY), REGIONAL MUNICIPALITY OF NIAGARA**

**WHEREAS** a road closing application to declare surplus lands of the South Grimsby Road 10 road allowance, between Lots 19 & 20, Concession 9, and the download of lands from the Province of Ontario and Regional Municipality of Niagara has required the establishment of a new right of way legally described as Part 7 on Plan 30R-15936 and Part of Lot 19, Concession 9, being Part14 ON Plan 30R-15936 and Parts 1 & 2 on Plan 30R-16209; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara;

**AND WHEREAS** the Township is now in receipt of the subject lands and deems it expedient to establish the lands as Public Highway.

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

1. That, Part 7 on Plan 30R-15936 and Part of Lot 19, Concession 9, being Part14 ON Plan 30R-15936 and Parts 1 & 2 on Plan 30R-16209; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara, be and is hereby established as a public highway; and
2. That the Township's Solicitor be and is hereby authorized and instructed to register a copy of this By-law in the Land Titles Office.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF JUNE, 2025**

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**MAYOR CHERYL GANANN**

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**JUSTIN PAYLOVE, CLERK**

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

**BY-LAW NO. 2025-XX**

**A BY-LAW TO PERMANENTLY CLOSE AND DECLARE SURPLUS THAT PART OF SOUTH GRIMSBY ROAD 10, BEING PART OF LOT 19, CONCESSION 9, DESCRIBED AS PARTS 3, 4, 5, 10, 11, 12 & 13 ON PLAN 30R-15936, SAVE AND EXCEPT PARTS 1 & 2 ON PLAN 30R-16209 AND PART OF THE ROAD ALLOWANCE BETWEEN LOTS 19 & 20, CONCESSION 9, BEING PART 8 ON PLAN 30R-15936; TOWNSHIP OF WEST LINCOLN (GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY), REGIONAL MUNICIPALITY OF NIAGARA**

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

**AND WHEREAS** the Council of the Corporation of the Township of West Lincoln desires to permanently close and declare surplus part of the municipal road allowance described as Parts 3, 4, 5, 10, 11, 12 & 13 on Plan 30R-15936, save and except Parts 1 & 2 on Plan 30R-16209 and Part of the road allowance between Lots 19 & 20, Concession 9, being Part 8 on Plan 30R-15936; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara;

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

**AND WHEREAS** public notice of Council's intention to pass a by-law to permanently close the part of the road allowance aforementioned was given on May 18, 2022.

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

1. That, Parts 3, 4, 5, 10, 11, 12 & 13 on Plan 30R-15936, save and except Parts 1 & 2 on Plan 30R-16209 and Part of the road allowance between Lots 19 & 20, Concession 9, being Part 8 on Plan 30R-15936; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara be and the same is permanently closed and declared to be surplus.
2. That, a certified copy of this by-law be registered in the proper Land Registry Office.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF JUNE, 2025**

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**MAYOR CHERYL GANANN**

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**JUSTIN PAYLOVE, CLERK**

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

**BY-LAW NO. 2025-XX**

**A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE FORMERLY KNOWN AS SOUTH GRIMSBY ROAD 10, BEING PART OF LOT 19, CONCESSION 9, DESCRIBED AS PARTS 3, 10 & 11 ON PLAN 30R-15936, SAVE AND EXCEPT PART 1 OF PLAN 30R-16209; TOWNSHIP OF WEST LINCOLN (GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY), REGIONAL MUNICIPALITY OF NIAGARA**

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

**AND WHEREAS** by By-law No. 2025-XX, The Corporation of the Township of West Lincoln permanently closed the portion of the road allowance formerly known as South Grimsby Road 10, being Part of Lot 19, Concession 9, described as Parts 3, 10 & 11 on Plan 30R-15936, save and except Part 1 of Plan 30R-16209; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara.

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

1. That the portion of the road allowance formerly known as South Grimsby Road 10, being Part of Lot 19, Concession 9, described as Parts 3, 10 & 11 on Plan 30R-15936, save and except Part 1 of Plan 30R-16209; Township of West Lincoln (Geographic Township of South Grimsby), Regional Municipality of Niagara, be conveyed to the owner of 7484 Regional Road 20 of the abutting lands to the east designated as PIN 46056-0233(LT) and that the portion of the road allowance conveyed be merged with the adjacent lands.
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs.
3. The Mayor and the Clerk of The Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF JUNE, 2025.**

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**MAYOR CHERYL GANANN**

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**JUSTIN PAYLOVE, CLERK**