



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

MEETING NO. SEVEN

Tuesday, October 14, 2025, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Pages

1. CHAIR - Councillor Joann Chechalk

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

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

2. LAND ACKNOWLEDGEMENT STATEMENT

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

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

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

Public Meeting(s)

4. PUBLIC MEETING(S)

4.1 (POSTPONED FOR A FUTURE MEETING) 1185 Port Davidson (Rudy and Janine Kerec owner/applicant), Zoning By-law Amendment (Temporary Use By-law) File No. 1601-008-25

Re: An application was submitted by Rudy and Janine Kerec for a temporary use, to temporary permit an accessory dwelling unit (garden suite) with a maximum floor area no greater than 57.5m² for 20 years to allow a relative to live close to their family members who reside on the property.

4.2 1538 Regional Road 20 (Part lot 11, Concession 4) Jeremy Brown, Niagara Planning Consultants (Agent) File No. 1601-009-25

Re: An application was submitted by Jeremy Brown, Niagara Planning Consultants (Agent) to fulfill a condition of severance (File No. B0122025WL) to rezone Part 1 from Agriculture (A) Zone, Low Density Residential (R1A) Zone and Service Commercial (C3) Zone to a site-specific R1A Zone. The site-specific provision request is for the reduction of lot frontage to permit the use of a single detached dwelling.

The application also seeks to rezone Part 2 from Agriculture (A) Zone and Environmental Conservation (EC) Zone to a site-specific A Zone. The site-specific provision request is for the reduction of lot area. EC Zone is to remain as is.

4.3 3118 Grassie Road, (Concession Gore A, Part Lot 16 and Part Lot 17) Sikendar Gulacha (owner) Ashenhurst Nouwens and Associates (applicant) File No. 3000-007-25

Re: A site alteration permit has been re-applied for by the owner and Ashenhurst Nouwens of 3118 Grassie Road to import additional material to the 13.6 acre property where a new dwelling is being constructed.

In May of 2024 Council approved site alteration application 3000-001-24 to permit 4,617 cubic metres of material to the site to complete grading around the new dwelling. The applicant has exceeded the original permit and has brought approximately 7,310 cubic metres (731 truck loads) of material to the property, including granular, topsoil, rubble, and earth fill material.

Council denied the applicants request to bring in more fill material to the property, but did approve allowing the excess material already brought to

the site to remain, subject to the owner entering into an agreement with the Township within 10 days of Council’s approval. The owner did not enter into this agreement and therefore has re-applied to permit the existing excess soil which is approximately 119 truck loads of material.

4.4 8427 Concession 5 Road, Caistor Centre (Concession 6, Part lot 10) Maria and Wayne Dutton (owner) File No. 3000-06-25

Re: A site alteration permit has been submitted by Maria and Wayne Dutton (owners) of 8427 Concession 5 Road, Caistor Centre to permit the importation of 2200 cubic meters of aggregate material recently brought to the subject property and stockpiled as well as an additional 1000 cubic meters of aggregate materials proposed for a driveway and base for a future barn.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no appointments/presentations

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. COMMUNICATIONS

There are no communications

9. STAFF REPORTS

9.1 ITEM GS40-25

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Director, Growth and Sustainability (Gerrit Boerema) and CBO (Ben Agro)

Re: Information Report BLDG-07-2025 - Site Alteration Application - 8427 Concession 5, Caistor Centre, (File No. 3000-006-25)

RECOMMENDATION:

1. That Information Report BLDG-07-2025 titled “Site Alteration Application 8427 Concession 5, Caistor Centre, File No. 3000-006-25,” dated October 14th, 2025 be received for Information.

9.2 ITEM GS41-25

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Director, Growth and Sustainability (Gerrit Boerema) and CBO (Ben Agro)

Re: Information Report PD-15-2025 - Site Alteration Application - 3118 Grassie Road, (File No. 3000-007-25)

RECOMMENDATION:

1. That, Information Report PD-15-2025 titled “Site Alteration Application – 3118 Grassie Road, File No. 3000-007-25”, dated October 14, 2025 be received for Information.

9.3 ITEM GS42-25

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Manager, Community Planning and Design (Susan Smyth) and Senior Planner (Robin Shugan)

Re: Recommendation Report PD-39-2025 - Zoning By-law Amendment for 1538 Regional Road 20 (File No. 1601-009-25)

RECOMMENDATION:

1. That, Recommendation Report PD-39-2025, titled “Recommendation Report - Zoning By-law Amendment for 1538 Regional Road 20 (File No. 1601-009-25)” dated October 14, 2025 be received; and,
2. That, the Application for the Zoning By-law Amendment File No. 1601-009-25 to rezone the severed parcel (Part 1) from Agriculture (A) Zone, Residential Low Density (R1A) Zone and Service Commercial (C3) Zone to the site-specific Residential Low Density (R1A-247) Zone be approved; and,
3. That, the Application for the Zoning By-law Amendment File No. 1601-009-25 rezone the retained parcel (Part 2) from Agriculture (A) Zone to the site-specific Agriculture (A-248) Zone contained in Schedule B, 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.

9.4 ITEM GS43-25

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Senior Planner (Robin Shugan) and Manager Community Planning and Design (Susan Smyth)

Re: Recommendation Report PD-36-2025 - Zoning By-law Amendment for 9860 Regional Road 20 (File No. 1601-002-23) GTA Exotics

RECOMMENDATION:

1. That, Recommendation Report PD-36-2025, titled “Recommendation Report- Zoning By-law Amendment for 9860 Regional Road 20 (File No. 1601-002-23) GTA Exotics” dated October 14, 2025 be received; and,
2. That, Application for the Zoning By-law Amendment File No. 1601-002-23 to rezone the Agriculture (A) Zone to the site-specific Agriculture (A-249) Zone with additional provisions for maple syrup production and retail sales, exotic car rental tour business as a Home Industry and On-Farm Diversified Use, reduced lot area and increased gross floor area dedicated for

On-Farm Diversified Uses contained in Schedule B, 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.

9.5 ITEM GS44-25

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Manager, Community Planning and Design (Susan Smyth) and Director, Growth and Sustainability (Gerrit Boerema)

Re: Recommendation Report PD-37-2025 – Zoning By-law Amendment and Draft Plan of Subdivision for 7283 Regional Road 20 (Joshua Court Subdivision (File No. 1601-002-25))

RECOMMENDATION:

RECOMMENDATION:

1. That, Recommendation Report PD-37-2025, titled “Recommendation Report – Zoning By-law Amendment and Draft Plan of Subdivision for 7283 Regional Road 20 (Joshua Court Subdivision)”, dated October 14, 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. 1601-002-25) to change the Development (D) Zone to Rural Residential (RuR-246) Zone with site-specific provisions, and Open Space (OS) Zone for the stormwater management facility, and balance of lands to Agricultural (A) Zone as shown in Schedule B, be approved in accordance with the attached Zoning By-law and Schedule, and the Council authorize the Mayor and Clerk to sign the necessary by-law; and,
4. That, Application for Draft Plan of Subdivision (File No. 2000-001-25), be approved, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, and regulations thereunder, subject to draft plan approval conditions contained in Schedule C; and,
5. That, the Applicant is advised that the Township’s draft approval of this Plan of Subdivision will lapse three years from the date of approval unless the 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.

10. OTHER BUSINESS

10.1 ITEM GS45-25

Members of Committee

Re: Other Business Matters of an Informative Nature

11. 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).

12. CONFIDENTIAL MATTERS

RECOMMENDATION:

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

12.1 Councillor Mike Rehner

Re: Staffing Update of Local Board - NPEI

VERBAL UPDATE

Applicable closed session exemption(s):

- Personal matters about an identifiable individual, including municipal or local board employee(s).

12.1 Councillor Mike Rehner

Re: Staffing Update of Local Board - NPEI

VERBAL UPDATE

13. DISCLOSURE OF CONFIDENTIAL MATTERS

14. ADJOURNMENT

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

DATE: October 14, 2025

REPORT NO: BLDG-07-2025

SUBJECT: **Information Report**
Site Alteration Application 8427 Concession 5
File No.3000-006-25

CONTACT: Gerrit Boerema, Director, Growth and Sustainability
Ben Agro, Chief Building Official

OVERVIEW:

- An application for a site alteration permit has been submitted by Vincent Wayne Dutton and Maria Dutton, property owners of 8427 Concession 5, Caistor Centre.
- On June 16, 2025 Township Bylaw received a report a concern regarding the importation of material to the property where no permits were issued.
- The owners of 8427 Concession 5 are now requesting a site alteration permit for the already imported 2,200 cubic meters of aggregate material fill to the property.
- The material came from an expanding landfill site in Stoney Creek.
- The applicant has stated that the aggregate material is for a new driveway and a base for a proposed new barn, however, at the time that the material was imported, the Township did not have permits for either driveway or barn.
- Under the Township's site alteration bylaw, site alteration in excess of 1,000 cubic meters, requires a public meeting and Council approval.

RECOMMENDATION:

1. That Information Report BLDG-07-2025 titled "Site Alteration Application 8427 Concession 5, Caistor Centre, File No. 3000-006-25," dated October 14th, 2025 be received for Information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Champion strategic and responsible growth**

BACKGROUND:

An application for site alteration has been submitted by Vincent Wayne Dutton and Maria Dutton, property owners of 8427 Concession 5, Caistor Centre.

The subject property is just over 40 acres in size and contains a dwelling and a number of accessory buildings. A portion of the land appears to be farmed, while most of the property is regulated by the conservation authority

In June of 2025 the Township received a report a concern regarding the importation of material to the site. Bylaw attended the site and issued orders as there were no permits for approval for the material brought to the property. The owners stockpiled approximately 2,200 cubic meters (or 220 truck loads) of aggregate material on the property. The location of the material stockpiled can be found in Schedule A. Pictures taken of the material in June can be found in Schedule B to this report. This material was sourced from the GFL landfill in Stoney Creek and is clean aggregate material. The applicants have stated that they paid for the material, however, GFL stated that they pay individuals to accept the material.

They have since applied for an entrance permit and have stated that they are planning to construct a barn.

CURRENT SITUATION:

The Township's Site Alteration Bylaw 2016-41, as amended, requires a public meeting and requires Council approval for site alteration over 1,000 cubic metres of material.

Notices were circulated to neighbouring property owners on September 4th, 2025

FINANCIAL IMPLICATIONS:

The applicant was required to pay double the permit fee due to work commencing prior to the appropriate permits being in place. Additional security will be required as part of the driveway and entrance permit and the future permit for the building.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

West Lincoln Building & Septic

A building permit application has now been submitted for the proposed new building, however, zoning setback issues have been identified which will require either revisions to the plan or a variance. A security deposit will be collected at the time of building permit issuance.

West Lincoln Engineering

The applicant has submitted an entrance permit application which is on hold as part of this site alteration application. If any additional materials are proposed for the site, the applicant is required to submit to the Township a truck haul route utilizing regional roads to access the site. The Township road will need to be inspected before and after any site alteration for damage. A road damage deposit will also be required if any additional

material is brought to the site.

Niagara Peninsula Conservation Authority (NPCA)

The Township has not received comments back from the NPCA at the time of writing this report, however, the site alteration is not within an NPCA regulated area and the proposed building is also not within the NPCA regulated area.

PUBLIC COMMENTS

At the time of writing this report, no public comments have been received.

CONCLUSION:

An application for site alteration has been submitted to permit the already stockpiled aggregate material fill of 2,200 cubic meters (220 loads) plus an additional 1000 cubic meters of aggregate material for the proposed new driveway and proposed new barn.

A recommendation report will be presented at a future Growth and Sustainability Committee meeting.

ATTACHMENTS:

Schedule A – Site Plan Drawing
Schedule B – Photos of Site Alteration

Prepared & Submitted by:

Ben Agro
Chief Building Official

Gerrit Boerema
Director, Growth and Sustainability

Approved by:

Truper McBride
CAO

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DATE: October 14, 2025

REPORT NO: BLDG-08-2025

SUBJECT: **Information Report**
Site Alteration Application – 3118 Grassie Road
File No. 3000-007-25

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

OVERVIEW:

- An application for a site alteration permit has been re-applied for by Ashenhurst Nouwens and Associates Inc., consultant on behalf of the owner of 3118 Grassie Road.
- On May 13, 2024 Council approved a site alteration permit Number 3000-001-24 for the subject property, however, 119 loads of material was imported to the site beyond what the permit permitted.
- An application to permit the additional material was submitted and a public meeting was held on March 3rd 2025 and [Planning Report PD-09-2025](#) was presented to Committee outlining the application and background on the previous site alteration approval.
- Council denied the applicants request to bring in more fill material to the property but did approve allowing the excess material already brought to the site to remain, subject to the owner entering the agreement with the Township within 10 days of Council's approval, posting an additional \$10,000 in security deposits, and submitting a new grading plan.
- The owner indicated that due to a change in engineering firms at the time the agreement was not signed and the new grading plan not completed.
- Therefore the owners has re-applied to permit the existing excess soil which is approximately 119 truck loads of material.

RECOMMENDATION:

1. That, Information Report PD-15-2025 titled "Site Alteration Application – 3118 Grassie Road, File No. 3000-007-25", dated October 14, 2025 be received for Information.

ALIGNMENT TO STRATEGIC PLAN:**Theme #**

- **Champion strategic and responsible growth**

BACKGROUND:

An application for site alteration has been submitted by Ashenhurst Nouwens and Associates Inc. on behalf of the property owner of 3118 Grassie Road. The subject property is located at the intersection of Grassie Road and Young Street and is 13.6 acres in size. A permit for a new dwelling and septic system was issued in November 2023, which is currently in the final stages of construction.

Further background for this application and the previous application can be found in the Information Report presented on the March 3rd 2025 Committee meeting being [Planning Report PD-09-2025](#) and the previous recommendation report presented to Committee on April 14th, 2025 being [Planning Report PD-15-2025](#).

On April 14th Committee denied the request for the import of additional material to the site, but did grant approval for the 119 additional loads that had already been brought to the site, subject to conditions including a new agreement and increased security. A condition was also added that the new agreement and grading plan had to be signed and submitted within 10 business days of Council's decision.

Despite communicating this to the applicants agent, the agreement was not signed and a new grading plan was not provided. The applicants have indicated that this was due to a change in their engineering consultant.

CURRENT SITUATION:

The applicants are now reapplying to permit the additional loads of material on the property. A breakdown of what has been imported to the property to date can be found in the table below:

EXISTING		
Material	Quantity	Site Alteration Bylaw
Granular materials (Garage, basement, carport)	50 loads	Up to 50 loads exempt
Topsoil	120 loads	100 loads exempt
Clean Rubble for driveway in rear property	108 loads	Not exempt
Other Fill Material	581 loads	Not Exempt – 462 loads of which approved in 2024
Total Existing	731 loads	119 loads not exempted over approval

FINANCIAL IMPLICATIONS:

Failure to comply with the Township's site alteration bylaw could lead to Administrative Monetary Penalties against the landowners until compliance is achieved. The owner has received penalty notices from the Township.

Under the Township's Site Alteration Bylaw, there are no mechanisms to appeal Council's decision and therefore are no potential appeal related costs.

The applicants provided to the Township a site alteration fee double the regular fee, according to the Township's fee bylaw, as work commenced prior to approvals being given.

INTER-DEPARTMENTAL COMMENTS:

West Lincoln Building & Septic

Building and Septic have attended the site and have provided comments that it would appear that there is sufficient material on-site to complete the grading work required for the house and septic system. Work on the dwelling and septic is nearing completion.

West Lincoln Engineering

The owners installed a new entrance onto Young Street which still requires final inspection. The owners also altered an existing entrance on Grassie Road and were required to submit an entrance permit under the original site alteration agreement, however, at the time of writing this report they have not done so.

The new grading plan shows a new driveway proposed onto Grassie Road, which will also require an entrance permit.

As no new material is being trucked into the site, there are no further comments. Any existing silt fencing is to be monitored and maintained.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA has previously provided comments indicating that they do not have regulated lands on the subject property and therefore they have no objections.

Region of Niagara

No comments have been received from the Region of Niagara at the time of writing this report.

PUBLIC COMMENTS

At the time of writing this report no public comments have been submitted.

CONCLUSION:

The applicants due to a change in their engineering consultation and agent on the file missed the 10 business day requirement to enter into a new site alteration agreement with the Township, post an additional \$10,000 security deposit and provide a new grading plan. They have now retained a new engineering firm and have re-applied to permit 119 loads of fill material that was already brought to the property in excess of their original permit.

A recommendation report will be presented at a future Committee meeting.

SCHEDULES:

- A. Proposed Grading Plan
- B. Site Alteration Agreement Authorizing Bylaw
- C. Draft Site Alteration Agreement as condition of Approval

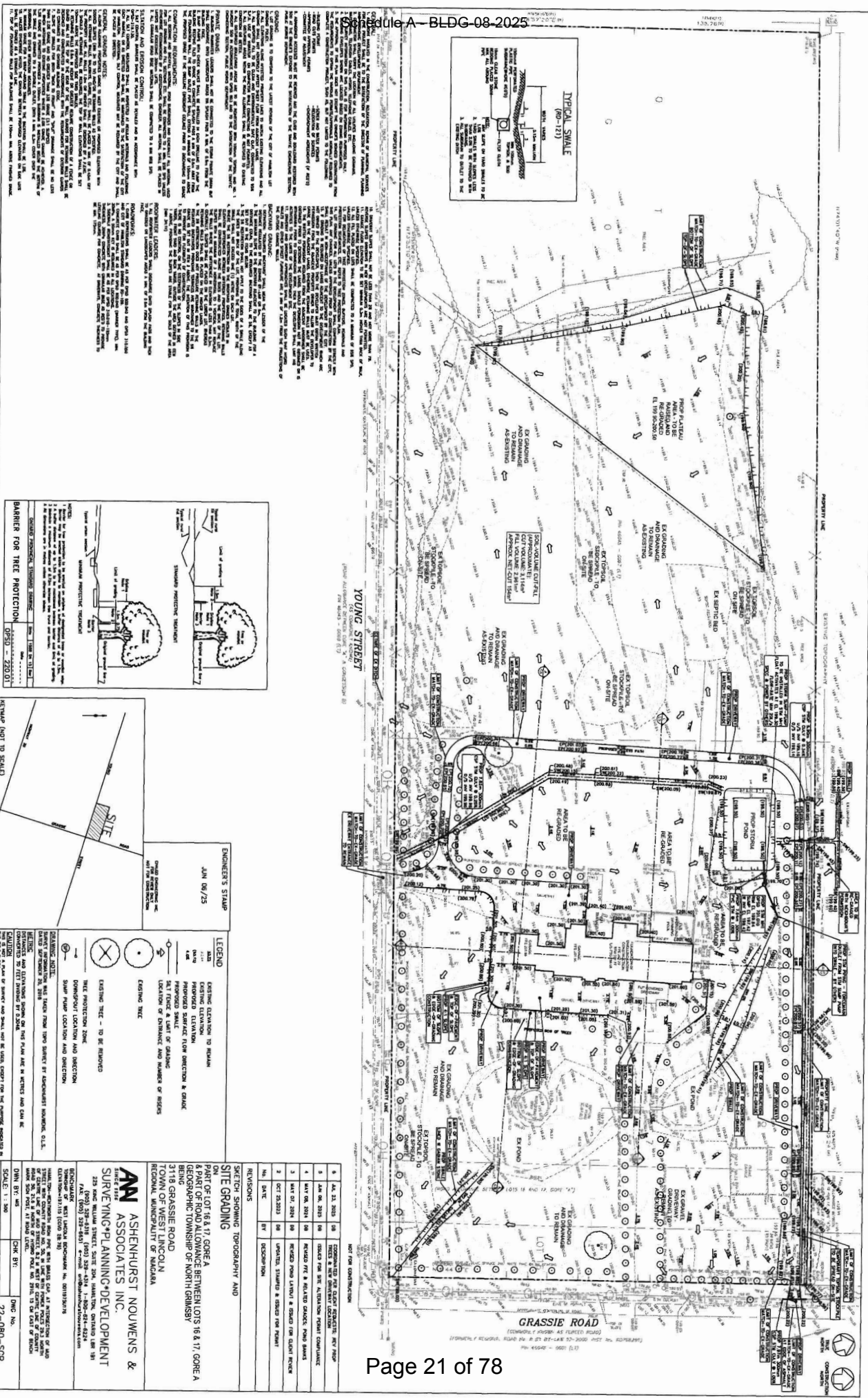
Prepared & Submitted by:

Approved by:

Ben Agro
CBO

Gerrit Boerema
Director, Growth and Sustainability

Truper McBride
CAO



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-##

A BY-LAW TO AUTHORIZE A SITE ALTERATION AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND SIKANDER GULACHA AND KARAM GULACHA, FOR LANDS LEGALLY DESCRIBED AS CONCESSION GORE A PART LOT 16 PART LOT 17 ROAD ALLOWANCE SOUTH GRIMSBY, WEST LINCOLN, MUNICIPALLY KNOWN AS 3118 GRASSIE ROAD, IN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Alteration Agreement with Sikander Gulacha & Karam Gulacha for lands legally described as Concession Gore A Part Lot 16, Part Lot 17, Road Allowance, South Grimsby, municipally known as 3118 Grassie Road, in the Township of West Lincoln;

AND WHEREAS approval and authority for such Agreement is required;

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

1. THAT the Council of the Corporation of the Township of West Lincoln enter into a Site Alteration Agreement with Sikander Gulacha & Karam Gulacha for lands legally described as Concession Gore A Part Lot 16, Part Lot 17, Road Allowance, South Grimsby, municipally known as 3118 Grassie Road, in the Township of West Lincoln;
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Alteration Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Alteration Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Alteration Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.
4. And that Bylaw 2025-26 be and is hereby repealed.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
##TH DAY OF NOVEMBER, 2025.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

SITE ALTERATION AGREEMENT

THIS AGREEMENT made, in triplicate, this ____ day of _____, 2025.

BETWEEN:
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
(hereinafter may be referred to as the "Township")

OF THE FIRST PART

And

KARAM BIBI GULACHA & SIKENDER MOHAMED GULACHA.
(hereinafter may be referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of the property legally described as Concession Gore A Part Lot 16, Part Lot 17, Road Allowance, municipally addressed as 3118 Grassie Road in West Lincoln, Ontario and described in Appendix "A" attached hereto (hereinafter referred to as the "Property") in this Agreement;

AND WHEREAS Sections 142 through 144 of the Municipal Act, 2001, (hereinafter referred to as the "Act") authorizes Council of municipalities to pass a by-laws prohibiting or regulating the placing or Dumping of Fill, the removal of Topsoil, the alteration of the grade of land and requiring the a Permit and requiring restoration and rehabilitation of the Site in the event of contravention of the by-law;

AND WHEREAS Section 9 provided that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS Section 391 of the Municipal Act, 2001, authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by or on behalf of it or for the use of its property including property under its control and add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes;

AND WHEREAS the Owner has altered the grade of the Property in contravention with the Site Alteration By-law, but has applied and obtained approval for specific site alteration works on the property;

AND WHEREAS the Owner is required pursuant to Council support, as outlined in Report BLDG-##-2025 to enter into a Site Alteration Agreement in accordance with the Site Alteration By-law within 10 days of obtaining approval from Council;

AND WHEREAS all capitalized terms herein have the same meaning as in the Site Alteration By-law (being By-law No. 2016-41, as amended, and referred to as the Site Alteration By-law) unless otherwise defined herein;

NOW, THEREFORE that in consideration of the application for the Permit and after review of the application and of the covenants hereinafter set forth the parties hereto mutually covenant and agree as follows:

1. SITE ALTERATION OF PROPERTY

1.1 The Owner agrees that, by **DATE, 2025** all placing or dumping, of fill onto the Property shall be completed in accordance with the Site Alteration By-law, the proposed engineered grading plan for the approved Site Plan and the Site Alteration Permit, unless an extension is approved by the Director of Growth and Sustainability.

1.2 It is the responsibility of the Owner:

1.2.1 To obtain the approval of the Director of Growth and Sustainability to obtain a Permit in accordance with the Site Alteration By-law and comply with all the terms and conditions of the Site Alteration By-law and the Permit including providing an updated grading and sediment and erosion control plan; and

1.2.2 To request that the Township carry out a final inspection of the site works and to obtain the approval of the Director that this By-law and the terms and conditions of the Permit have been complied with; and

1.2.3 To obtain any required entrance permits, and to correct any deficiencies with existing entrances or Township ditches and roads prior to release of the performance security; and

1.2.4 That no additional material, other than building materials for construction of the dwelling, be permitted on site; and

1.2.5 That the Owner provides upon execution of this agreement, a \$10,000 performance security to ensure that the site is graded and constructed to the satisfaction of the Township.

1.3 The Owner agrees that the works described in clause 1.1 and 1.2 above will be completed on or before **DATE, 2025**.

1.4 The Owner acknowledges and agrees that the Township has no control over and is not responsible or liable for any adverse effects or damage resulting from clauses 1.4.1 to 1.4.9 on the Owner's property or neighboring property or any other property as a result of the Permit:

1.4.1 Soil erosion;

1.4.2 Blockage of a watercourse;

1.4.3 Siltation in a watercourse;

1.4.4 Pollution of a watercourse;

1.4.5 Flooding or ponding on adjacent lands;

- 1.4.6 Flooding or ponding caused by a watercourse overflowing its banks;
- 1.4.7 A detrimental effect on any trees;
- 1.4.8 Detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats;
- 1.4.9 Injury or destruction of municipal trees;
- 1.4.10 Negative impacts to wells on adjacent lands

- 1.5 The Owner acknowledges, accepts and agrees that, the Owner is responsible for any and all damage(s) to the road(s) resulting from the ingress and egress of vehicles involved in the placing or dumping of fill respecting the Site Alteration.
- 1.6 The Owner agrees to regular street sweeping and flushing as directed by Public Works and/or By-law staff.
- 1.7 The Owner agrees to apply dust suppressant to minimize dust migration onto adjacent residential lands as required by By-law staff.

2.0 SITE ALTERATION PERMIT

- 2.1 The Owner acknowledges and agrees that no Permit will be issued by the Township:

- 2.1.1 Until the Owner has paid all required fees and deposited the Security; or

- 2.1.2 If the Owner is in default under the Site Alteration By-law or any other applicable law.

3.0 GRADING

- 3.1 The owner agrees to grade the subject lands so as to not adversely impact any adjacent lands in accordance with the approved grading and sediment and erosion control plan, as identified as "Appendix B" to this agreement.
- 3.3 The owner agrees to install Silt Fencing as identified on the Approved Plan in accordance with OPSD 219.131

4.0 SITE ACCESS

- 4.1 The owner agrees to obtain any required Entrance Permits from the Township, and correct any entrance, culvert or ditch works impacted by the site alteration.

5.0 SECURITY FOR PERFORMANCE

- 5.1 The Owner is to deposit with the Township at the time of execution of this Agreement a Security in the amount of **\$10,000** by way of cash or Letter of Credit for:
 - 5.1.1 All damages to Roads or ditches caused or resulting from the ingress or egress to the Site to which the Owner has been issued a Permit pursuant to the Site Alteration By-law; and

5.1.2 Performance of any other provision required by the Site Alteration By-law, the Permit or this Agreement

(collectively referred to as the "Obligations").

5.2 In the event that the amount of Obligations result in repairs or costs beyond the Security posted in 3.1, the Owner agrees and accepts that the Township will impose a fee for and equal to, the repair or costs and will:

5.2.1 Hold the Owner responsible and liable for all the costs to repair the Road(s) or ditches, and

5.2.2 Assign the repairs for the road(s) or ditch damage to a contractor in accordance with the Township's Procurement Policy, and

5.2.3 The cost of the road(s) or ditch damage repairs will become a fee imposed by the Township and such fee, will be added to the tax roll of property and collect such fee in the same manner as municipal taxes.

5.3 In the event of default the Owner agrees and consents to permit forces hired by the Township to enter upon the Property and undertake the works to be done under this Agreement, unencumbered and without restriction in any manner.

6.0 COVENANTS TO RUN WITH THE LANDS

6.1 All covenants and conditions set forth in this Agreement are and shall be deemed to be covenants running with the Property and it is hereby agreed between the parties of the First and Second Parts:

6.1.1 That every covenant and condition herein to the benefit of and is binding upon the parties of the First and Second Parts hereto and their heirs, executors, administrators, successors and assigns; and

6.1.2 That when the context so requires or permits the singular number is to be read as if the plural were expressed and the masculine gender as if the feminine or neutral, as the case may be, were expressed.

7.0 RELEASE OF PERFORMANCE SECURITY OR LETTER OF CREDIT

7.1 When the obligations set out in this Agreement have been fulfilled, including receipt, satisfactory to the Director that the provisions of this Agreement have been fully complied with (including, but not limited to an as-constructed drawing, statutory declaration and engineers certificate) and all works have been completed to the Satisfaction of the Township, the Owner's Security or the balance of the Owner's Security shall be released.

8.0 MUNICIPAL FREEDOM OF INFORMATION

8.1 The Owner acknowledges that this Agreement and any information or documents provided by it to the Township may be released pursuant to the provisions of the

Municipal Freedom of Information and Protection of Privacy Act. This acknowledgement shall not be construed as a waiver of any right to object to the release of this Agreement or any information.

IN WITNESS WHEREOF the parties hereto have duly set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

The Corporation of the Township of West Lincoln:
Per:

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

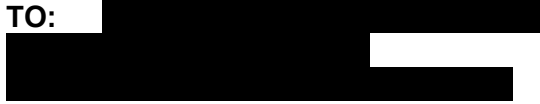
OWNERS:

WITNESS

KARAM BIBI GULACHA, Owner

WITNESS

SIKENDER MOHAMED GULACHA, Owner

“APPENDIX A”**PROPERTY SUBJECT TO PERMIT****TO:**

SUBJECT PROPERTY:	Roll Number:	2602030011051000000
	Address:	3118 GRASSIE ROAD
	Legal Description:	CONCESSION GORE A PART LOT 16 PART LOT 17 ROAD ALLOWANCE, SOUTH GRIMSBY TOWNSHIP OF WEST LINCOLN

“APPENDIX B”

INSERT APPROVED GRADING PLAN

DATE: October 14, 2025

REPORT NO: PD-39-2025

SUBJECT: **Recommendation Report – Zoning By-law Amendment
Application for 1538 Regional Road 20 (File No. 1601-009-25)**

CONTACT: Susan Smyth, Manager, Community Planning and Design
Robin Shugan, Senior Planner

OVERVIEW:

- A Zoning By-law Amendment application has been submitted by Niagara Planning Consultants (Jeremy Brown – Agent) on behalf of Mark Zuidersma (Applicant/Owner).
- The subject property is designated as Good General Agriculture, Hamlet Settlement Area, and Natural Heritage System within the Township's Official Plan.
- Subject property is zoned Agriculture (A), Residential Low Density (R1A), Service Commercial (C3), Environmental Conservation (EC), and Environmental Protection (EP).
- This Zoning By-law Amendment application is related to Consent Application B01/2025WL as a condition of consent for the requirement to rezone Part 1 to a site-specific Residential Low Density (R1A) Zone for a reduction in lot frontage, and rezone Part 2 to a site-specific Agriculture (A) Zone for a reduction in lot area.
- Part 1 is within the Bismark Hamlet Settlement Area, and Part 2 is outside the Hamlet Settlement Area.
- Following a review of the application in accordance with Provincial and Local policies, and after considering input from the Committee of Adjustment, commenting agencies, and public comments, Planning Staff recommends

RECOMMENDATION:

1. That, Recommendation Report PD-39-2025, titled "Recommendation Report - Zoning By-law Amendment for 1538 Regional Road 20 (File No. 1601-009-25)" dated October 14, 2025 be received; and,
2. That, the Application for the Zoning By-law Amendment File No. 1601-009-25 to rezone the severed parcel (Part 1) from Agriculture (A) Zone, Residential Low

Density (R1A) Zone and Service Commercial (C3) Zone to the site-specific Residential Low Density (R1A-247) Zone be approved; and,

3. That, the Application for the Zoning By-law Amendment File No. 1601-009-25 rezone the retained parcel (Part 2) from Agriculture (A) Zone to the site-specific Agriculture (A-248) Zone contained in Schedule B, 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.

**ALIGNMENT TO STRATEGIC PLAN:
Theme # 2 and 3**

- Champion strategic and responsible growth
- Enrich our strong agricultural legacy

BACKGROUND:

A Zoning By-law Amendment application has been submitted by Niagara Planning Consultants (Jeremy Brown – Agent) on behalf of Mark Zuiderma (Applicant/Owner) for the lands municipally known as 1538 Regional Road 20.

The subject property is located on the west side of Regional Road 20, north of Bismark Road partly within the Bismark Hamlet, and has a total lot area of approximately 29 hectares and lot frontage of 183.34 metres.

Figure 1: Location of Subject Property

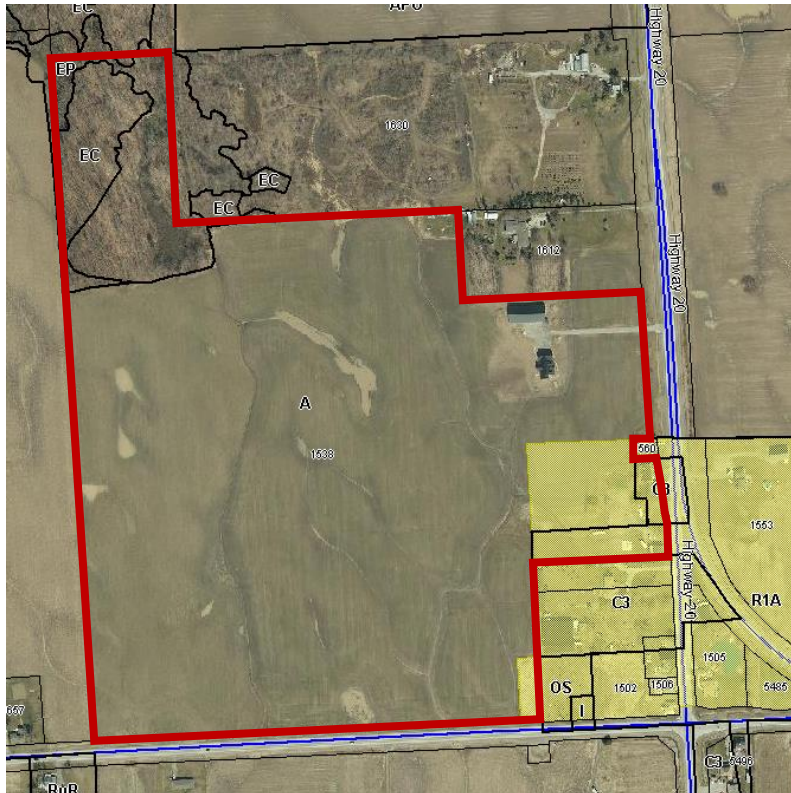


The Township's Official Plan designates

the property as 'Hamlet Settlement Area, Good General Agriculture and Natural Environment System'.

The Township's Zoning By-law 2017-70, as amended zones the property as including Agriculture (A), Residential Low Density (R1A), Service Commercial (C3), Environmental Conservation (EC) and Environmental Protection (EP). The Hamlet Boundary Designation is shown in yellow in the below figure.

Figure 2: Township's Zoning By-law



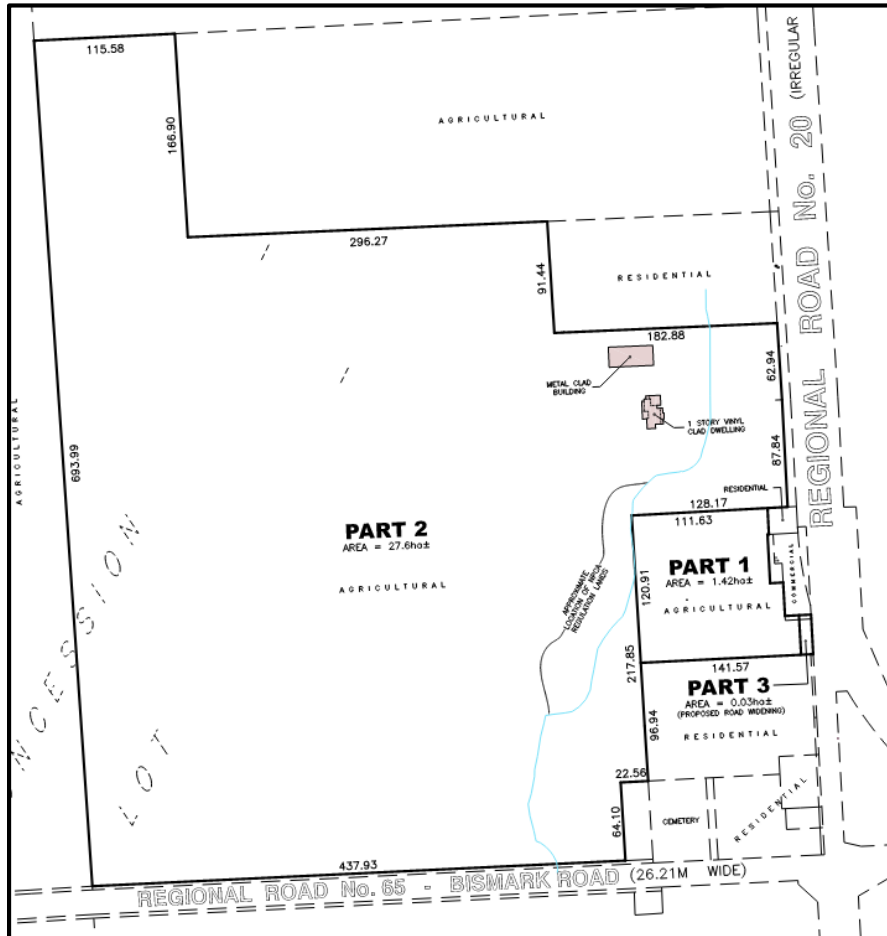
Planning Staff received an application for Consent in April 2025 to create one new rural residential lot. The proposed severed parcel (Part 1) is currently vacant, with a lot area of approximately 1.42 hectares and a lot frontage of 32.56 metres on Regional Road 20. This parcel is entirely within the Bismark Hamlet Settlement Area.

The retained parcel (Part 2) contains an existing single detached dwelling and an accessory building. The subject lands have an approximate lot frontage of 150.78 metres on Regional Road 20 and a lot area of 27.58 hectares. This portion lies outside the Bismark Hamlet Settlement Area. Part 3 is identified as the Niagara Regional road widening requirement.

Refer to Figure 3 for the severance sketch that shows the different parts.

On July 30, 2025 Consent Application B012025WL was approved by the Committee of Adjustment subject to the conditions outlined in Staff Report [COA-11-2025](#). As part of the conditions of severance an application for a Zoning By-law Amendment is required.

Figure 3: Proposed Severance Sketch Plan



CURRENT SITUATION:

The proposed Zoning By-law Amendment application is related to Consent Application B01/2025WL as a condition of consent for the requirement to rezone Part 1 to a site-specific Residential Low Density (R1A-247) Zone for a reduction in lot frontage and to permit a single detached dwelling, and rezone Part 2 to a site-specific Agriculture (A-248) Zone for a reduction in lot area and retain the agricultural parcel.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS 2024) provides guidance on all land use planning matters. The subject property is located within the Prime Agriculture and Rural Settlement Area under the PPS 2024. In accordance with the PPS, growth and

development are to be focused within settlement areas. Rural Settlement Areas allow for residential development, including the creation of new lots, provided that site conditions can support appropriate sewage and water services. Development in these areas should also reflect the rural character and accommodate an appropriate range and mix of housing options.

The proposed lot will be appropriately sized to adequately fit a housing type compatible with the Bismark Hamlet since the area consists of rural residential lots similar in lot area and frontage on private services. The proposed residential lot can support the appropriate private sanitary and water services. The proposed retained agricultural lot will continue to preserve prime agricultural lands and will maintain the rural characteristics surround agricultural lands.

It is of the opinion of Planning Staff that the proposed Zoning By-law Amendment is consistent with the policies of the PPS.

Township of West Lincoln Official Plan and Niagara 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 proposed rural residential infill in the Bismark Hamlet Settlement Area.

The proposed severed lot (Part 1) is designated as 'Hamlet Settlement Area, Township's Official Plan (OP). Part 1 is designated Hamlet Settlement Area and entirely within the Bismark Hamlet Settlement Area. Section 7 states the purpose and intent of the designation is to provide residential uses (predominantly single detached dwelling lots) within an existing Hamlet and recognize and encourage further development within Hamlet communities that provides residential accommodation as an alternate place for residential uses outside the Urban Area of Smithville and Agricultural Area. The proposed severed lot promotes residential uses and will provide an additional residential lot within the Bismark Hamlet Settlement Area.

The proposed retained lot (Part 2) is designated as 'Good General Agriculture and Natural Environment.' Section 4 states the purpose and intent of this designation is to preserve and protect agricultural lands. The proposed rezoning of Part 2 for the reduction in lot area will not negatively affect any agricultural viability to the property and will continue to preserve the property for agricultural uses for the long term.

The northern portion of Part 2 is designated 'Natural Environment System', containing Environmental Conservation (EC) and Environmental Protection (EP) Zones for the St. Ann's Slough Forest Wetland Complex (PSW) and Significant Woodland. Similarly, the Region's Official Plan designates the subject property (Part 1) as Rural Settlement Area and Part 2 as Prime Agricultural Area. The Plan promotes the focus of

development in the settlement areas and consider the rural character with the provision for appropriate private service levels. Additionally, the Plan identifies the importance to preserving the natural heritage features.

Since there is no development proposed in the environmental designated areas, the proposed Zoning By-law Amendment maintains the Natural Environment policies of the Township's and Region's OP.

It is of the opinion of Planning Staff that the proposed Zoning By-law Amendment is consistent with the policies of the Township's Official Plan and policies of the Niagara Region Official Plan.

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

Part 1 (Severed) – Proposed Residential Lot

Part 1 is currently zoned Agricultural (A) Zone, Residential Low Density (R1A) Zone and Service Commercial (C3) Zone. These zones permit a variety of different uses subject to their classification, including single detached dwellings, except in the C3 Zone where majority of the permitted uses are related to commercial uses.

The purpose of the Zoning By-law Amendment is to rezone Part 1 to the site-specific R1A-247 Zone to permit the use of a single detached dwelling and to permit the reduced lot frontage from 45 metres to 32.50 metres. The intent of lot frontage is to provide functionality in terms of the interaction with the public right of way and to offer sufficient space for the single detached dwelling, parking, drainage, amenity space and characteristics of the street scape. The reduction (12.52 metres) in lot frontage to 32.50 metres is not expected to negatively impact the functionality of the lot while leaving enough space to for a sufficient building envelope, parking, drainage and private open space and amenity area. The proposed lot area is 1.42 hectares providing sufficient space for private sanitary services. Lot frontages along Regional Road 20 in the Bismark Hamlet zoned R1A vary in width from approximately 19 metres to 27 metres, thus maintaining the rural characteristics of the Bismark Hamlet Settlement Area.

Part 2 (Retained) – Proposed Agricultural Lot

Part 2 is zoned Agricultural (A) and Environmental Conservation (EC) and Environmental Protection (EP). The Agricultural Zone requires a minimum lot area of 40 hectares and minimum lot frontage of 100 metres. Part 2 currently has a lot area of approximately 29 hectares and lot frontage of 150.78 metres and is considered an existing lot of record. The consent application proposed to sever 1.42 hectares of land and as a result the property will become further undersized to 27.6 hectares. The intent of the larger lot area is to preserve prime agricultural lands for agricultural purposes. The reduction in lot area from 29 hectares to 27.6 hectares is not expected to negatively impact the agricultural activity and will continue for the long term. The areas zoned EC and EP on Part 2 will remain unchanged.

FINANCIAL IMPLICATIONS:

All costs associated with processing the application and the development of the subject property are to be borne by the Owner.

Development charges will be collected at the time of a building permit application for the new dwelling on Part 1.

Cash-in-lieu of parkland dedication will be required as a condition of consent.

INTER-DEPARTMENTAL COMMENTS:

Comments from internal and external agencies were received at the Consent Application stage. No additional comments were received at the Zoning By-law Amendment stage at the time of writing this report.

No public comments were received at the time of writing this report.

CONCLUSION:

Based on the above analysis, Planning Staff support the proposed Zoning By-law Amendment as it encourages appropriate rural residential infill development and provides additional housing within the Bismark Hamlet Settlement Area, preserves prime agricultural lands, meets the requirements of the Planning Act, is consistent with the PPS, conforms to the Township's Official Plan and Niagara Region Official Plan. Therefore, it is recommended that the proposed Zoning By-law Amendment be enacted and passed.

ATTACHMENTS:

Schedule A – Site Plan

Schedule B – Zoning By-law and Schedule

Prepared & submitted by:

Robin Shugan,
Senior Planner

Susan Smyth,
Manager, Community Planning and Design

Approved by:

Gerrit Boerema,
Director, Growth and Sustainability

Truper McBride,
CAO

PART 2

AREA = 27.6ha±

AGRICULTURAL

PART 1

AREA = 1.42ha±

AGRICULTURAL

PART 3

AREA = .03ha±
(PROPOSED ROAD WIDENING)

REGIONAL ROAD No. 20

(IRREGULAR WIDTH)

RESIDENTIAL

RESIDENTIAL

CEMETERY

SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 11
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
IN THE

TOWNSHIP OF
WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 3000 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND
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DO NOT SCALE FROM THIS DRAWING.
ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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MAR. 25, 2025
DATE

DONALD G. CHAMBERS, B. Sc., O.L.S.

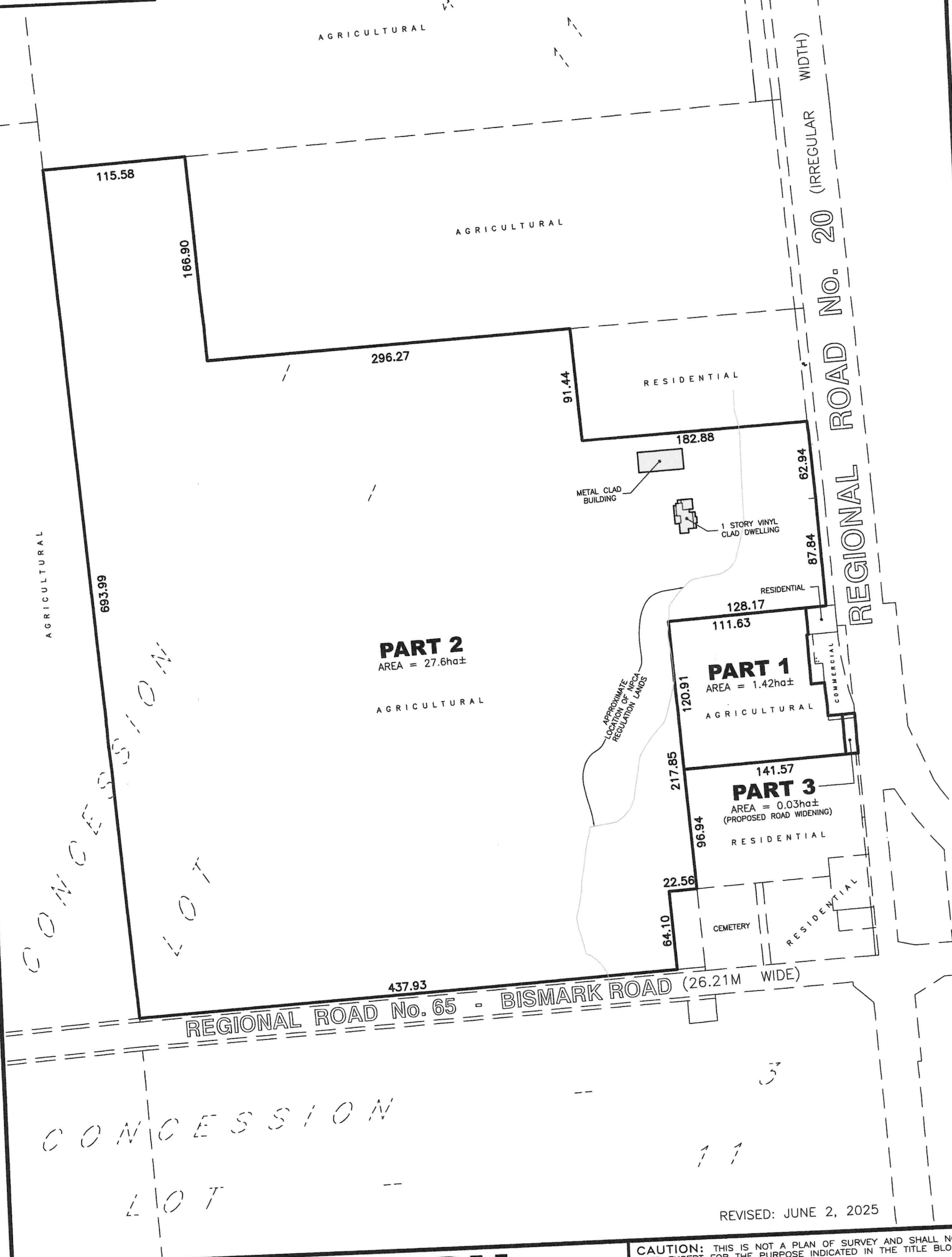
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WELLAND ONTARIO
L3C 3T2

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DWG 09002-4-REV

FILE 09-02-4



REVISED: JUNE 2, 2025



SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 11
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 3000 (METRIC)

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MAR. 25, 2025
DATE DONALD G. CHAMBERS, B. Sc., O.L.S.

CHAMBERS AND ASSOCIATES SURVEYING LTD

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WELLAND ONTARIO
L3C 3T2
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www.casl-surveying.com

DWG 09002-4-SEV FILE 09-02-4

SCHEDULE B- PD-39-2025

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 'E6' to Zoning Bylaw No. 2017-70, as amended, is hereby amended by changing the zoning on CON 4; PT LOT 11, West Lincoln, municipally known as 1538 Regional Road 20, shown on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT, Map 'E6' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is amended by changing the zoning on the severed lands (Part 1) shown on Schedule 'A', attached hereto and forming part of this By-law from Agricultural (A), Service Commercial (C3), Residential Low Density (R1A) Zone to site-specific Residential Low Density (R1A-247) Zone.
3. THAT, Part 6 of the Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

R1A-247

Permitted Uses:
As per the parent zone.

Regulations:
All regulations of the Residential Low Density Zone except:
a) Minimum lot frontage of 32.50 metres

4. THAT, Map 'E6' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is amended by changing the zoning on the remnant lands (Part 2) shown on Schedule 'A', attached hereto and forming part of this By-law from Agriculture (A) Zone to a site-specific Agriculture (A-248) Zone, and maintaining the Environmental Conservation (EC) Zone and Environmental Protection (EP) Zone.
5. THAT, Part 5 of the Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

A-248

Permitted Uses:
As per the parent zone.

Regulations:
All regulations of the Agricultural Zone except:
a) Minimum lot area of 27.6 hectares

6. THAT, all other provisions of By-law 2017-70 continue to apply.
7. THAT, this By-law shall become effective from and after the date of passing thereof.

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

MAYOR CHERYL GANANN

JUSTIN PAYLOVE
MANAGER, LEGISLATIVE SERVICES/CLERK

DRAFT

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

Location:

The subject property is located on the west side of Regional Road 20, north of Bismark Road partly within the Bismark Hamlet.

Subject lands are legally described CON 4; PT LOT 11, West Lincoln, municipally known as 1538 Regional Road 20.

Purpose & Effect:

The severed lands (Part 1) to have a site-specific Residential Low Density (R1A-247) Zone that permits:

- A minimum lot frontage of 32.50 metres to permit the construction of a single detached dwelling.

The remanent lands (Part 2) to have a site-specific Agricultural A-248 Zone that permits:

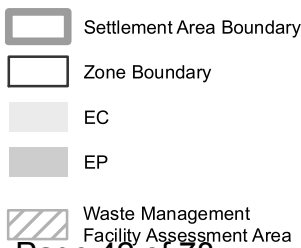
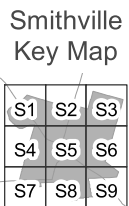
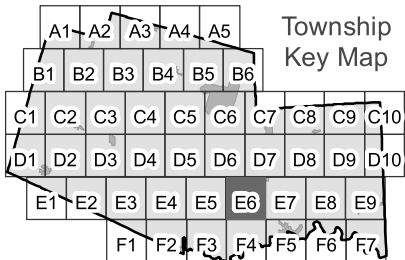
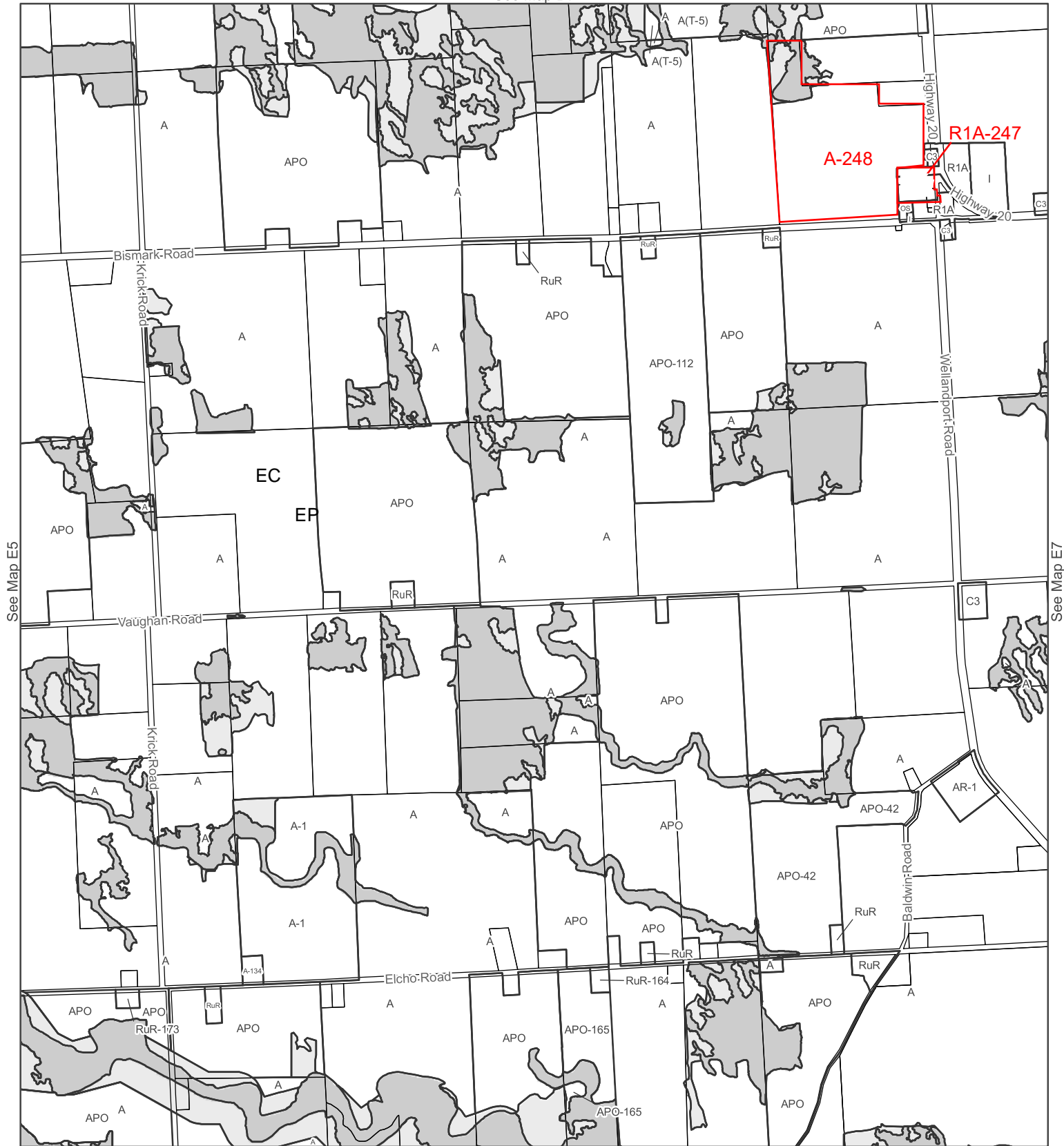
- A minimum lot area of 27.6 hectares and will maintain the existing structures and agricultural use.

Public Consultation:

The Public Meeting was held on October 14, 2025. All written and oral comments have been considered in the making of the decision by Council. Agency comments regarding this application have been included in the amending By-law.

File: ZBA 1601-009-25 (1538 Regional Road 20)

Related File: Consent B01-22025WL



Township of West Lincoln
Schedule A
Zoning By-law No. 2017-70
Map
E6

1:20,000
0 500 m
N
Last Updated: July 2019

DATE: October 14, 2025

REPORT NO: PD-36-2025

SUBJECT: **Recommendation Report – Zoning By-law Amendment for 9860 Regional Road 20 (GTA Exotics)**

CONTACT: Robin Shugan, Senior Planner
Susan Smyth, Manager Community Planning and Design

OVERVIEW:

- Application for a proposed Zoning By-law Amendment has been submitted by South Coast Consulting (Agent) on behalf of Karen Elizabeth Johannesen-Wilson (Applicant/Owner) for the property located at 9860 Regional Road 20.
- The subject lands are designated as Good General Agricultural and Natural Heritage System.
- The current zoning of the subject lands is Agriculture (A), Environmental Conservation (EC), Environmental Protection (EP).
- The Applicant is proposing to rezone the subject lands to a site-specific Agriculture (A-249) Zone to permit supplementary On-Farm Diversified Uses for the retail sale of maple syrup and a Home Industry, with relief from the minimum lot area of the required 10 hectares to 4.9 hectares and to increase the lot area devoted to the On-Farm Diversified Uses from 1% to 1.3%.
- The proposed Home Industry use is to permit the operation of an exotic car tour rental business, and while the cars are not in operation, are stored within existing accessory buildings and structures. The proposal seeks to increase the maximum gross floor area permitted for Home Industry uses from 100 square metres to 313 square metres and increase the total gross floor area that is permanently, temporarily or seasonally devoted to On-Farm Diversified Uses from the maximum 500 square metres to 519.25 square metres.
- These requested amendments do not require any physical changes or alterations since no new construction/renovation or enlargement to the existing dwelling or the existing accessory buildings and structures are required. The amendment is to permit the On-Farm Diversified and Home Industry uses.
- The proposal will retain the existing Environmental Conservation (EC) and Environmental Protection (EP) zoning on the property; no changes are proposed to these areas.
- Following a review of the application in accordance with Provincial and Local policies, and after considering input from the Committee, commenting agencies, and public comments, Planning Staff recommends approval of the application.

RECOMMENDATION:

1. That, Recommendation Report PD-36-2025, titled “Recommendation Report- Zoning By-law Amendment for 9860 Regional Road 20 (File No. 1601-002-23) GTA Exotics” dated October 14, 2025 be received; and,
2. That, Application for the Zoning By-law Amendment File No. 1601-002-23 to rezone the Agriculture (A) Zone to the site-specific Agriculture (A-249) Zone with additional provisions for maple syrup production and retail sales, exotic car rental tour business as a Home Industry and On-Farm Diversified Use, reduced lot area and increased gross floor area dedicated for On-Farm Diversified Uses contained in Schedule B, 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.

ALIGNMENT TO STRATEGIC PLAN: Theme #2 and 3

- Enrich our strong agricultural legacy
- Champion strategic and responsible growth

BACKGROUND:

The subject lands are located on the south side of Regional Road 20, approximately 135 metres west of the intersection with Westbrook Road. The lands have a lot area of approximately 4.9 hectares and a lot frontage of 90 metres along Regional Road 20.

The lands contain an existing single detached dwelling, a carport, a metal-clad accessory building, and a temporary tent structure. Currently, the principal uses of the property are the single detached dwelling and accessory buildings and structures as well as tapping of the maple trees for the collection of maple syrup, which are all permitted uses within the Agriculture Zone under the Township’s Zoning By-law.

The applicants have stated that the primary agricultural use on the subject lands is maple syrup production. The trees are currently being tapped between Sinkhole Creek and Regional Road 20. Maple sap and syrup production starts late February until late March. At present, the bottling of maple syrup is conducted in the accessory buildings on the subject property and the “sugar shack” for the maple syrup production is located on the neighbouring property, located at 2483 Westbrook Road.

Surrounding land uses are predominantly rural residential (single detached dwellings) and agricultural uses.

Refer to Figure 1 for the location of the subject lands and Schedule A for the site plan.

Figure 1: Location of Subject Lands

A Public Meeting was held September 8, 2025 where Information Report PD-33-2025 was presented to the Growth and Sustainability Committee. There was one oral submission made by the public in favour of the proposed application. The balance of comments expressed was concerns around the noise from the cars along the travel routes and number of staff on-site.

CURRENT SITUATION:

The proposed Zoning By-law Amendment seeks to rezone the subject lands from Agriculture (A) to the site-specific Agriculture (A-249) Zone to permit supplementary On-Farm Diversified Uses for the retail sale of maple syrup and Home Industry for the exotic car tour rental business. This amendment also proposes relief from Section 3.11 (a) zoning provisions to reduce the minimum lot area for On-Farm Diversified Uses from the required 10 hectares to 4.9 hectares, and Section 3.11 (c) (i) to increase the total lot area devoted to the On-Farm Diversified Uses from the required maximum of 1% to 1.3%.

Additionally, the application requests to add the use of an exotic car tour rental business

as a Home Industry within three accessory building/structures. Furthermore, the Applicant requests relief from Section 3.7.1 (e) (iv) zoning provisions, to increase the maximum gross floor area for the Home Industry within the existing accessory buildings from the maximum 100 square metres to 312.15 square metres (rounded to 313 square metres).

The portions of the subject lands currently zoned Environmental Conservation (EC) and Environmental Protection (EP) will remain unchanged. The portions of the subject property currently zoned Environmental Conservation (EC) and Environmental Protection (EP) will remain unchanged.

On Farm-Diversified Uses are only permitted within Agriculture Zones subject to the property having a primary agricultural use. The Applicant has partnered with White Meadows Farm to expand the maple syrup production operation by tapping approximately 800–900 maple trees on the subject property. White Meadows Farm will be responsible to tap the trees, collect the sap, process and bottle it off-site, and return some of the finished maple syrup product to be sold on the subject lands located at 9860 Regional Road 20.

Planning Analysis

The proposed Zoning By-law Amendment application 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 protection of ecological systems, including natural areas, features and functions, and protection of the agricultural resources. Decisions of Council must also be consistent with provincial planning statements and conform to provincial plans and municipal official plans that are in effect.

It is the opinion of Administration that the application complies with the *Planning Act*, subject to the following analysis.

Provincial Planning Statement, 2024

The subject lands are located in the Prime Agricultural Area under the Provincial Planning Statement 2024. Section 4.3 of the PPS states that Planning authorities are required to use an agricultural system approach, based on provincial guidance, to

maintain and enhance a geographically continuous agricultural land base and support and foster long-term economic prosperity. Permitted uses in prime agricultural areas include agricultural uses and On-Farm Diversified Uses. Proposed agriculture-related uses and On-Farm Diversified Uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Criteria for these uses may be based on Provincial guidance or municipal approaches, as set out in municipal planning documents. The Provincial guidelines on Permitted Uses in Ontario's Prime Agricultural Areas permit a wide variety of On-Farm Diversified Uses subject to meeting the criteria of the PPS. On-farm Diversified Uses are to be located on a farm and should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-Farm Diversified Uses are intended to enable farm operators to diversify and supplement their farm income. Permitted On-Farm Diversified Uses within the PPS allow for uses that are secondary to the principal agricultural use of the property, agriculture-related uses, home occupations and home industries, and that are limited in area. The guidelines recommend that "limited in area" is relative to the size of the farm property on which the On-Farm Diversified Use is located. The guidelines recommend that an acceptable area occupied of On-Farm Diversified Use is up to maximum of 2% lot coverage of the farm parcel.

The Applicant is proposing to occupy 1.3% (649.25 square metres, which includes the office in the dwelling, carport, garage, tent, and parking area) for On-Farm Diversified Uses, which is below the recommended maximum lot coverage of 2%.

The proposed On-Farm Diversified Uses will not conflict or hinder agricultural operations on the subject lands or surrounding agricultural operations and will maintain the rural character of the area. The proposal is consistent with the PPS as the primary agricultural use of the subject is maple syrup production, with the proposed On-Farm Diversified Uses being the retail sale of maple syrup and a home industry (exotic car tour rental) located within the existing accessory buildings and structures on the subject lands.

It is the opinion of Administration that the proposed zoning-by-law amendment is consistent with the policies of the PPS.

Township of West Lincoln Official Plan and Niagara 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 to support and preserve Prime Agricultural Lands.

The Township's Official Plan designates the subject property 'Good General Agriculture' and 'Natural Heritage System'. The Good General Agriculture designation permits a wide range of agricultural uses including the production of maple syrup. Maple syrup

production is the primary agricultural activity on the subject property.

Section 4.6 of the Official Plan allows a range of appropriate On-Farm Diversified Uses that preserves the agricultural land base and maintains the quality of the agriculture landscape while providing additional income to support the prime agricultural use. Similarly, the Niagara Official Plan permits the On-Farm Diversified Uses within Prime Agricultural lands, which are secondary to the prime agricultural use which includes home industries and does not hinder agricultural operations.

The On-Farm Diversified Uses that includes the retail sale of maple syrup, and the Home Industry (exotic car tour rental business) are operating from the existing buildings and structures and parking areas, that are located within the area designated as Good General Agriculture. By utilizing the existing buildings, structures and parking areas, the proposal avoids any loss of prime agricultural land or expansion of the existing built footprint and supports agricultural preservation. No new development, lot grading, or vegetation removal is required, as the operation is contained within existing buildings and structures and will not further expand into the Natural Heritage System designation.

The proposed On-Farm Diversified Uses will provide supplementary income with the retail sale of the syrup tapped from the trees on the subject lands. The proposed Home Industry of the exotic car tour rental business will not negatively impact the prime agricultural activity and will not further reduce prime agriculture lands since no new physical development is occurring.

It is of the opinion of Administration that the proposed Zoning By-law Amendment is consistent with the policies of the Township's Official Plan and policies of the Niagara Official Plan.

Township Zoning By-law 2017-70, as amended.

The subject lands are currently zoned Agriculture (A), Environmental Conservation (EC), and Environmental Protection (EP). As mentioned, the Agriculture Zone permits a variety of agriculture uses and On-Farm Diversified Uses including Home Industry. The Zoning By-law permits a maximum of two on-farm diversified uses. Both proposed On-Farm Diversified Uses (retail sale of maple syrup) and the Home Industry (exotic car tour rental) are to be located within the Agriculture Zone on the property.

The maple tree tapping activities will occur within the areas zoned Environmental Conservation (EC) and Environmental Protection (EP) and is permitted as an agricultural use and can continue within the EC and EP zones. No changes are proposed to the boundaries of these zones.

The proposed Zoning By-law Amendment seeks to rezone the area of the land zoned Agriculture to a site-specific Agriculture (A-249) Zone (refer to Schedule B for the draft by-law). The Zoning By-law Amendment application requests the following site-specific provisions for the A-249 Zone:

- On-Farm Diversified Use for Maple Syrup Production and Retail Sales and Home Industry with a reduced lot area of 4.9 hectares whereas 10 hectares is required.
- On-Farm Diversified Use area of the lot permanently, temporarily or seasonally devoted to On-Farm Diversified Uses increased to 1.3% whereas 1% is the maximum required.
- To increase the total gross floor area that is permanently, temporarily or seasonally devoted to On-Farm Diversified Uses from the maximum 500 square metres to 519.25 square metres.
- To add an exotic car tour rental business as a Home Industry and an On-Farm Diversified Use on the subject lands.
- Maximum of 10 cars to be rented as an On-Farm Diversified Use.
- To increase the maximum gross floor area of a Home Industry from the maximum 100 square metres to 313 square meters in the detached accessory buildings and structures.

The subject lands are considered an existing lot of record having a lot area of 4.9 hectares. The request to increase the On-Farm Diversified Use from 1% to 1.3% is appropriate due to the existing total lot area being under the required 10 hectares. The increase to 1.3% will not negatively affect the agricultural lands on the subject lands nor further hinder surrounding agricultural operation. The existing buildings, structures, and area being used for the On-Farm Diversified Uses are limited in size and is not actively farmed and located within the portion of the lands zoned Agricultural.

The request to add an 'exotic car rental business' as Home Industry will not negatively impact the use of the agricultural lands as the area zoned agriculture is limited in size and is not actively farmed. The proposed exotic car rental business, as a Home Industry use is intermittent and will not interfere with the production of maple syrup or other surrounding agricultural uses and will utilize the existing accessory structures as no new development is proposed.

It is of the opinion of Planning Staff that the proposed site-specific amendments are appropriate given that no negative impacts to agriculture and environmental zones on the subject lands or surrounding area are expected, and that the proposal complies with the other provisions of the Township's Zoning By-law.

FINANCIAL IMPLICATIONS:

All cost associated with processing the application of the subject lands is to be borne by the Owner through the Zoning By-law Amendment fee.

There are no financial implications to the Township as result of the review of this application.

INTER-DEPARTMENTAL COMMENTS:

Information Report, PD-33-2025 was presented to the Growth and Sustainability

Committee, no additional agency comments have been received.

Since the Information Report, PD-33-2025 was presented to the Growth and Sustainability Committee, no additional agency comments have been received.

PUBLIC MEETING COMMENTS:

In response to the comments made at the Public Meeting, the Applicant/Owner provided the following additional details:

- ***Comment on Number of Staff***

The Owner confirmed that there are three permanent staff who reside on subject lands and three part-time staff who reside on subject property during the peak summer season.

- ***Comment on Noise and Speeding on West Lincoln roads***

The Owner confirmed that the cars are rented and tour three different routes, which can change from time to time and explore local and regional businesses within Niagara, Hamilton and Haldimand from May to November. A tour consists of five cars (10 patrons, 2 per car) operating from 10am to 6pm, typically once a day Wednesday through Friday and twice a day on Saturdays and Sunday.

The cars are equipped with sound reducers on the mufflers to control the noise pollution emitting from the cars as well as monitored by a GPS tracking system to control the location and speed of the cars. Tours are also controlled by a lead car and an end car occupied by an employee to ensure the speeds are kept within the posted speed limits. The Owner confirmed that he has operated this rental business for fifteen years and has not received one speeding ticket. He also noted there are other exotic car tours offered by other operators and they may not follow the same parameters and restrictions as his business. He also noted that the fleet of cars has the Exotic GTA logo on the vehicles for easy recognition and if there are noise and speeding concerns then he would have received notice from the police or by-law officer of which none have been received to date.

While there may be concerns with the routes and noise generated from the vehicles when driving, the zoning is limited to the use on the subject property.

CONCLUSION:

Based on the above analysis, Planning Staff support the proposal as it maintains and preserves prime agricultural lands, meets the requirements of the Planning Act, is consistent with the PPS, conforms to the Township's Official Plan and Niagara Region Official Plan. Therefore, it is recommended that the proposed Zoning By-law Amendment be enacted and passed by Council.

ATTACHMENTS:

Schedule A – Site Plan
Schedule B – Zoning By-law and Schedule

Prepared & submitted by:

Robin Shugan
Senior Planner

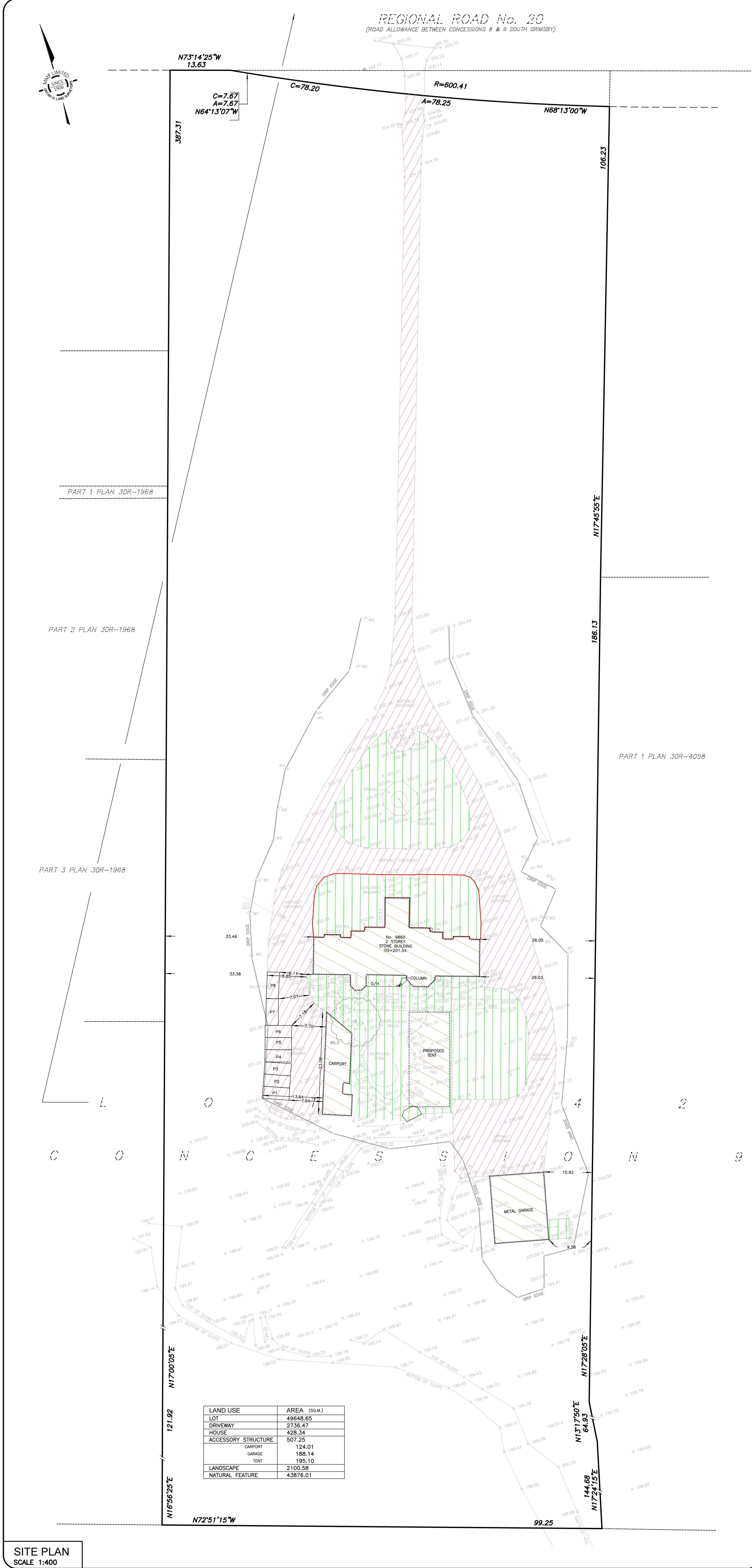
Susan Smyth
Manager, Community Planning and Design

Approved by:

Gerrit Boerema
Director, Growth and Sustainability

Truper McBride
CAO

SCHEDULE A - PD-36-2025



SCHEDULE B - PD-36-2025

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 'A1' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on PT LT 42; CON 9, West Lincoln, municipally known as 9860 Regional Road 20, shown on Schedule 'A', attached hereto and forming part of this By-law.
- 2. THAT Map 'A1' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is 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 site-specific Agricultural (A-249) Zone, and maintaining the Environmental Conservation (EC) Zone and Environmental Protection (EP) Zone.
- 3. THAT Part 5 of the Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

A-249

Permitted Uses:

As per the parent zone, and the addition of On-Farm Diversified Use for Maple Syrup Production and Retail Sales and Home Industry being Exotic Car Tour Rental Business.

Regulations:

All regulations of the Agricultural Zone except:

- a) Minimum lot area of 4.9 hectares.
 - b) On-Farm Diversified Use, the area of the lot permanently, temporarily or seasonally devoted to On-Farm Diversified Uses shall not exceed 1.3% of the lot area.
 - c) On-Farm Diversified Use within all main buildings or structures and accessory buildings and structures permanently, temporarily or seasonally devoted to the On Farm Diversified Use shall not exceed a total gross floor area of 519.25 square metres.
 - d) An Exotic Car Tour Rental Business shall be permitted as a Home Industry Use as on On-Farm Diversified Use.
 - e) The maximum number of exotic cars for rent shall not exceed 10 cars.
 - f) The maximum gross floor area of the Exotic Car Tour Rental Business as Home Industry Use within accessory buildings and structures shall not exceed 313 square metres.
- 4. THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS ____
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 on the south side of Regional Road 20 west of Westbrook Road and east of South Grimsby Road 21.

Subject lands are legally described as PT LT 42; CON 9, West Lincoln municipally known as 9860 Regional Road 20.

Purpose & Effect:

The subject lands have a site-specific Agricultural A-249 zone that permits:

- An On-Farm Diversified Use for Maple Syrup Production and Retail Sales and Home Industry with a reduced lot area of 4.9 hectares.
- On-Farm Diversified Use area of the lot permanently, temporarily or seasonally devoted to On-Farm Diversified Uses shall not exceed 1.3%.
- Total gross floor area that is permanently, temporarily or seasonally devoted to On-Farm Diversified Uses shall not exceed 519.25 square metres.
- Add exotic car tour rental business as a Home Industry on the subject lands.
- Maximum gross floor area of a Home Industry shall not exceed 313 square meters in the detached accessory buildings and structures.

Public Consultation:

The Public Meeting was held on September 8, 2025. All written and oral comments have been considered in the making of the decision by Council. Agency comments regarding this application have been included in the amending by-law.

File: 1601-002-23 (GTA Exotics)

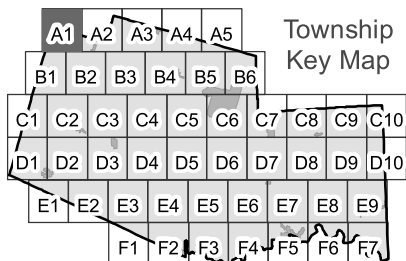
SCHEDULE 'A'

City of
Hamilton

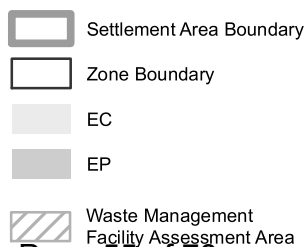
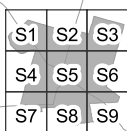
See Map A2



See Map B1



Smithville Key Map



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

Map
A1

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Last Updated: July 2019

DATE: October 14, 2025

REPORT NO: PD-37-2025

SUBJECT: **Recommendation Report – Zoning By-law Amendment and Draft Plan of Subdivision for 7283 Regional Road 20 (Joshua Court Subdivision – File No. 1601-002-25)**

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

OVERVIEW:

- Applications for a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by Upper Canada Consultants (Consultant/Agent) on behalf of RVL Contracting Inc. (Owner/Applicant) for a vacant property located in the Hamlet of Regional Road 12, east of Grimsby Road and north of Regional Road 20.
- The Applicant is proposing a rural subdivision containing nine blocks with six single residential lots, one block for stormwater management, and two blocks for 0.3 metre reserve along Regional Road 12.
- The proposal seeks to rezone the subject lands from Development (D) Zone to the site-specific Rural Residential (RuR-246) Zone and Open Space (OS) Zone. The site-specific request is to reduce the required lot frontage from the required 45 metres to 18 metres for four of the six proposed lots.
- The proposed residential lots will have access and frontage onto a future internal public road.
- The Applicant has named the proposed development and proposed public street 'Joshua Court' however, the name of the street would require Council approval.
- The development is proposing private septic and water (cistern) services.
- The development is proposing a dry stormwater management facility and will utilize grassed road side swales. An easement is required for the stormwater management pond outlet to recognize and permit the continued use of a drainage feature on the neighbouring farm property.
- A Public Meeting was held on July 14, 2025 and the Information Report, [PD-16-2025](#), provided the details of the proposal and the technical studies that were completed to support the proposed development.
- Upon review of the applications against the Provincial and Local policies as well as consideration of the Committee, external agencies, and the public comments received, Planning Staff are satisfied that matters are adequately addressed and recommend approval of the applications.

RECOMMENDATION:

1. That, Recommendation Report PD-37-2025, titled “Recommendation Report – Zoning By-law Amendment and Draft Plan of Subdivision for 7283 Regional Road 20 (Joshua Court Subdivision)”, dated October 14, 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. 1601-002-25) to change the Development (D) Zone to Rural Residential (RuR-246) Zone with site-specific provisions, and Open Space (OS) Zone for the stormwater management facility, and balance of lands to Agricultural (A) Zone as shown in Schedule B, be approved in accordance with the attached Zoning By-law and Schedule, and the Council authorize the Mayor and Clerk to sign the necessary by-law; and,
4. That, Application for Draft Plan of Subdivision (File No. 2000-001-25), be approved, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, and regulations thereunder, subject to draft plan approval conditions contained in Schedule C; and,
5. That, the Applicant is advised that the Township’s draft approval of this Plan of Subdivision will lapse three years from the date of approval unless the 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 #1 and #2

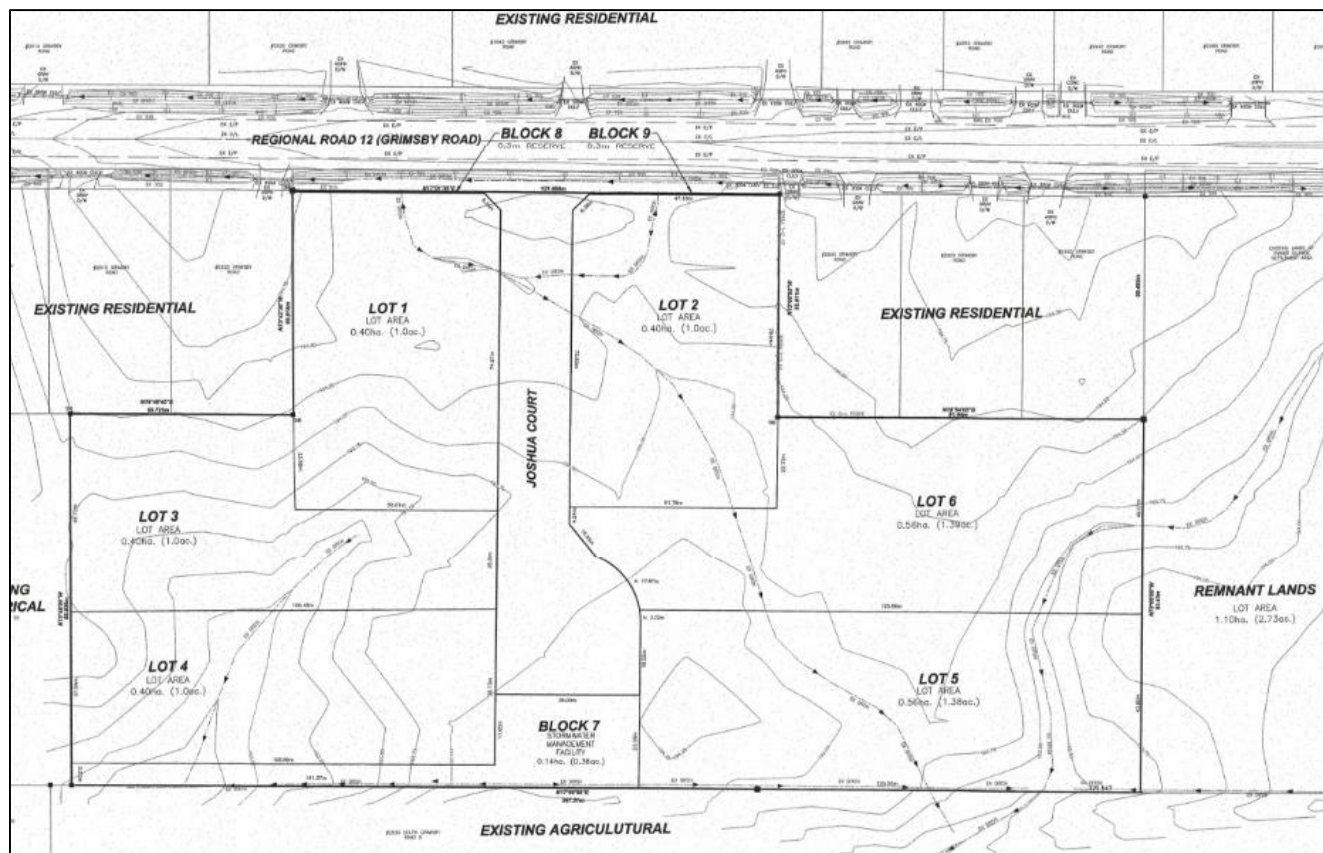
- Build a safe, connected, caring and active community
- Champion strategic and responsible growth

BACKGROUND:

The subject lands are situated on the east side of Grimsby Road (Regional Road 12), approximately 185 metres north of the intersection with Regional Road 20. The property encompasses an area of approximately 4.27 hectares, with a lot frontage of 194.36 metres along Grimsby Road.

The subject lands are located within the Regional Road 12 Hamlet; however, the northern portion of the lands, approximately 1.10 hectares, lies outside the boundary of the Regional Road 20 Hamlet. The property contains no existing structures and historically been used for agricultural purposes.

Refer to Figure 1 for the location of the subject lands.

Figure 2: Proposed Draft Plan of Subdivision

The Township's Official Plan designates the area of land within in the Regional Road 12 Hamlet as Hamlet Settlement Area, and the lands located outside of the Hamlet designated as Good General Agriculture.

The Township's Zoning By-law 2017-70 zones the lands within the Hamlet as Development (D) Zone, and the lands outside the Hamlet as Agricultural (A) Zone.

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 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, but also to conform to the official plan, adequacy of the road system, lot pattern and shape/dimension of the lot, conservation of natural resources, adequacy of private services.

The proposed draft plan of subdivision has provided an internal public road (referred as Joshua Court – subject to Council approval), and Blocks/Lots 1-6 intended for single detached dwellings with Block 7 dedicated to the stormwater management facility (dry pond). Planning Staff have confirmed that the proposed development has demonstrated that the anticipated six rural residential lots will provide a built form that is utilizing an efficient land use and lot pattern within a Hamlet settlement area that supports the continuation of the surrounding agricultural operations and existing legal commercial and residential uses.

Provincial Planning Statement, 2024

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 housing that efficiently uses the land in the settlement area that is large enough for private services, dwelling, and open space amenity area.

Regarding policy 2.3.1, settlement areas are the focus for growth and 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 Hamlet settlement area which is consistent with the policy.

Consistent with policy 2.9.1, the proposed development is providing for low impact development and stormwater management systems (dry pond and swales) 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 in the Hamlet boundaries and the sensitivity to active livestock and farming operations is

acknowledged and the lot orientation will assist with the placement of the future dwellings to minimizing risks to odour and noise from the adjacent agricultural activities.

Consistent with policy 3.6, the proposed grading can accommodate and maintain exiting drainage patterns and perimeter elevations without negative impacts to neighbouring properties. The stormwater management facility has been designed to provide quantity controls for the 5-year and 100-year storm events under existing conditions. Based on the design criteria and modelling, the facility is not anticipated to overflow. However, as a safeguard, the design incorporates a two-stage headwall that provides an emergency overflow function during extreme storm events. For all modelled events, stormwater levels remain below the overflow weir elevation, with the 100-year storm resulting in a freeboard of 0.34 m within the dry pond.

Water servicing will be provided by private water services (cistern or well) and fire protection can be provided by a fire cistern located in the municipal right-of-way. Sanitary services will be provided by private septic systems.

Chapter 4: Wise Use and Management of Resources:

The subject lands do not contain any natural heritage or natural hydrological features and there are no regulated features that require environmental protection.

Consistent with policy 4.6, a Stage 1 and 2 archaeological assessment was completed and cleared the need for future archaeological investigations.

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.

Consistent with the Township's Official Plan (Policy 7.2.3), lands designated Hamlet are to be zoned to recognize current uses and for the protection of residential uses within Hamlet will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. Residential development shall be low density, shall proceed in a controlled and progressive manner where new development will be contiguous to existing development and an area deemed sufficient to provide an adequate supply of potable water and an adequate area for septic disposal.

The proposed residential lots will have private septic systems and cisterns for potable water. A hydrogeological assessment was completed that verified that the proposed lot sizing is adequate for the provision of on-site private services without impact to the environment or public health and safety. The recommendations of the hydrogeological study will be implemented on each lot through the Subdivision Agreement indicated in

the conditions.

Similarly, consistent with the NOP, the applications will facilitate the rezoning and development of a total of six residential lots that will provide additional housing supply in a Hamlet area of Regional Road 12. The proposed low density residential lots provides for a continuation of residential uses along Grimsby Road with an internal public street for frontages to the lots.

Policy 7.2.3.h. identifies that “lots that exist on the date of passage of Official Plan Amendment 15 (OPA #15), shall generally have a minimum frontage of 45 metres and be a minimum of 0.4 hectares in size or an alternative size as required for the adequate provision of services and protection of the environment. Existing lots which are deficient from these provisions can be recognized in the Zoning By-law.”

To satisfy this policy requirement, the portion of the subject lands within the Hamlet Boundary and related to the draft plan of subdivision application are currently zoned as Development (D) Zone and to be amended to Rural Residential (RuR) Zone with site specific provision for a reduced lot frontage of 18 metres and Open Space (OS) Zone for the stormwater management facility. Although the 18 metres is deficient of the 45 metres, it balances the desire to have lots closer to one acre to best utilize the hamlet lands. The balance of the legal property outside of the hamlet boundary limit will remain zoned Agriculture (A) Zone.

Policy 7.3 identifies development in Hamlet settlement areas, shall proceed with individual water and sewage disposal facilities (private wells and septic tanks) provided that such development is in accordance with all other policies of this Plan, the policies of the authority having jurisdiction, and provided that Council is satisfied that no adverse impacts will be experienced. Consistent with this policy, the proposed development will be privately serviced with water and septic system.

Policy 14.5.5.b. Local Roads states that the planned right of way widths of local roads shall be 20 metres. In areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided of not less than 18 metres. The proposed development is within an established Hamlet with access off Grimsby Road (Regional Road 12) to the proposed lots on a new 18.0 metre local public roadway designed and constructed to appropriate standards.

Finally, Policy 18.13.5.b. states that “where lands are proposed for severance along the Hamlet Settlement Area boundary, the remnant parcel outside the Hamlet Settlement Area boundary shall be rezoned APO (Agricultural Purposes Only).” In this situation, a consent is not being applied but rather a subdivision. Therefore, the zoning of the remnant parcel outside of the hamlet boundary is not required to be rezoned to APO, however, it is currently sterilized due to the Minimum Distance Separation Formula setback for the neighbouring chicken barns.

Township Zoning By-law 2017-20, as amended

The Township's Zoning By-law 2017-70 zones the lands within the Hamlet as Development (D) Zone, and the lands outside the Hamlet as Agricultural (A) Zone.

To facilitate the proposed subdivision layout, site-specific provisions to the Rural Residential (RuR-246) Zone are required to modify the minimum lot frontage requirement of 45 metres to 18 metres for four (4) of the six (6) lots. While a reduction to the minimum lot frontage is being requested, it can be supported in this instance as there remains adequate frontage on each of the lots for access and the placement or siting of a dwelling and accessory structure without adversely impacting the functionality of each lot or adjacent lots.

Additionally, the frontage is small due to the cul-de-sac, but the lots overall remain sufficiently wide enough to accommodate the dwelling and septic systems. It also provides a balance in making the greatest utilization of the developable land within the hamlet boundary. Refer to the summary chart below for the required and proposed zoning provisions.

Section	Required	Proposed
7.2 Permitted Uses	Principal Uses Single Detached Dwelling Accessory Uses	 No Change No Change
7.3 Regulations	Required	Proposed
Minimum Lot Area	0.4 hectares	No Change
Minimum Lot Frontage	45 Metres	18.0m
Minimum Front Yard	15 metres	No Change
Minimum Exterior Side Yard	9 metres	No Change
Minimum Interior Side Yard	3 metres	No Change
Minimum Rear Yard	15 metres	No Change
Maximum Lot Coverage	20%	No Change
Maximum Height	10 Metres	No Change
Minimum Landscaped Open Space	35%	No Change

The stormwater management facility is proposed to be placed in the Open Space (OS) Zone which is the most appropriate zone category for this use. The remnant piece of land lying outside of the Hamlet settlement boundary will be placed in an Agricultural (A) Zone.

Refer to Schedule B for the Zoning By-law and Schedule.

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.

INTER-DEPARTMENTAL COMMENTS:

During the public consultation process, concerns regarding the potential noise impacts from the commercial and light industrial uses across from the development were raised and an addendum letter to the Environmental Noise Study prepared by Valcoustics was provided. The consultant conducted site visits and the observations on the existing uses (Erie Power Coatings and Alden Equipment) concluded that the expected noise sources (including truck activities, forklift movements, and HVAC units at grade and on the roof of the buildings, and heavy machinery movements during loading/unloading, and maintenance activities audible via open overhead doors) is within the MECP noise limits at the subject site and no further mitigation is needed.

However, warning clauses are recommended to inform future occupants of potential noise from the nearby industries that are approximately 150 metres away from the closet lot in the development. Other mitigation measures as noted in the Environmental Noise Study included the provision for adding air conditioning or acoustic barriers of solid construction, having a minimum face density of 20 kg/m with no gaps, cracks or holes. A variety of materials are available, including concrete, masonry, glass, wood, specialty composite materials, or a combination of the above.

To address the NPCA and Township Engineering comments about the legal stormwater outlet, the Applicant has secured an agreement with the property owner located to the south for a legal stormwater outlet by way of an easement at the southwest corner of the subject lands to permit the continued use, operation and maintenance of an existing drainage ditch. This needs to be formalized through a legal easement and this has been added as a condition of approval for the draft plan of subdivision.

No further comments or concerns were provided since the Public Meeting held on July 14, 2025.

PUBLIC COMMENTS:

The following summarizes the written comments received prior to or at the Public Meeting.

Written Comments

Q: How many truckloads of dirt will Joshua Court require?

Based on the stormwater management plan for the site, and the proposed easement, some fill material will be required, however it will be minimal and fully determined through the engineering of the development.

Q: What protections from water are planned when the Dry Pond Stormwater Management Facility overflows?

The stormwater management facility has been designed to provide quantity controls for

the 5-year and 100-year storm events under existing conditions. Based on the design criteria and modelling, the facility is not anticipated to overflow. However, as a safeguard, the design incorporates a two-stage headwall that provides an emergency overflow function during extreme storm events. For all modelled events, stormwater levels remain below the overflow weir elevation, with the 100-year storm resulting in a freeboard of 0.34 m within the dry pond.

Q: Will berms and coniferous trees be placed on the borders with neighbouring properties?

Enhanced buffering measures such as berms and coniferous trees are not typically required along property lines between residential lots. Fencing is generally considered an appropriate and sufficient buffering measure in these contexts, as residential uses are inherently compatible with one another. Individual homeowners may choose to implement additional landscaping or screening measures on their own property if they wish to enhance privacy or aesthetic appeal. A black chain link fence will be required surrounding the development along the hamlet boundary.

Q: Why is it being changed?

The property has not previously been subject to a Zoning By-law Amendment. The current applications include a proposed amendment to re-zone a portion of the property to a site-specific Rural Residential (RuR-246) Zone to permit the proposed development. This amendment is intended to bring the zoning into alignment with the broader land use designations established by the Provincial and Local Official Plan, all of which already acknowledge that the subject lands lie within the Hamlet and is intended for rural residential use.

Q: Why are you allowing the Joshua Court lots to be so small.

The proposed lots are 1-acre meets the minimum lot size permitted under the Niagara Official Plan and the Township of West Lincoln Official Plan for lots on private sewage services. The proposed lot sizes can adequately accommodate a dwelling and private septic system within the required setbacks as shown through the Hydro Geological Study.

Q: Why are new property taxes and development fees more important?

Planning decisions are not based on property taxes and development fees but are guided by review of planning policy and technical review through which many factors and interests are considered and balanced. Additionally, these lands have been designated for residential development in the Township official plan for decades.

Q: Where does the displaced wildlife go?

In the context of environmental protection, there are no identified Natural Heritage

features that meet the Provincial definitions of such, present on the subject property. The proposed development respects those policies and reflects a balanced approach to land use planning that considers environmental, community, and growth management objectives.

The subject property currently consists of an active farm field, which is not typically suitable as permanent wildlife habitat and there is no policy in place in the province regarding wildlife protection for this land designation.

Public Meeting Comments

Concerns with potential flooding of his property related to the proposed development.

New development is required to control flows off the property to pre-development levels so that existing development does not experience flooding. The stormwater management strategy for the proposed development includes grassed swales and a dry pond which will provide the necessary stormwater quality and quantity controls to control the 5- and 100-year storm events, meaning that there will not be an increase in stormwater discharging from the property.

Concerns were also raised regarding the proposed stormwater outlet over the neighbouring property. A letter from the affected neighbour has been submitted, which confirms their concurrence with providing an easement for this outlet. This easement will require Committee of Adjustment approval and has been included as a condition of subdivision approval.

CONCLUSION:

Upon review of the applications against the Provincial and Local policies, with consideration of the Committee, commenting agencies, and the public comments are satisfied concerns and matters are adequately addressed and recommend approval of the applications, subject to conditions.

ATTACHMENTS:

Schedule A – Draft Plan of Subdivision
Schedule B – Draft Zoning By-law and Schedule
Schedule C – Draft Plan Conditions of Approval

Prepared & Submitted by:

Susan Smyth
Manager, Community Planning and Design

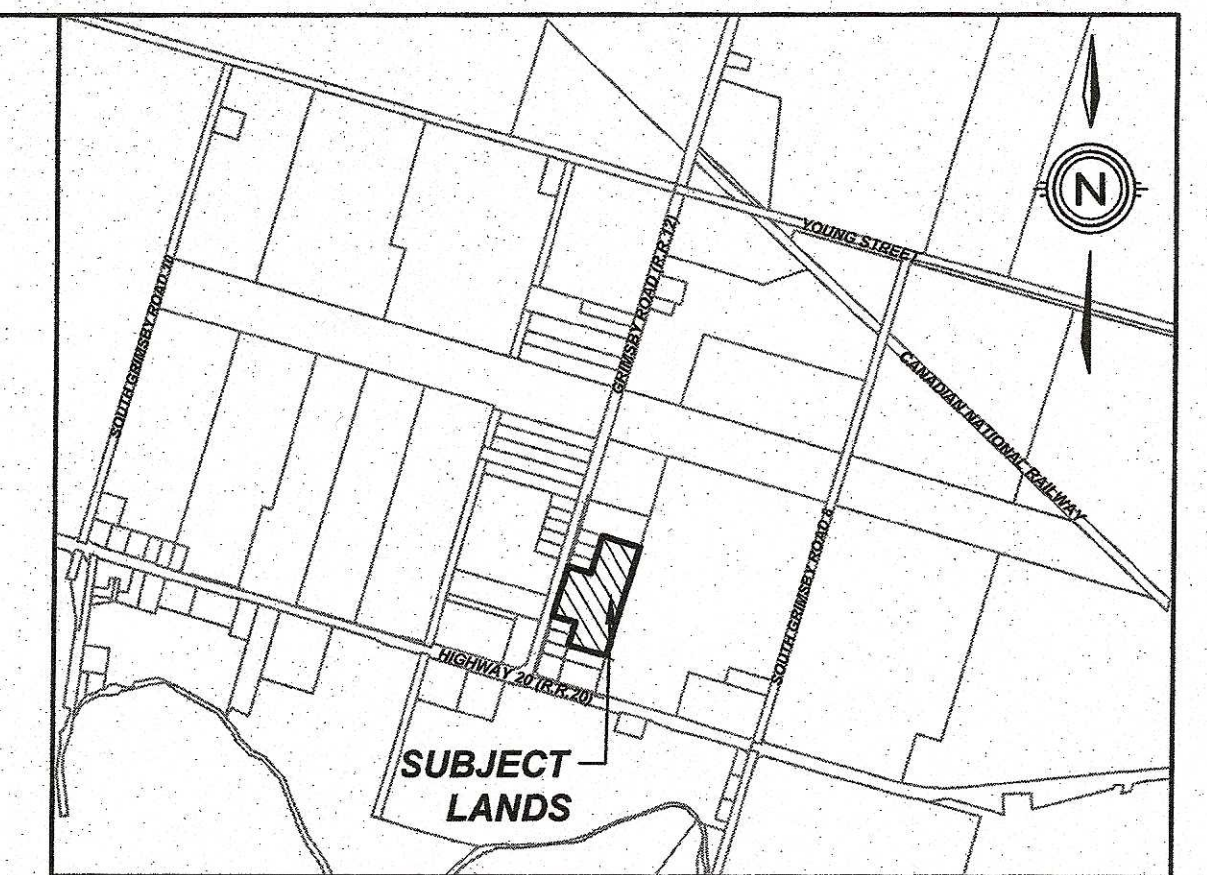
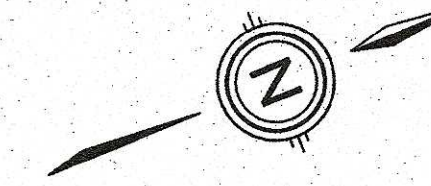
Approved by:

Gerrit Boerema
Director, Growth and Sustainability

Truper McBride
CAO

JOSHUA COURT TOWNSHIP OF WEST LINCOLN

SCHEDULE A- PD-37-2025



KEY PLAN
N.T.S.

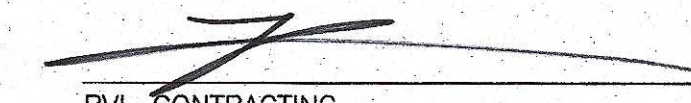
DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART LOT 17, CONCESSION 8,
GEOGRAPHIC TOWNSHIP OF SOUTH
GRIMSBY,
TOWNSHIP OF WEST LINCOLN


OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF WEST LINCOLN
FOR APPROVAL.


RVL CONTRACTING DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.


ROY KIRKUP Sept 16, 2024 DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|----------------|-------------------|---------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY CLAY |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) PRIVATE |
| d) RESIDENTIAL | h) WATER CISTERNS | l) SEE PLAN |

LAND USE SCHEDULE

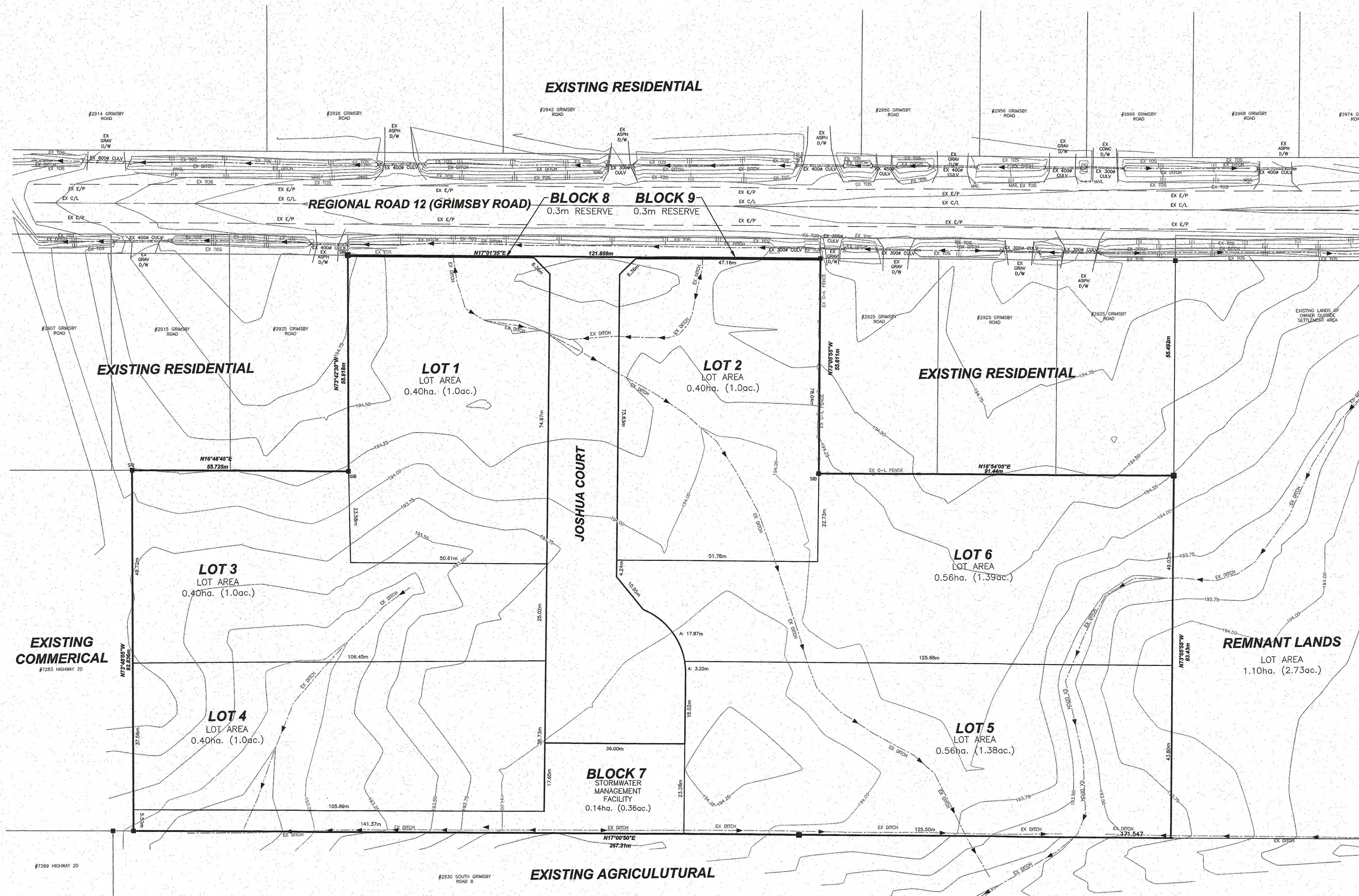
LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-6	6	2.72	85.80
STORMWATER MGMT FACILITY	BLOCK 7		0.14	4.42
0.3m RESERVE	BLOCK 8-9		0.01	0.32
ROADWAY			0.30	9.46
TOTAL		6	3.17	100.00

DEVELOPABLE AREA = 3.16ha (EXCLUDES 0.3m RESERVE)
DEVELOPABLE DENSITY = 1.90 units/ha

#	ISSUED FOR APPROVAL	REVISION	DATE	INIT
0				AS



DRAWING TITLE DRAFT PLAN OF SUBDIVISION	DRAFTING	Z.C. AS
	DATE	SEPTEMBER 18, 2024
	PRINTED	SEPTEMBER 18, 2024
	SCALE	1:500
	DWG No. 19126-DP	REV 0



SCHEDULE B- PD-37-2025

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 'B4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on South Grimsby CON 8; PT LOT 17; RP 30R-15615; PT 1, West Lincoln, municipally known as 7283 Regional Road 20, shown on Schedule 'A', attached hereto and forming part of this By-law; and,
2. THAT Map 'B4' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is 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 Rural Residential (RuR-246) with site-specific provisions for single detached dwelling lots; Open Space (OS) Zone for the stormwater management facility, and Agricultural (A) Zone; and,
3. THAT, Part 6 of the Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

RuR-246

Permitted Uses:
As per the parent zone.

Regulations:
All regulations of the Rural Residential Zone except:
(a) Minium lot frontage of 18 metres

4. THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS ____
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 on the east side of Grimsby Road and north of Regional Road 20 in the Hamlet of Regional Road 12.

Subject lands are legally described as South Grimsby CON 8; PT LOT 17; RP 30R-15615; PT 1, West Lincoln municipally known as 7283 Regional Road 20.

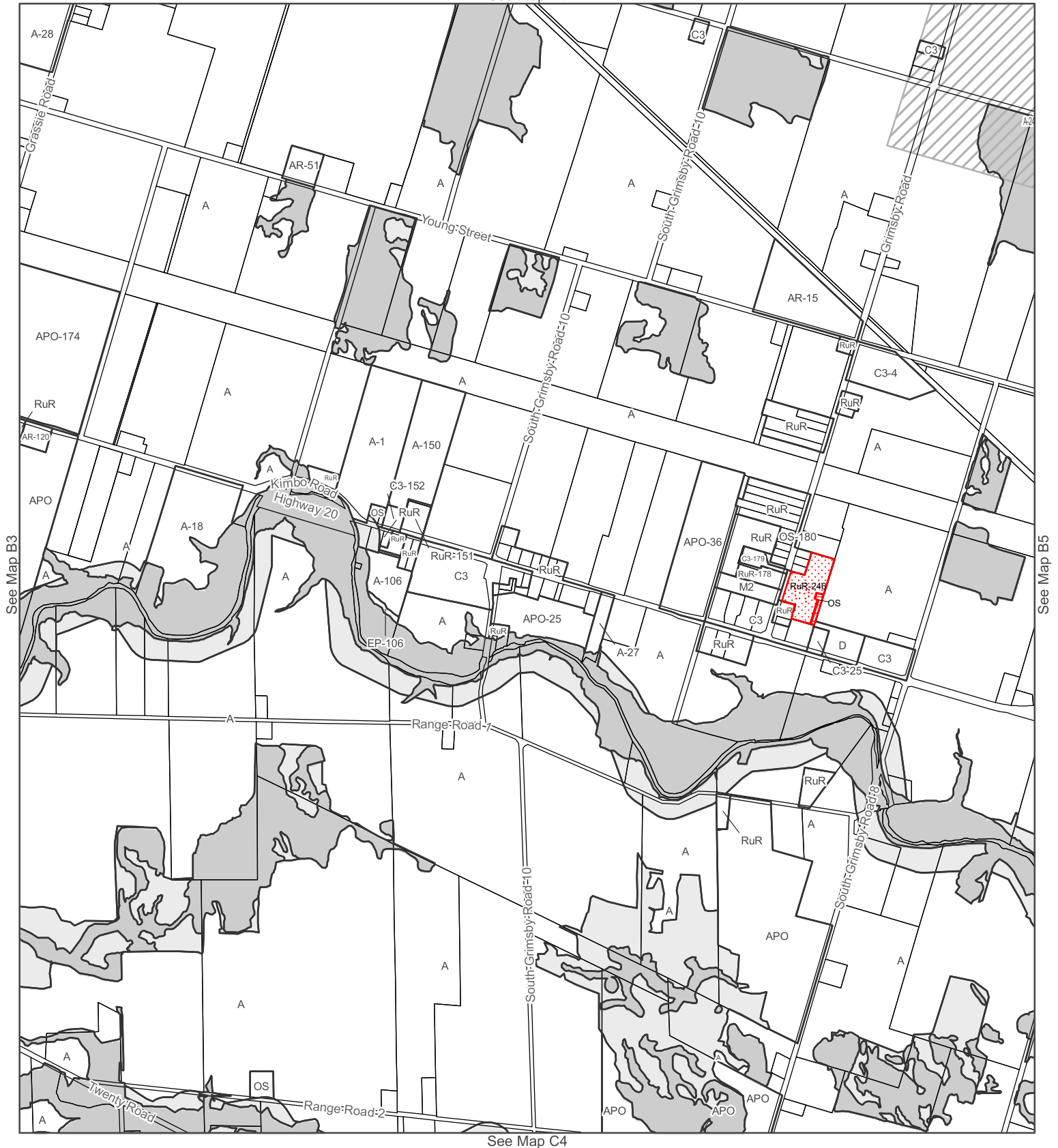
Purpose & Effect:

The subject lands have a site-specific Rural Residential (RuR-246) Zone that permits single detached dwelling lots with a reduced lot frontage of 18 metres, Open Space (OS) Zone for the stormwater management facility and Agricultural (A) Zone for the lands lying outside of the Hamlet boundaries.

File: 1601-002-25 (RVL Contracting Inc.)

DRAFT

See Map A4



Legend



Lands to be rezoned from Development (D) Zone to Rural Residential (RuR-246) Zone.



Lands to be rezoned from Development (D) Zone to Open Space (OS) Zone.

Township of West Lincoln

Schedule A

Zoning By-law No.2017-70

Map

B4

1:20,000

0 500 m



Last Updated: July 2019

SCHEDULE C - PD-37-2025

CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL (PD-37-2025)

File No. 2000-001-25

October 14, 2025

RVL CONTRACTING INC.

TOWNSHIP OF WEST LINCOLN CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of "Joshua Court", in the name of RVL Contracting Inc., File No. 2000-001-25, Township of West Lincoln are:

TOWNSHIP CONDITIONS:

1. That the Owner/Developer provide to the Township of West Lincoln a letter advising that all lots/blocks conform to the requirements of the Township's Zoning By-law No. 2017-70, as amended and the RuR-246 site-specific provisions.
2. 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.
3. That the Owner/Developer dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, to the satisfaction of the Township.
4. That the Owner/Developer prepare a landscape plan in accordance with the requirements of the Township of West Lincoln. The landscaping details with the tree types and size are to be shown on a separate plan to ensure no interference with property lines and private driveways.
5. That the Owner/Developer provide a chain link fence along the hamlet boundary limit or other fence type to the satisfaction of the Township.
6. That the Subdivision Agreement contain a clause requiring that the road allowance shown on the Draft Plan be dedicated to the Township of West Lincoln as Public Highway.
7. That the proposed street be constructed to the satisfaction of the Township of West Lincoln with a road allowance of no less than 18 metres and an open ditch design.
8. That the street naming fee be provided and a street name be approved by Council as per the Township of West Lincoln Street Naming Policy – PD-01-11, as amended).
9. That the subdivision agreement contains a clause requiring the Owner/Developer provides fire route signs, no parking signs and all other traffic signs in locations approved by the Township of West Lincoln prior to the issuance of building permits.

10. That the Owner/Developer submit all, lot grading, drainage, roadway plans and supporting design calculations in a fulsome engineering submission to the Township of West Lincoln for review and approval by other relevant agencies, and any required review fees.
11. That the Owner/Developer prepare a utility plan that includes details of the street lighting to the satisfaction of the Township of West Lincoln as part of the engineering submission.
12. That the Owner/Developer provide a private services plan in accordance with the recommendations of the Hydrogeological Investigation Report prepared by Englobe, dated January 3, 2025, in a manner satisfactory to the Township's Septic Inspector and Building Department to be considered final.
13. That the Subdivision Agreement contain a clause that all development shall be constructed in accordance with the recommendations submitted in the Hydrogeological Investigation Report prepared by Englobe, dated January 3, 2025.
14. That the Subdivision Agreement contain a clause that all lots must retain a spare area identified in the Hydrogeological Investigation Report prepared by Englobe, dated January 3, 2025, free of buildings and structures, for the sewage system to account for future upgrades or replacement.
15. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, drainage, hydro and utility services.
16. That the Owner/Developer applies for and obtains approval of an easement for the stormwater management pond outlet, no less than 3 metres in width, to the satisfaction of the Township.
17. That the Owner/Developer agrees in the Subdivision Agreement that the Owner/Developer or future owners who develop the lots, will be required to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law and the Development Charges Act 1997, S.O. 1997, c. 27.

That prior to approval of the final plan, the Owner/Developer submit to the Region of Niagara and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MECP Stormwater Management Practices, Planning and Design Manual, (as amended).

18. That detailed lot grading, and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Township for review and approval.

19. That the Subdivision Agreement contain a clause that no alteration shall be permitted to the approved master drainage plan, which has the effect of limiting or preventing stormwater flow.
20. That the Subdivision Agreement contains a clause requiring the Owner/Developer design and construct water reservoirs for fire fighting. The capacity and location of the fire cistern(s) are to be designed by a qualified professional and approved by the Township of West Lincoln.
21. That the Subdivision Agreement between the Owner/Developer and the Township of West Lincoln include the following warning clause and that the Owner/Developer agrees to insert the clause in all offers and agreement of purchase and sale or lease for each dwelling unit:

"These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants."
22. That the Subdivision Agreement between the Owner/Developer and the Township of West Lincoln implement the recommendations of the Environmental Noise Study prepared by Valcoustics Canada Ltd. (dated October 7, 2024), as well as the requested Addendum letter Table 1 for noise abatement measures (dated June 10, 2025) addressing industrial uses west of Regional Road 12 and inclusion of warning clauses.
23. That the Subdivision Agreement between the Owner/Developer and the Township of West Lincoln include the following archaeological advisory clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."
24. That the Owner/Developer receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated December 14, 2024) prior to the issuance of a building permit. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

REGIONAL CONDITIONS:

25. That the Owner/Developer 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 a 0.3 metre reserve along Regional Road 12 (Grimsby Road). Shown as Blocks 8 and 9 on the draft plan.
26. That revised engineering drawings addressing the transportation engineering comments are submitted for review and approval by Regional Municipality of Niagara staff.
27. That prior to any construction taking place within the Regional Road Allowance, the Owner/Developer shall obtain a Construction Encroachment Permit.
28. That the Owner/Developer ensure that all streets and development blocks can provide access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling and complete the Application for Commencement of Collection prior to waste collection services commencing.
29. That the Subdivision Agreement between the Owner/Developer and the Township contain a provision whereby the Owner/Developer 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 (NPCA) CONDITIONS:

30. That the Subdivision Agreement contain a clause that the Owner/Developer provides the NPCA with the required justification for the need of the realignment of the watercourse. Justification should also speak to the core mandates of conservation authorities in that the realignment will not create conditions or circumstances that, in the event of a natural hazard, might result in the damage or destruction of property or persons, and not affect the control of flooding, erosion, or unstable soil or bedrock.
31. That the Subdivision Agreement contain a clause that the Owner/Developer acknowledges that a realigned channel should be located within its own block without buffers extending onto other private lands and be sized sufficiently to convey a 100-year storm event. Natural channel design principles shall be considered to ensure the realignment does not result in erosion or flooding concerns.

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

32. That the Owner/Developer enters into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.

UTILITY COMPANY CONDITIONS:

33. That the Subdivision Agreement contain a clause that the Owner/Developer is responsible to contact the appropriate utility company to confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.
34. That the Owner/Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST CONDITIONS:

35. That the Owner/Developer shall complete to the satisfaction of Canada Post the following:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 1. That the home/business mail delivery will be from a designated Centralized Mail Box.
 2. That the Owner/Developer be responsible for officially notifying the purchasers of the exact centralized Mail Box location prior to the closing of any home sales.
 - b) The Owner/Developer further agrees to:
 1. Work with Canada post to determine and provide a temporary suitable Centralized Mail Box location which may be utilized by Canada Post until the permanent pavement is installed in the development.
 2. Install a concrete pad (engineering servicing plans) in accordance with the requirements of and in locations to be approved by Canada post to facilitate the placement of Community Mail Boxes.
 3. Maps are also to be predominantly displayed in the sales office showing specific Centralized Mail Facility Location.

LAPSING CONDITION:

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/Developer wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

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

- **THE TOWNSHIP OF WEST LINCOLN** – Conditions 1 – 24
- **NIAGARA REGION** – Conditions 25 – 29
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 30, 31
- **NIAGARA PENINSULA ENERGY INC** – Condition 32
- **UTILITY COMPANYS** – Conditions 33, 34
- **CANADA POST** – Condition 35

NOTES:

Conveying

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by "metes and bounds", we suggest that the description be so worded, and,
- (b) We further suggest that the Owner/Developer give to the municipality an undertaking to deposit with the Director of Growth and Sustainability a properly executed copy of the conveyance concurrent with the registration of the plan.

1. Land Required to be Registered Under the Land Titles Act

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

2. 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) 957-3346 ext. 5131

- (b) With respect to the requirements of the Township's Public Works Department contact:

Mr. Mike DiPaola
Director of Infrastructure
318 Canborough Street, P.O. Box 400
Smithville, Ontario, L0R 2A0
Telephone: (905) 957-3346 ext. 5142

- (c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Pat Busnello
Manager, Development Planning
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario, L2V 4T7
Telephone: (905) 980-6000 ext. 3379

- (d) With respect to the requirements of Niagara Peninsula Energy Inc.:

4548 Ontario Street, Unit 2
Beamsville, Ontario, L0R 1B5
Telephone: (905) 563-5550

- (e) With respect to the requirements of Canada Post:

Mr. David Kyle
Canada Post Corporation
Delivery Planning
955 Highbury Avenue North
London, ON N5Y 1A3
Telephone: (519) 520-0795

- (f) With respects to Bell Canada:

Ms. Meaghan Palynchuk
Manager, Municipal Relations
Telephone: (905) 540-7254
Mobile: (289) 527-3953

3. Review of Conditions

Owner/Developer 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 Director of Planning and Buildings attention. The Township 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 Site

Plan Agreement between the Owner/Developer and the Township to those agencies.

Region of Niagara Review

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Regional Planning and Development Services for verification that the appropriate clauses have been included. **Note:** It is also recommended that a copy of the draft agreement also be provided to Niagara Region in order to allow for the incorporation of any necessary revisions prior to execution.

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.