

REPORT TO PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

October 4, 2010

TO: Chair and Members of the Committee

FROM: Brian Treble, Director of Planning and Building

RE.: **Recommendation Report**
Official Plan Amendment #15 – 5 Year Review

REPORT NO.: PD-141-10

RECOMMENDATIONS

That, Report No. PD-141-10, dated October 4, 2010, relating to Official Plan Amendment #15- 5 Year Review, BE RECEIVED; and,

That, a by-law to adopt Amendment No. 15, Official Plan 5 Year Review, BE APPROVED; and,

That, Official Plan Amendment No. 15, being the Township of West Lincoln 5 Year Review, be forwarded to the Region of Niagara for approval; and,

That, the Township of West Lincoln 5 Year Review is not complete until deferral area #1 (status and boundary of Grimsby Centre) is reviewed and approved and/or refused by Council for the Township of West Lincoln.

PURPOSE OF THIS REPORT

The purpose of this report is to provide an outline of final comments on this Official Plan Amendment (under separate cover) and a recommendation to the Planning/Building/Environmental Committee (the Committee) with respect to the proposed 5 Year Review.

PLANNING REVIEW

A review of the Provincial Policy Statement, Places to Grow Plan, Greenbelt Plan, Regional Policy Plan and other related Provincial and Regional policy and regulations has been taken into account over the past several reports that have been written with respect to the Official Plan 5 Year Review.

Township Planning Staff advise that in Staff's professional opinion the proposed Official Plan Amendment conforms to the relevant policies and procedures of the Province and Region.

COMMENTS AND DISCUSSION

The timeline of reports and meetings is found at Attachment No. 1, and the summary of comments received and actions taken to date is found at Attachment No.2.

The following represents a review of written and verbal comments received at the Public Meeting held on September 27, 2010, written comments contained in Information Report PD-136-10, previously unaddressed written correspondence attached to the Technical Report PD-133-10, and any remaining unfinished business.

Agency Comments

- a) Bell Canada letter dated September 3, 2010 has requested the following:
- i. That clarification be provided in Section 4.2.2.a)v) that linear infrastructure includes associated equipment
 - ii. That the word "Public" be removed from Section 14.12

Staff response:

Staff concurs with both requests but note that 4.3.1 v) is the actual Section number of the first section in question.

- b) Niagara Peninsula Conservation Authority letter dated July 16, 2010. The letter is at Attachment No. 3 to this report.

Staff response:

Staff agrees with some of the concerns that have been raised. Notes are found in the right hand column of Attachment No. 3 which summarizes the actions taken and changes proposed by Staff.

- c) Enbridge Gas letter received in July of 2010 requests that additional wording be added to the Township Official plan as follows:

"Natural Gas pressure redirection stations regulation and metering facilities, ancillary facilities related to emergency generators in addition to the Natural Gas facilities."

Staff response:

Slightly modified wording has been added to 14.13 as a new Subsection e)

Public Comments

- a) Adam Stelmaszynski on behalf of Albert Oddi affecting 7838 Twenty Road. Mr. Stelmaszynski advised that:
- i. LEAR analysis should be completed for Township and specifically Oddi lands
 - ii. Farmers should be provided with opportunity to develop in the country
 - iii. Need to support and accommodate Green Energy developments

Staff response:

A LEAR analysis should be completed or at least recognized by the Region first. A few years ago Township Staff were informed that Regional Staff are not interested in undertaking a LEAR analysis. Second, severance policies must conform to the Provincial Policy Statement which limits lot creation and infill developments in the country. Finally, large energy projects that are permitted through the Green Energy and Green Economy Act are exempt from approval under the Planning Act.

- b) Representatives of Jake den Hollander attended the September 27, 2010 Public Meeting. Three family members spoke on behalf of their father and requested the following:
- i. That Silverdale obtain Hamlet status

- ii. That their lands be included for future consent purposes

Staff response:

Staff proposes that Silverdale be upgraded to Hamlet status. Secondly, boundary expansions of Hamlets and/or Rural Clusters must not be for the sole purpose of lot creation. Current policy does not support a boundary adjustment in this case.

- c) Anne Meinen spoke and provided a written submission at the Public Meeting and requested that Abingdon West be upgraded to a Hamlet.

Staff response:

Staff analysis does not support the designation change that is requested for Abingdon West based on current uses of the area. Ms. Meinen has an interest in creating lots within this area. Since her severance applications were received by the Township before a change to the Rural Cluster policies, the severances will be evaluated under the existing Rural Cluster provisions. Hamlet status will not be needed to permit Staff and Committee to consider her severance applications. Further, infill opportunities are limited after her applications are considered.

- d) John Ariens on behalf of the Lincoln Agricultural Society supports the deferred policy for Grimsby Centre. Verbal presentation was made on September 29, 2010 to support the proposed deferral wording.

Staff response:

A complete application for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBL) has been received for the proposed new West Niagara Agriplex. This proposal will be evaluated in 2011 on its own merits. A decision on the proper designation for Grimsby Centre will occur following the site specific OPA and Zoning By-law.

- e) Stephanie Kikot requests that Abingdon be upgraded to a Hamlet and include her lands.

Staff response:

Staff support inclusion of Abingdon as a Hamlet with minor boundary adjustments, but cannot support inclusion of her lands given their distance from Abingdon.

- f) Brenda and Robert Lee (letter and petition dated September 22, 2010) have concerns about the recognition of Grimsby Centre as a Hamlet and are requesting that it retain Rural Cluster status. Further detailed concerns about drainage, traffic and other concerns have been noted.

Staff response:

These comments should be referred to the Lincoln Agricultural Society OPA (OPA #30) and ZBL files for review and comment as part of the public review process for this site specific application.

- g) Letter dated September 22, 2010 from Nick and Anne DeFilippis relating to the re-designation of Grimsby Centre from a Rural Cluster to a Hamlet.

Staff response:

Refer these comments to the Lincoln Agricultural Society OPA (OPA #30) and ZBL public consultation process. In the interim Staff proposes to defer the decision on Grimsby Centre.

- h) Nick DeFilippis, Frank DeFilippis and Risto Mijatovic letter dated September 22, 2010 relating to upgrading of Fulton. They support the upgrade but request the expansion of the boundaries to the east, west and south to include additional lands.

Staff response:

The upgrading of Fulton to a Hamlet is supported by Township Staff. Unfortunately, urban boundary expansion into farmland for significant additional development purposes is contrary to Regional and Provincial policy at this time.

- i) Olij and Faber letter dated September 27, 2010 on behalf of 2645 South Grimsby Road (Mark and Helen Van Andel) has requested that their land also be included in the urban boundary of the Hamlet of Fulton.

Staff response:

The effect of these last two requests (h and i above) above results in more than a doubling of the size of Fulton. Minor boundary adjustments might be supportable, but not significant changes as requested. Such a change is even being resisted right now for Smithville.

- j) Carol Griffin (Part Lot 7, Concession 6, former Township of Caistor, now in the Township of West Lincoln) and Cec Bovaird, on behalf of clients who own 6536 Regional Road #14) had expressed concern in June of 2010 about Fish Habitat that is depicted on their farmland.

Staff response:

After extensive research, Staff was able to confirm, with the assistance of Ann Yagi of the Ministry of Natural Resources in Vineland, that Fish Habitat mapping can be re-evaluated through the completion of a Fish Assessment Study. Until such a study is completed the mapping should remain. Regional Staff and Niagara Peninsula Conservation Authority staff was not able to provide any further assistance.

- k) Eleanor Black provided written comments in July of 2010 advising that Port Davidson had been a historic settlement and should be recognized.

Staff response:

Unfortunately, Provincial and Regional policy do not permit the recognition of Settlement Areas that are not currently recognized.

- l) Geraldine Bell has telephoned following the September 27, 2010 public meeting to clarify the status of Caistorville. She was concerned that no mention of Caistorville was made at the Public Meeting. She was concerned that no mention of Caistorville meant that its status as a Hamlet was in jeopardy.

Staff response:

Staff has tried to reassure her that the four original Hamlets of Caistorville, Wellandport, Grassie and St. Ann's were safe and not changing. She would also like some of her

farmland added to Caistorville. Unfortunately, this is not the right time to do so and such an attempt would not be supported by the Region or the Province at this point.

- m) Referral Item from February 2010 Committee Meeting – Does the Region provide notice to the Township of any road realignments and/or road widening that the Region may undertake.

Staff response

Email contact with Regional Public Works confirmed that they would not normally inform the Township of West Lincoln of any road alignment or conveyance process. The response received is found at Attachment No. 5 to this report.

STAFF COMMENTS

Some additional policy work will continue to be required following completion of this 5 Year Review Amendment. For example, policy work to satisfy the requirements of the Federal Gas Tax program and the Region's new bicycling policy (approved by Regional Council in September 2010) will need to be evaluated. This review will include future discussion with the Committee on establishing policies for the Township of West Lincoln.

Finally, natural corridor mapping and refinement of the Natural Environment mapping as depicted by the Environmental Protection Areas (EPA's) and Environmental Conservation Area (ECA's) will be ongoing.

Future reports to Committee and Council will address these issues in more detail.

CONCLUSION

Subject to the discussions of the Committee, Staff will provide written responses to each of the above noted public agencies and the public outlining our actions or concerns with their modification requests. Subject to the changes, as noted above, and as shown in bold in the Draft Official Plan 5 Year Review document (under separate cover), Staff recommend approval of the 5 Year Review so that it can be forwarded to the Region for final approval.

The status and mapping of Grimsby Centre will be finalized following review of the Lincoln Agricultural Society application for Official Plan Amendment. This would then complete the 5 Year Review.

ATTACHMENTS

1. Timeline, chronology of events
2. Summary of Historical comments received and action taken
3. NPCA letter dated July 16, 2010
4. OPA #15 and corresponding Land Use Schedules (under separate cover)
5. Email communication with Regional Public Works
6. Draft By-law

Respectfully Submitted By:



Brian Treble, MCIP, RPP
Director of Planning and Building

OFFICIAL PLAN AMENDMENT #15

PD - 141 - 10
ATTACHMENT NO. 1
PAGE 7

OFFICAL PLAN 5 YEAR REVIEW TIMELINE

DATE	REPORT/EVENT	DETAIL
November 12, 2007	PD-150-07	Info. Report – Timeline for Official Plan 5 Year Review
December 3, 2007	PD-162-07	Info. Report – Changes to Sections 1 and 2
January 14, 2008	PD-113-08	Info. Report – Proposed changes to Section 3
September 8, 2008	PD-106-08	Info. Report – Draft Agriculture policies
March 9, 2009	PD-042-09	Info. Report – Revised Timeline of 5 Year Review
April 14, 2009	PD-051-09	Info. Report – Model Natural Environment policies
May 9, 2009	PD-084-09	Info. Report – Changes to Section 11 (Implementation)
September 14, 2009	PD-153-09	Info. Report – Housing and Heritage policies
November 30, 2009	PD-109-09	Rec. Report – Public Consultation requirements for Compliance process and 5 Year Review
November 30, 2009	PD-201-09	Info. Report – Draft Parks policies
January 11, 2010	PD-010-10	Info. Report – Proposed Waste Management policies
January 11, 2010	PD-011-10	Rec. Report – Sample Open House Notice and Public comment timeline
February 8, 2010	PD-020-10	Info. Report – Proposed Watershed planning policy
February 8, 2010	PD-021-10	Info. Report – Proposed Secondary Plan Policies
February 8, 2010	PD-023-10	Info. Report – Proposed Agriculture Value Added policies
February 8, 2010	PD-026-10	Info. Report – Proposed Sustainability policies (not reviewed by Committee)
February 8, 2010	PD-028-10	Info. Report – Proposed Rural Settlement Area policies
February 8, 2010	PD-029-10	Info. Report – Proposed Infrastructure and Transportation policies
March 8, 2010	PD-031-10	Rec. Report – Proposed policy recommending changes in response to Committee's questions
March 8, 2010	PD-036-10	Rec. Report - Proposed policy changes to Section 11 – Development policies
March 8, 2010	PD-038-10	Rec. Report – Proposed Institutional and Public Use

		policies
March 10, 2010	Public Information Meeting under the Planning Act	Open House on Township 5 Year Review
April 12, 2010	PD-049-10	Rec. Report – Draft new land use schedules to implement proposed policy
April 12, 2010	PD-051-10	Rec. Report – Timing for moving forward with 5 Year Review and Compliance policies
April 12, 2010	PD-052-10	Rec. Report – Proposed revision to Draft 5 Year Review based on March 10 th Open House
May 10, 2010	Public Meeting #1 under the Planning Act	Preliminary text and mapping proposed for 5 Year Review
May 10, 2010	PD-069-10	Tech. Report – Proposed Draft 5 Year Review and review of public and agency comments to date
May 10, 2010	PD-070-10	Rec. Report – Additional policy sections to add or amend
June 14, 2010	Public Meeting #2 under the Planning Act	Proposed Text and mapping changes discussed
June 14, 2010	PD-092-10	Tech. Report – Official Plan 5 Year Review and Tech. Report for Second Plan
July 19, 2010	PD-108-10	Tech. Report #3 – Future of Rural Clusters
July 19, 2010	Public Meeting #3 under the Planning Act	Focus on the future of Rural Clusters and Hamlets
September 13, 2010	PD-133-10	Info. Report – Further Changes based on Committee and Agency input
September 27, 2010	Special Council Meeting/Public Meeting #4 (Sections 17 & 26)	Final Required Public Meetings under Planning Act
September 27, 2010	PD-133-10	Info. Report – Correspondence for Public Meeting

OFFICIAL PLAN AMENDMENT #15

AGENCY & PUBLIC COMMENTS SUMMARY TABLE

AGENCY/MEMBER OF THE PUBLIC	DATE OF COMMENTS	SUMMARY OF COMMENTS & ACTIONS TAKEN
Region of Niagara	September 8, 2008	Comments regarding proposed Agricultural policies: <ul style="list-style-type: none"> • Planning Staff have reviewed and revised the Township Agricultural policies accordingly where appropriate.
NPCA	September 21, 2009	Various comments on the draft Natural Heritage policies: <ul style="list-style-type: none"> • Major revisions to the Natural Heritage policies have occurred since these comments.
Ministry of the Environment	February 11, 2010	Response to Planning Committee's questions and concerns regarding the Waste Management policies.
Region of Niagara	March 8, 2010	Comments on the proposed Waste Management policies: <ul style="list-style-type: none"> • No action required as policies are consistent with Regional Policy. Additional items have been identified that will need to be addressed through the new comprehensive Zoning By-law.
Magdalene Boilard	March 10, 2010	Various concerns related to proposed Transportation policies: <ul style="list-style-type: none"> • Planning Staff investigated these concerns and provided Ms. Boilard with a written response to this investigation. • No additional amendments were made to OPA#15 as a result of these comments.
Edwin Cook	March 2010	Various comments on policies throughout OPA#15 <ul style="list-style-type: none"> • Planning Staff investigated these concerns and provided Mr. Cook with a written response to this investigation. • No additional amendments were made to OPA#15 as a result of these comments.
Kieser Group	March 10, 2010	Comments regarding Grimsby Centre and the development policies for that area: <ul style="list-style-type: none"> • Planning Staff reviewed these comments and provided the Kieser Group with draft policies. This area is now subject of a proposed deferred area.
Christine Ferusi	March 10, 2010	Comments and Questions regarding road classification: <ul style="list-style-type: none"> • Provided a description and discussion of the Transportation policies
Vicky Shirk	March 10, 2010	Comments regarding Caistorville, Niagara GTA Corridor, Natural Heritage System, and Natural Severances: <ul style="list-style-type: none"> • Planning Staff responded to these inquiries providing information and materials where appropriate.
Peter Rhodes	March 10, 2010	Comments regarding the number of Parks and connection between these parks: <ul style="list-style-type: none"> • Planning Staff responded to these inquiries

		providing information and materials where appropriate. Planning Staff also note the need for a Trails and Corridors Master Plan.
Ben Sisler	March 10, 2010	Comments regarding Caistorvillem Niagara GTA Corridor, Natural Heritage System, and Natural Severances: Planning Staff responded to these inquiries providing information and materials where appropriate.
Bell Canada	March 10, 2010	Various comments on draft policies: <ul style="list-style-type: none"> Reviewed and included revised wording as suggested where appropriate.
Carol Griffin	March 11, 2010 & May 20, 2010	Concerns regarding the Core Natural Heritage Designation on her lands & the Fish Habitat designation: <ul style="list-style-type: none"> Provided draft Natural heritage mapping & discussed reasoning & purpose of this mapping. Ministry of Natural Resources advised that removal of Fish Habitat Designation would require a Fisheries Assessment Study to be conducted and approved. Subsequent policies have been drafted to permit proponent to remove Natural heritage Designation through approval process.
Region of Niagara	March 11, 2010	Comments on the proposed Parks Policies: <ul style="list-style-type: none"> No actions required as policies are consistent with Regional Policy Plan
Jen Lawson	March 12, 2010	Question regarding the Agricultural Value-added policies: <ul style="list-style-type: none"> Provided copies of the draft policies and reviewed what would be required in order to obtain approval of her proposal.
Lehman & Associates (on behalf of TransCanada Pipelines)	March 15, 2010	Comments regarding the need to include TransCanada Pipeline designation on land use schedules and corresponding policies: <ul style="list-style-type: none"> TransCanada Pipeline designation included on Schedule 'F' and within Section 14 of OPA #15
Region of Niagara	March 23, 2010	Comments regarding the Rural Settlement Area Policies: <ul style="list-style-type: none"> Planning Staff have conducted a Comprehensive review of the Rural Cluster/Hamlet policies and designations and have concluded that some of the existing Rural Clusters warrant a Hamlet designation with the remaining Rural Clusters reverting back to an Agricultural designation.
Region of Niagara	March 29, 2010	Comments regarding the proposed Secondary Plan policies: <ul style="list-style-type: none"> No action required as policies & mapping is consistent with Regional Policy
Township of West Lincoln Council	April/May 2010	Comments regarding Regional Road Widths, road widening & Assumption of Township Roads as regional Roads <ul style="list-style-type: none"> Response from Regional Public Works was provided to this Committee on October 4, 2010.
Ministry of the Environment	April 2010	In response to various concerns raised regarding the Waste Management policies, MOE representative

		responded with an email answering many of these concerns. Planning Staff also note that the Area of Possible influence policies around former landfill site have been removed from OPA#15.
NPCA	April 23, 2010	Comments Regarding the Draft Land Use Schedules" <ul style="list-style-type: none"> • Amendments were made to the draft Land Use Schedules to address the NPCA's concerns
Lehman & Associates (on behalf of TransCanada Pipelines)	April 26, 2010	Letter thanking Planning Staff for addressing their March 15, 2010 comments.
Geraldine Bell	April 30, 2010	Comments requesting her lands be included within the Hamlet of Caistorville: <ul style="list-style-type: none"> • Provincial Policy would not permit the expansion of the Hamlet of Caistorville. Written response to the policy issues was provided to Ms. Bell.
Upper Canada Consultants (Chris Millar)	May 10, 2010	Comments Respect the Agricultural Value-Added Policies with respect to Niagara Pallet's Official Plan Amendment & Zoning By-law Amendment <ul style="list-style-type: none"> • The Official Plan Amendment review process is still underway. • Regional Model policies have been used in drafting Township policies. As a result of an Ontario Municipal Board Appeal, of the Regional Value-Added policies are not yet fully applicable and are not able to determined how and to that extent Niagara Pallet's concerns have been addressed.
Edwin Cook	May 10, 2010	During the Public Meeting Mr. Cook raised a number of concerns with respect to Natural Heritage policies, and the division of the Natural Heritage policies based upon jurisdiction over these features.
Region of Niagara	May 18, 2010	Comments regarding the proposed Institutional and Public Use designation: <ul style="list-style-type: none"> • Minor modifications were requested to the policies which have been addressed.
Anne Meinen	June 4, 2010	Request to have the Rural Cluster of Abingdon West recognized as a Hamlet: Based upon a comprehensive review, Planning Staff have concluded the Abingdon West does not warrant a Hamlet designation.
Healthy Living Niagara	June 7, 2010	Various comments on the Official Plan review with respect to healthy living.
Anne Meinen	June 14, 2010	Presented her concerns regarding the Rural Cluster of Abingdon West and the potential for infill lots.
Cec Bovaird	June 17, 2010	Comments Regarding Fish Habitat Designation on Part of Lot 34, Concession 6, Gainsborough: <ul style="list-style-type: none"> • Ministry of Natural Resources advised that removal of Fish Habitat Designation would require a Fisheries Assessment Study to be conducted and

		<p>approved. Subsequent policies have been drafted to permit proponent to remove Natural heritage Designation through certain approval processes. Presented these concerns during the Public Meeting held on June 14, 2010.</p>
Anne Meinen	July 13, 2010	<p>Request to have the Rural Cluster of Abingdon West recognized as a Hamlet:</p> <ul style="list-style-type: none"> Based upon a comprehensive review, Planning Staff have concluded the Abingdon West does not warrant a Hamlet designation.
Eleanor Black	July 13, 2010	<p>Request to have the historical settlement area of Port Davidson recognized:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the creation of new settlement areas, therefore Port Davidson cannot be recognized.
NPCA	July 16, 2010	<p>Various comments on Section, policies, and implementing Schedules:</p> <ul style="list-style-type: none"> Appropriate amendments have been made to these respective sections, policies, and land use schedules to address the NPCA's concerns
Ruth Griffin	July 19, 2010	<p>Request to have her lands include in the Rural Cluster of Caistor:</p> <ul style="list-style-type: none"> Based upon Provincial and Regional policy, significant expansion of non-serviced settlement areas is not permitted. Minor adjustments have been proposed for Caistor Centre to include the school. This has resulted in a minor adjustment to the Griffin lands,
Risto & Sonia Mijatovic	July 19, 2010	<p>Request to have their land included within the Hamlet of Fulton:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the expansion of the Hamlet Settlement Areas. Therefore, the Mijatovic's lands were not included within the Hamlet boundary. <p>Their letter was read during the July 19, 2010 Public Meeting</p>
Matthew & Stephanie Kikot	July 19, 2010	<p>Request to have their land included within the Hamlet of Abingdon:</p> <ul style="list-style-type: none"> Based upon Provincial and Regional policy, expansion of non-serviced settlement areas is not permitted. <p>Also presented the opinion contained within this letter at the public meeting held September 27, 2010. Minor boundary adjustments have been proposed. Significant expansion is not supported.</p>
John S. Ariens	July 19, 2010	<p>Request to have Grimsby Centre recognized as a Hamlet and that the boundary be moved to permit the Lincoln Agricultural Society to locate on lands within the proposed Hamlet:</p> <ul style="list-style-type: none"> As a decision on Grimsby Centre is not expected

		<p>at this time (Deferred Area #1) these comments will be brought forward at the time of a formal recommendation.</p> <p>Also presented his opinion on Grimsby Centre during the public meeting held this evening on September 27, 2010 and expressed support for the proposed deferral.</p>
Nick DeFilippis	July 19, 2010	<p>Letter of opposition to recognizing Grimsby Centre as a Hamlet:</p> <ul style="list-style-type: none"> As a decision on Grimsby Centre is not expected at this time (Deferred Area #1) these comments will be brought forward at the time of a formal recommendation. <p>His letter was received during the July 19, 2010 Public Meeting</p>
Frank DeFillipis	July 19, 2010	Presented his request to have his lands included within the Hamlet boundary of Fulton.
Dale Sensabaugh	July 19, 2010	Requested that his parcel of land be included within the Hamlet boundary of Attercliffe.
Anne Meinen	July 19, 2010	Presented her request to have Abingdon West recognized as a Hamlet.
Enbridge Gas	July 2010	<p>Request for additional policies regarding Natural Gas stations and facilities:</p> <ul style="list-style-type: none"> Reviewed and included revised wording as suggested where appropriate.
Jack den Hollander	August 6, 2010	<p>Request to have his lands included within the Hamlet Settlement Area of Silverdale:</p> <p>Provincial Policy would not permit the expansion of the Hamlet Settlement Areas at this time. Therefore, Mr. den Hollander's lands were not included within the Hamlet boundary.</p>
Lucien Larochelle & Various other Residents (Petition)	August 30, 2010	<p>Request to have various parcels of land included within the Hamlet Settlement Area of Abingdon:</p> <ul style="list-style-type: none"> The parcels requested to be included are sufficiently outside of Abingdon; therefore there is no justification to have them included. Historical mapping shows that these lands were not within the Hamlet boundary.
Bell Canada	September 3, 2010	<p>Various comments on draft policies:</p> <ul style="list-style-type: none"> Reviewed these requests and included revised wording as suggested where appropriate.
Jack den Hollander	September 12, 2010	<p>Request to have his lands included within the Hamlet Settlement Area of Silverdale:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the expansion of the Hamlet Settlement Areas. Therefore, Mr. den Hollander's lands were not included within the Hamlet boundary.
Cec Bovaird	September 13, 2010	<p>Comments Regarding Fish Habitat Designation on Part of Lot 34, Concession 6, Gainsborough:</p> <ul style="list-style-type: none"> Ministry of Natural Resources advised that removal of Fish Habitat Designation would require a

		Fisheries Assessment Study to be conducted and approved. Subsequent policies have been drafted to permit proponent to remove Natural heritage Designation through certain approval processes.
Brenda & Robert Lee	September 22, 2010	<p>Letter of opposition to recognizing Grimsby Centre as a Hamlet:</p> <ul style="list-style-type: none"> As a decision on Grimsby Centre is not expected at this time (Deferred Area #1) these comments will be brought forward at the time of a formal recommendation. A Petition was attached to this letter signed by other Grimsby Centre residents. Both documents will be forwarded to the Planning process for the Lincoln Agricultural Society.
Nick & Anna DeFilippis	September 22, 2010	<p>Letter of opposition to recognizing Grimsby Centre as a Hamlet:</p> <ul style="list-style-type: none"> As a decision on Grimsby Centre is not expected at this time (Deferred Area #1) these comments will be brought forward at the time of a formal recommendation ofor the Lincoln Agricultural Society.
Nick & Anna DeFilippis	September 22, 2010	<p>Request to have their land included within the Hamlet of Fulton:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the expansion of the Hamlet Settlement Areas. Therefore, these lands were not included within the Hamlet boundary.
John S. Ariens	September 22, 2010	<p>Letter of opposition to recognizing Grimsby Centre as a Hamlet:</p> <p>As a decision on Grimsby Centre is not expected at this time (Deferred Area #1) these comments will be brought forward at the time of a formal recommendation.</p>
Harold Olij on behalf of the Van Andele's	September 22, 2010	<p>Request to have their land included within the Hamlet of Fulton:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the expansion of the Hamlet Settlement Areas. Therefore, Mr. Hollander's lands were not included within the Hamlet boundary.
Albert Oddi & Adam Stelmaszynski	September 27, 2010	<p>Requested that his lands receive an appropriate designation (Rural Lands) to permit the development of a retirement village:</p> <ul style="list-style-type: none"> Provincial and Regional policy do not recognize his lands as being "Rural", therefore no action has been taken. <p>LEAR analysis requires Regional support which the Region will not process.</p>
Tyson den Hollander	September 27, 2010	<p>As part of the Special Meeting of Council Mr. den Hollander spoke in support of the den Hollander request to have their lands included in the Hamlet of Silverdale:</p> <ul style="list-style-type: none"> Provincial Policy would not permit the expansion of

		the Hamlet Settlement Areas. Therefore, Mr. Hollander's lands were not included within the Hamlet boundary.
Sheana Furry	September 27, 2010	As part of the Special Meeting of Council Ms. Furry spoke in support of the den Hollander request to have their lands included in the Hamlet of Silverdale: <ul style="list-style-type: none"> • Provincial Policy would not permit the expansion of the Hamlet Settlement Areas. Therefore, Mr. den Hollander's lands were not included within the Hamlet boundary.
Anne Meinen	September 27, 2010	As part of the Special Meeting of Council Ms. Meinen spoke in support of her request to have the Rural Cluster of Abingdon West as a Hamlet. <ul style="list-style-type: none"> • Based upon a comprehensive review, Planning Staff have concluded the Abingdon West does not warrant a Hamlet designation.
Stephanie Kikot	September 27, 2010	Request to have their land included within the Hamlet of Abingdon: <ul style="list-style-type: none"> • Based upon Provincial and Regional policy, expansion of non-serviced settlement areas is not permitted. Also presented the opinion contained within this letter at the public meeting held this evening.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

PD - 141-10 3
ATTACHMENT NO. 2
PAGE 16

July 16, 2010

Sent by fax 1-905-957-3219

Our File No. MPR 4.41.2

Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, ON L0R 2A0

Attention: Mr. Brian Treble, Director of Planning

Dear Mr. Treble,

Subject: Township of West Lincoln Official Plan 5 Year Review OPA 15, (March 23, 2010)

Thank you for the opportunity to provide comments on the Official Plan 5 Year Review. The comments attached are based on a variety of Conservation Authority responsibilities including:

- the Conservation Authorities Act (Section 20(1) states: "the objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals");
- the agency delegated by the Province to address Natural Hazards (PPS 2005) in the review of planning applications;
- Niagara Planning MOU (2007);
- our partnership with the Federal Department of Fisheries and Oceans(DFO); and
- Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Document (rev. December 2009).

The NPCA would like to receive notice of any public meetings and Council's decision on the Official Plan. If you have any questions, please give me a call.

Sincerely,

Suzanne McInnes, MCIP, RPP
Watershed Planning Coordinator (ext. 235)

cc. A. Gummo, MCIP, RPP, Region of Niagara, Integrated Community Planning Department

Section 2.5	p. 6 consider adding the words "natural hazards" following "Protection of natural heritage areas...."	OK 7 PJ
Section 2.7	This section indicates that the policies and designations are intended to guide development for a twenty year time frame which would be 2030. Why is 2033 used?	OK 9 PJ
Section 3.4	Consider adding another section here to explain the "Natural Hazard" land use. Consider using the following text: "In accordance with Provincial and Regional policy, development shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams that are impacted by flooding hazards and/or erosion hazards and hazardous sites (e.g. karst topography)." This reflects the language of the PPS Natural Hazards policies (PPS, Section 3.1)	OK ✓ PJ B
Section 4.5 (a) Area 1	Why does this policy include provisions for expansion of the recycling and salvage operation? Any expansion should be subject to the planning rules that are in place at the time of the proposed expansion. There are Natural heritage features shown on this property in the Region's OPA 187 mapping.	add 2 natural features p 13
Section 7.1 Rural Settlement Areas	Policy 7.1 should recognize that the Rural Settlement Areas also include EPA, ECA and Natural hazards and that there are policies in place to address these environmental features.	Result of OMB decision see 7.3.1)
Section 7.2.2 (a) (c)	This policy indicates that the protection of residential uses will be given priority over other uses. Many of the existing residential areas were identified and zoned prior to the current PPS, Regional OPA 187 and NPCA's Regulation 155/06. The 5 year review should identify where there are new EPA and ECA lands in the rural settlement areas and include appropriate policies to protect those features and not assume that residential uses will take precedent.	we do! ✓
Section 7.2.2 (a) (l)	Environmental Protection Areas, Environmental Conservation Areas and hazard lands should be also identified in the mapping of hamlets in the Official Plan not just in the zoning bylaw.	done ✓
Section 7.3.3 (g)	Environmental Protection Areas, Environmental Conservation Areas and hazard lands should be also identified in the mapping of rural clusters in the Official Plan not just in the zoning bylaw.	N/A
Section 7.5 (e)	Use consistent language in the plan to refer to Natural Heritage and Natural Hazards.	N/A
Section 10.3.5.2 (g)	In addition to referencing the MOE Stormwater Guidelines please also reference Greater Golden Horseshoe Conservation Authorities document http://www.npca.ca/forms/documents/ErosionandSedimentControl%20Guidelines.pdf as well as NPCA's Stormwater policies http://www.npca.ca/forms/documents/NPCASWMMManual-Guidelines.pdf that were adopted by the NPCA Board March 2010.	No
Section 10.3.8.3 b)	Please reference the current NPCA Regulation 155/06 the Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (as amended) instead of the outdated "Fill, Construction and Alteration to Waterways Regulation".	done ✓
Section 10.3.8.3 (c) iii) Natural Hazards	This section needs to be updated to reflect current NPCA Policies for development adjacent to valleys (See NPCA policy 3.25). The following policies need to be incorporated into the West Lincoln Official Plan: For all new lots created in a greenfield or brownfield situations, the rear lot lines or side lot lines (as the case may be) shall be set back 7.5m from the NPCA approved stable Top of Slope.	17.3.1.8)

	<p>NPCA Policy 3.25.4 Existing Development Within and Adjacent to Valleylands in its entirety should be included in the Official Plan:</p> <p>1) Where buildings and structures already exist within 15 metres of the Stable Top of Slope and a 7.5 metre publicly owned access is not provided adjacent to the Stable Top of Slope the following policies will apply: Any replacement (same size and use) or additions to the existing buildings and structures may be permitted subject to the following: i) the replacement or addition does not encroach any closer to the Stable Top of Slope than the existing development at its closest point; ii) even-if-existing-development-is-closer-than-7.5-metres-to-the-Stable-Top-of-Slope, no new development is permitted within 7.5 metres of the Stable Top of Slope in order to provide for an erosion access allowance as per the Provincial Policy Statement; iii) a geotechnical assessment by a qualified engineer (at the expense of the applicant), may be required to determine the location of the Stable Top of Slope and to determine if the proposed development would have a negative impact on slope stability. and, iv) In cases where the building or structure can be reasonably relocated outside of the setback the applicant will be encouraged to do so.</p> <p>2) For Existing Lots adjacent to Slopes (bank height equal to or greater than 3 metres), a minimum setback of 7.5 metres (25 feet) from the NPCA Approved Physical Top of Slope as surveyed by the applicant shall be required for stability purposes and the Conservation of Land, for all Development, Buildings, and Structures (including swimming pools). A reduction in this setback will only be considered in cases of unusual circumstances where an Existing Lot of Record contains insufficient depth to accommodate required setbacks and a Geotechnical Investigation reveals that some infringement within the setback area, together with mitigative measures can be accommodated on-site while maintaining bank stability and will result in no adverse long term environmental impacts. In no case shall the setback reduction be such that Development is allowed beyond the Physical Top of Slope.</p> <p>3) In specific cases where Buildings, Structures or private access roads already exist on a valley wall, Reconstruction or alteration may be permitted subject to the following: a) Best efforts must be undertaken to relocate the existing Structure outside of the valley and associated tableland Regulation Limit. b) A qualified professional must complete a geotechnical study to determine the risk of the proposed work. The study will include an assessment of the stability of the valley wall, rate of Erosion or recession of the valley wall, access issues and an assessment of the construction technique on the valley wall. The design of any works must ensure that the long-term stability of the valley wall is maintained and that no risk to life or property damage is anticipated. c) No adverse environmental impacts to existing natural features and functions.</p>
Section 16.13.3	There are no schedules with a "Natural Environment" designation. Consider including text that would be more specific about what lands these policies apply to and which Schedule is being referenced..
Section 16.13.3 (a)	Typo? Delete "phases" and replace with "policies".

no

no

OK.

Section 16.13.3 (c)	Its not clear why severed and retained parcels need to be a minimum of 30 ha. If a 60 ha parcel containing 100% wetland were severed into two parcels that would mean that there are 2 parcels instead of 1 where no development could take place. It would be more important to know that there is an area on each of the severed and retained parcels where a dwelling, amenity area and reserve area for septic (in the rural area) could be established without conflicting with Provincial, Regional and NPCA policies and regulations.
16.13.4	There are no schedules with an "Urban" designation. Consider including text that would be more specific about what lands these policies apply to and which Schedule is being referenced.
Schedule C1 – Natural Heritage System	The text of the OPA 15 indicates that Natural Hazards are included in the Environmental Protection designation. It does not appear that the floodplains for Twenty Mile Creek and Welland River are shown in their entirety in the "dark green" designation on Schedule C1 – perhaps an issue with the way the GIS layers overlay each other on the map?
Schedule C2- Natural Heritage System	It appears that the appropriate floodplain mapping was used on this map, however, there are some situations where the "PSW" designation covers up the floodplain area. Consider some cartography changes to address this issue. Consider changing legend to either remove the word "regulated" from Floodplain category or identify all areas regulated by the Conservation Authority (e.g. wetlands, valleylands, watercourses and floodplains)
Schedule C3- Natural Heritage System	The legend indicates that the map includes valleylands. There are two valleyland areas missing : an area north of South Chippawa Road near Regional Road 14 and an area west of Calstor Centre Road near Concession 3 Road (see NPCA GIS mapping).
Schedule D – Hamlet Boundaries	Map of Grassie and Wellandport are missing fish habitat mapping in the Natural Systems designation.

*pg 104
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No.

Brian Treble

From: Brian Treble
Sent: Friday, July 02, 2010 9:19 AM
To: 'Moffatt, Bill'
Subject: RE: Clarification

Bill:

No there is no specific issue. It would seem to me that it would be good relations to keep the local municipality in the loop.

Brian

Brian Treble
Director of Planning and Building
Township of West Lincoln
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Phone: 905-957-3346
Fax: 905-957-3219
btreble@westlincoln.ca

-----Original Message-----

From: Moffatt, Bill [mailto:bill.moffatt@niagararegion.ca]
Sent: Friday, July 02, 2010 8:16 AM
To: Colosimo, Peter; Brian Treble
Subject: RE: Clarification

It is not our practice to advise the Local Municipality.

Is there an issue?

William Moffatt
Manager Property Management
Regional Municipality of Niagara
2201 St. David's Road, PO Box 1042
Thorold, ON L2V 4T7
PH: 905-685-4225 x3643

-----Original Message-----

From: Colosimo, Peter
Sent: Friday, July 02, 2010 8:09 AM
To: 'Brian Treble'
Cc: Moffatt, Bill
Subject: RE: Clarification

Hi Brian

Gee, you were working on Canada Day ! Hope you took some time to enjoy the day. I'll check with our Manager Realty Services (Bill Moffatt) on the issue you've raised. I know that the municipality would be aware through an Environmental Assessment process, but I'll see if there's a protocol when we're actually out purchasing land for a project.

Bill,

Can you respond to Brian's question as outlined below...thanks

Peter Colosimo, MCIP, RPP

Director, Development Services Division
Public Works Department
Regional Municipality of Niagara
2201 St David's Road
Thorold, Ontario L2V 4T7
Phone: 905-685-4225, ext. 3382
Fax: 905-687-8056
email: peter.colosimo@niagararegion.ca

-----Original Message-----

From: Brian Treble [mailto:btreble@westlincoln.ca]
Sent: Thursday, July 01, 2010 4:43 PM
To: Colosimo, Peter
Subject: Clarification

Peter:

Happy Canada Day!

I am looking for clarification on the following:

If and/or when the Region is looking into the need to purchase/expropriate land for highway/road widening purposes, does the Region ensure that the local Municipality is made aware of the Region's actions/intentions, before contacting affected property owners? Can you find the answer/ clarify this?

Thanks

Brian Treble

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THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2010-#

**A BY-LAW TO ADOPT AMENDMENT NO. 15 TO THE
OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN**

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT Amendment No. 15 to the Official Plan for the Township of West Lincoln, being the attached Schedule and mapping (5 Year Review), is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Region of Niagara for the approval of Amendment No. 15 (5 Year Review) to the Official Plan for the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 12TH
DAY OF OCTOBER, 2010.**

MAYOR KATIE TROMBETTA

CAROLYN LANGLEY, CLERK