



FULTON RURAL EMPLOYMENT LANDS BACKGROUND REPORT

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1 Introduction

1.1 Introduction

The Township of West Lincoln has retained WSP to prepare a Land Use Plan and accompanying reports for lands in the Hamlet of Fulton known as the Fulton Hamlet Rural Employment Study Area (the “Study Area”). The Study Area was added to the West Lincoln settlement area boundary through the Region of Niagara Official Plan (ROP) and Township Official Plan Amendment No. 62 (OPA 62). The project will deliver an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) to establish land use designations, policies and zoning regulations for a designated Rural Employment Area on the subject lands.

The purpose of this Background Report is to review the policy and regulatory framework regarding the Study Area, incorporate and address feedback obtained from the stakeholder and public consultation sessions, and assess the various development opportunities and constraints identified through the research and analysis.

In recent years, the Township has experienced a need for rural employment lands which can support employment uses that do not require municipal services, which are not agricultural in nature, and which generate employment in the Township.

An evaluation process was completed in 2021 and recommended that the Fulton Hamlet be expanded, resulting in OPA 62. This process also resulted in the creation of site-specific policies for Fulton that are found in policy 8.13.4 of the Niagara OP.

1.2 History of Fulton

The Township of West Lincoln is located in the west end of the Niagara region, south of the Town of Grimsby and the Town of Lincoln, east of the City of Hamilton, west of the Town of Pelham and north of Haldimand County and the Township of Wainfleet.

The Hamlet of Fulton is strategically located between Smithville and Hamilton and could help accommodate future rural employment uses that may not need to be located on full municipal water and sewer services.

1.3 Site Context

The Study Area is bound on the south by Regional Road 20, and on the west by South Grimsby Road 19. To the north of the Study Area are wetlands and farmlands. Directly to the east of the Study Area is a row of residential dwellings that front onto South Grimsby Road 18.

The Site is designated within the Fulton Hamlet Settlement Area in the West Lincoln Official Plan.

Surrounding uses include:

- North: Agricultural lands.
- South: Highway 20, vacant lands, agricultural lands, and including some low-rise businesses such as a veterinarian.

- East: Immediately east of the lands are a row of low-rise single detached residential dwellings abutting the lands and a gas station. Further east of the Study Area is South Grimsby Road 18, low-rise single detached residential dwellings and a low-rise business for animal food.
- West: Agricultural lands and South Grimsby Road 19.

1.4 Timeline

In October 2019, the Township of West Lincoln began the Master Community Plan work to undertake various studies to help inform the Region of Niagara Municipal Comprehensive Review. In 2021, the Township retained MHBC Planning to complete a review of the Township's rural settlement areas to identify opportunities for growth, rounding out of settlement area boundaries and locating a rural employment area. Around the same time in 2021, the Region of Niagara's staff report endorsed the "Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update". The Land Needs Assessment from the Region of Niagara proposed growth targets for each lower-tier municipality to be implemented through subsequent local Official Plan Amendments.

The Land Needs Assessment from the Region determined that the Township of West Lincoln should plan for a projected population increase from 16,370 to 38,370 by 2051; the projected number of households would grow from 5,300 to 14,060, and the projected number of jobs would grow from 4,460 to 10,480. Based on these findings, the Region updated the Niagara Official Plan (May 2024 Consolidation) to accommodate and plan for the projected growth in population, households, and employment. Policy 8.13.4 of the Niagara Official Plan states that lands added to the Fulton rural settlement have been included in order to "accommodate forecasted rural employment growth." Therefore, any planning frameworks developed for these lands will aim to promote the development of rural employment.

Subsequently, the Township of West Lincoln updated its Official Plan through Amendment No. 62 to incorporate the Region's projected growth forecasts. OPA 62 also expanded the settlement areas of Abingdon, Bismark, Caistorville, Fulton, Smithville, and Wellandport. The expansion of the Fulton settlement area includes the Study Area. Further details on OPA 62 are discussed in **Section 4.5** of this report.

At the end of 2024 the Township retained WSP to undertake a planning study to prepare a land use plan and zoning by-law amendment to provide policies and zoning regulations for the use of the subject lands for Rural Employment. The scope of work includes public consultation, identification of development constraints and stakeholder engagement. This finalization of this report represents the conclusion of Phase 1 of the planning study before the preparation of more detailed technical analyses.

2 Provincial Direction

The objective of the Fulton Rural Employment Area Land Use Study is to prepare an Official Plan Amendment and Zoning By-law Amendment to facilitate the development of the subject lands for employment uses that are appropriate for the rural settlement area of Fulton. The process of adopting these amendments, and the content of these amendments, are required to follow the direction of Provincial legislation and policy, including the Planning Act, and the Provincial Planning Statement.

2.1 Planning Act, R.S.O. 1990, c. P.13

The Planning Act provides legislative authority for municipalities to adopt Official Plans and Zoning By-laws to guide and regulate land use within their jurisdiction. Official Plans are required to have regard for matters of provincial interest as established in Section 2 of the Act, and they must be consistent with Policy Statements issued under Section 3 of the Act. The Planning Act also provides provisions that apply to areas of employment that must be reflected in the Official Plan and Zoning By-law Amendments.

Section 2 of the Planning Act establishes matters of provincial interest. All planning decisions must have regard for matters of provincial interest. These include:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (k) the adequate provision of employment opportunities;
- (o) the protection of public health and safety;
- (r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The subsequent Official Plan and Zoning By-law Amendments will need to demonstrate regard for the above-noted matters of provincial interest.

Section 3 of the Planning Act established the authority of the Minister to issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. The current policy statement is the Provincial Planning Statement (2024), discussed in the next section of this report.

Section 1(1) of the Planning Act defines an “area of employment” as an area of land designated in an official plan for clusters of business and economic uses. The Planning Act provides a non-exhaustive list of uses that would meet the criteria of an area of employment, including:

- i. Manufacturing uses.
- ii. Uses related to research and development in connection with manufacturing anything.
- iii. Warehousing uses, including uses related to the movement of goods.
- iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
- vi. Any other prescribed business and economic uses.

The Act specifically states in Section 1(1) 2. that institutional uses and standalone commercial uses, including retail and office uses, are not considered to meet the criteria for an area of employment.

Section 1(1.1) of the Planning Act provides further direction regarding Areas of Employment and states, “An area of land designated in an official plan for clusters of business and economic uses is an area of employment for the purposes of this Act even if the area of land includes one or more parcels of land that are subject to official plan policies authorizing the continuation of a use that is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1), provided that the use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the Helping Homebuyers, Protecting Tenants Act, 2023 came into force”.

This has the effect of exempting legally existing land uses within an Area of Employment from the exclusionary provisions of Section 1(1) 2. noted above.

If an Area of Employment is designated in the Official Plan, and there are policies dealing with the removal of land from Areas of Employment, the Planning Act disallows appeals of any Amendments that would remove land from an Area of Employment (Section 22(7.3) and 34(11.0.05)).

2.2 Provincial Planning Statement, 2024

Under Section 3 of the Planning Act, all planning decisions must be consistent with the Provincial Planning Statement, 2024 (The “PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario including growth management, protection of natural heritage features and areas, areas of employment, and land use compatibility.

Chapter 2 of the PPS (2024) focuses on building homes and sustaining strong and competitive communities. The overall direction of this chapter is to plan for forecasted development by designating sufficient land for an appropriate mix of land uses to accommodate growth for up to 30 years.

2.2.1 Settlement Areas

The hamlet of Fulton settlement area was expanded to include the study area through OPA 62. Section 2.3 of the PPS provides policy direction for Settlement Areas and directs that settlement areas shall be the focus of growth and development in municipalities.

Policy 2.3.1.2 directs that land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

Policy 2.3.1.6 directs that planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.

The hamlet of Fulton is considered a Rural Settlement Area. Section 2.5 of the PPS provides policy direction for Rural Areas. Policy 2.5.3 requires that when directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

2.2.2 Employment

Section 2.8 of the PPS provides policies related to Employment, including direction on facilitating development to support employment needs, and policies for ensuring employment uses do not have adverse effects on sensitive land uses like residences.

Section 2.8.1 directs that municipalities promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and
- e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

Policy 2.8.1.3 states, “on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines”. This direction is in addition to the general land use compatibility policies of Policy 3.5.

2.2.3 Employment Areas

Section 2.8.2 provides policies specific for Employment Areas. Policy 2.8.2.1 states that municipalities should plan, protect, and preserve employment areas for current and future uses.

Policy 2.8.2.2 directs that “Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations”.

Policy 2.8.2.3 further directs and encourages planning authorities to designate, protect and plan for all employment areas within settlement areas by:

- a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and good movement, and associated retail and office uses and ancillary facilities;
- b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;
- c) prohibiting retail and office uses that are not associated with the primary employment use;
- d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and
- e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability

Policy 2.8.2.4 requires, in part, “In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas”.

Once an Employment Area is designated, the lands within the designation are to be protected in accordance with the policies referenced above. Lands within the designation may only be changed to a different designation if they meet the criteria of Policy 2.8.2.5, which includes:

- a) there is an identified need for the removal and the land is not required for employment area uses over the long term;
- b) the proposed uses would not negatively impact the overall viability of the employment area by:
 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;
 2. maintaining access to major goods movement facilities and corridors;

- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and
- d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.

2.2.4 Infrastructure and Facilities

Chapter 3 of the PPS (2024) speaks about Infrastructure and Facilities. It generally directs planning authorities to plan for infrastructure and facilities, like transportation systems, water, wastewater, stormwater, waste management and parks and open spaces in an efficient manner while accommodating projected needs.

2.2.5 Transportation Systems

Policy 3.2.1 states, “Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles”.

Policy 3.3.3 states, “Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities”.

The Study Area is not located on lands that are adjacent to existing or planned corridors and transportation facilities, as defined by the PPS. Therefore, development in the Study Area is not constrained by PPS policy 3.3.3. Nonetheless, the Study Area is located along Highway 20 in West Lincoln, which is an important Regional Road that provides a key connection between the City of Hamilton and the Township of West Lincoln.

2.2.6 Land Use Compatibility

Section 3.5 addresses Land Use Compatibility. Policy 3.5.1 directs that, “Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures”.

Policy 3.5.2 requires that, “Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures”.

2.2.7 Sewage, Water and Stormwater

Section 3.6 of the PPS addresses sewage, water and stormwater. It provides general direction for planning authorities to provide services in an efficient manner, optimize existing services, and follow the servicing hierarchy provided by the PPS.

Policy 3.6.3 states, “Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety”.

Policy 3.6.4 states, “Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts”.

Policy 3.6.7 states, “Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity”.

Policy 3.6.8 addresses planning for stormwater management. It requires that planning shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
- c) minimize erosion and changes in water balance including through the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces;
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

Lands in the Hamlet of Fulton are currently on private on-site servicing, and there are no plans to extend municipal water or wastewater services to the Study Area as that would require significant infrastructure investment. The PPS notes that private communal services are preferred to individual on-site services. The Land Use Plan and recommended policies for this area will explore the potential to enable communal servicing options, where feasible.

Nonetheless, the intent is for uses in this area to be low water and wastewater uses, which can be accommodated using private on-site servicing.

2.2.8 Natural Heritage

Chapter 4 of the PPS emphasizes the wise use and management of resources including natural heritage, water, agriculture, minerals and petroleum, mineral aggregate resources, and cultural heritage and archaeology.

Section 4.1 addresses natural heritage features such as significant wetlands, fish habitat, significant woodlands, significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest.

Policy 4.1.2 highlights the importance of maintaining, restoring, or, where possible, improving the diversity and connectivity of natural features within a given area. The PPS also mentions the need to protect the long-term ecological function and biodiversity of natural heritage systems, acknowledging the essential linkages between natural heritage features, surface water, and groundwater features.

Policy 4.1.4 prohibits development and site alteration within significant wetlands and coastal wetlands. Policy 4.1.8 also prohibits development and site alteration on adjacent lands to the natural heritage features and areas, unless it has been evaluated that no negative impacts will incur on the natural features or on their ecological functions.

A more detailed analysis of the PPS policies related to natural heritage features is provided in the Constraints Report as part of the Fulton Rural Employment Area Study. Due to the presence of natural heritage features, further environmental analysis will be required for specific development applications.

2.2.9 Water

Policy 4.2.1 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- c) identifying water resource systems;
- d) maintaining linkages and functions of water resource systems;
- e) implementing necessary restrictions on development and site alteration to:
 1. protect all municipal drinking water supplies and designated vulnerable areas; and
 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
- g) ensuring consideration of environmental lake capacity, where applicable.

Policy 4.2.2 states, “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their

related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches".

2.2.10 Cultural Heritage and Archaeology

Policy 4.6.2 of the PPS states, "Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved".

2.2.11 Natural Hazards

Section 5.2 of the PPS provides policy direction related to natural hazards such as flooding hazards and erosion hazards.

An erosion hazard, as defined by the PPS, is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Policy 5.2.2 requires planning authorities to direct development to areas generally outside of hazardous lands. Policy 5.2.3 prohibits development within areas of flooding hazards subject to policy 5.2.5, 5.2.6, 5.2.7 and 5.2.8. The latter policies provide certain exceptions and conditions that would need to be addressed before development could be permitted within a hazardous area.

Policy 5.2.8 allows certain development and site alteration in areas of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

2.2.12 Summary

The land use plan and policies developed through the Fulton Rural Employment Area Study are required to be consistent with the direction of the PPS. The project team will use the project Constraints Report to identify areas that would not be appropriate for development and will draft policies to provide clear direction for the development of the study area in accordance with the PPS.

Although the study area includes lands that are currently used for agriculture, it is now located within a settlement area, and therefore many of the policies that would have previously applied to the lands no longer apply. For example, lands located outside of settlement areas, adjacent to agricultural lands, are required to apply the Minimum Distance Separation (MDS) formulae to

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separate uses to reduce incompatibility concerns about odour from livestock facilities. The MDS Formulae does not apply to new development within settlement areas. Furthermore, employment uses as contemplated for the study area, would not trigger an MDS separation as they are not considered sensitive land uses. Agricultural uses outside the settlement area will not be required to apply MDS setbacks based on the employment uses contemplated for the study area.

With regards to transportation planning, it is noted that the Study Area is not located on lands that are adjacent to existing or planned corridors and transportation facilities, as defined by the PPS. Therefore, development in the Study Area is not constrained by PPS policy 3.3.3, which prohibits development that could negatively affect the use of such corridors. Nonetheless, it is noted that Highway 20 in West Lincoln is an important Regional Road that provides a key connection between the City of Hamilton and the Township of West Lincoln. Development of employment uses in the Study Area will aim to leverage this key location along Highway 20.

3 Niagara Official Plan

The Niagara Official Plan (“NOP”) (May 2024 Consolidation) is a long-range land use planning document that sets out how Niagara plans to manage where and how the region will accommodate growth. The Region anticipates growth to a population of 694,000 people and 272,000 jobs by the year 2051.

As of March 31, 2025, the Regional Municipality of Niagara is now considered an “upper-tier municipality without planning responsibilities”. This means the Niagara Official Plan is no longer a Regional Plan, it is now a local official plan of the 12 local municipalities in Niagara. The policies of the Regional Official Plan are still in effect and must be implemented by the local municipalities, including West Lincoln.

3.1 Growing Region

Chapter 2 of the NOP provides direction for managing growth across the region, with a focus on strategically diversifying the housing stock to accommodate all ages and income levels. It identifies how and where growth and development should occur within Niagara, including population and employment forecasts, land needs and the distribution of forecasted growth, as well as Niagara’s growth strategy.

Table 2-1 of the NOP outlines population and employment forecasts by local area municipality. As shown in Figure 2, the minimum population and employment forecasts are projected to be 28,370 and 10,480 for the West Lincoln area.

Table 2-1 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 1: 2051 Population and Employment Forecasts by Local Area Municipality, Niagara Official Plan (May 2024)

Policy 2.1.1.3 states, “Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara’s current and future residents”.

Policy 2.1.1.4 directs that, “Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051”.

3.1.1 Regional Structure

Section 2.2 of the NOP establishes a regional structure to identify urban areas, which include built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets. The majority of growth is to be directed to urban areas, however the objectives of the regional structure include, “c) protect and enhance the character of rural settlements”. Policy 2.2.3.2 states that “Rural settlements identified on Schedule B shall be the focus of development outside of urban area boundaries”.

The study area is located within the Fulton Rural Settlement Area, as identified in Schedule B – Regional Structure of the NOP. Policy 2.2.3.3 directs that, development in rural settlements should be planned to:

- a) encourage residential infill development that builds on the rural character and characteristics of the surrounding area;
- b) ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community;
- c) consider the inclusion of active transportation infrastructure;
- d) protect the Region’s natural environment system in accordance with the policies in Section 3.1; and
- e) encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions, and increased resilience to climate change in accordance with the policies in Section 3.5.

Policy 2.2.3.4 states, “A portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community. Local Area Municipalities should ensure that adequate lands are available for rural employment within rural settlement boundaries to satisfy long-term needs and support the rural economy”.

3.2 Natural Heritage

Section 3.1 of the NOP provides objectives and directions for the Natural Environment System in the Region of Niagara. The objectives of the Natural Environment System policies include:

- a) identify and protect a natural heritage system and water resource system which will form the natural environment system;
- b) maintain, restore, and enhance the biodiversity and connectivity of natural features and their associated ecological and hydrological functions;
- c) recognize the important role the natural environment system plays in mitigating the impacts of climate change by protecting and enhancing natural features;
- e) identify and maintain hydrologic functions and connections among groundwater features, natural features, and surface water features including shoreline areas;

- f) maintain wetland area and the hydrological and ecological functions they provide, and to enhance wetland cover where possible;
- k) identify linkages to protect ecological connectivity in the region;
- q) minimize risks to human health and safety and property associated with natural hazards;
- v) outline the process for environmental impact studies and hydrological evaluations where they are required to support applications for development or site alteration.

3.2.1 Natural Environment System

The Study Area is partially located within the “Natural Environment System Overlay” and the “Growth Plan Natural Heritage System” in Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems of the NOP. Provincially Significant Wetlands are also located within and northeast of the Study Area, per Schedule C2 – Natural Environment System: Individual Components and Features.

Section 3.1.4 of the NOP provides direction on refinements to the limits of the Natural Environment System. Key policies related to “Natural Environment System” and “Provincially Significant Wetlands.”

Policy 3.1.4.6 directs that if a “feature or component of the natural environment system has been refined through an approved environmental impact study, hydrological evaluation, or subwatershed study, the lands that are no longer included as part of the natural environment system overlay shall continue to be designated based on the underlying land use, unless otherwise determined through a Planning Act application.”

Policy 3.1.4.8 directs that for “proposed development or site alteration within or adjacent to the natural environment system, new lots shall not be created in a way that fragments a natural heritage feature or area, key natural heritage features, or key hydrologic features. Furthermore, the lands to be retained should remain in a natural state. In the case where there are required buffers or vegetation protection zone, the buffers should be maintained in a single block and zoned to protect the natural features and ecological functions. NOP provides direction that local area municipalities, the Conservation Authority, and appropriate conservation authorities should assume ownership of these lands.”

Policy 3.1.4.9 states, “If there are any applications for lot boundary adjustments, the fragmentation of provincially significant wetlands should be avoided.”

Section 3.1.9 of the NOP provides policies regarding “Lands Outside of a Provincial Natural Heritage System” and “Outside of the Niagara Escarpment Plan Area.” This includes the majority of the study area.

Policy 3.1.9.1 states, “Policies of Section 3.1.9 apply to lands in settlement areas (i.e. urban areas and hamlets) and other lands that are outside of a Provincial natural heritage system and outside the Niagara Escarpment Plan Area.”

Policy 3.1.9.2 requires “a 30 metre wide vegetation protection zone adjacent to all wetlands, permanent and intermittent streams, and inland lakes and their littoral zones which are key hydrologic features.”

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Policy 3.1.9.5.1 states that “development and site alteration shall not be permitted in provincially significant wetlands.”

Policy 3.1.9.5.4 directs that “Development or site alteration proposed on or adjacent to lands within the Conservation Authority’s regulated area must consult the Conservation Authority. The Conservation Authority will then advise the applicant and the Region on any applicable land use or regulatory policies.”

Table 3-1 of the NOP provides a requirement for an Environmental Impact Study (EIS) for proposals within or adjacent to a natural heritage system, dependent on the distance. Specifically, if a proposed development is located within 120 metres of a provincially significant wetland, an EIS is required.

Natural Heritage Feature and Area	Adjacent Lands
Provincially Significant Wetland	120 metres
Significant Coastal Wetland	120 metres
Significant Woodland	120 metres
Other Woodland	50 metres
Significant Valleyland	50 metres
Significant Wildlife Habitat	50 metres
Habitat of Endangered Species and Threatened Species	50 metres
Life Science Areas of Natural and Scientific Interest	50 metres

Figure 2: Adjacent Lands for Natural Heritage Features and Areas Outside of a Provincial Natural Heritage System, Niagara Official Plan (2024)

3.2.2 Buffers in Settlement Areas

Section 3.1.9.9 of the NOP provides policies related to buffers from natural heritage features within Settlement Areas. It states, “The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large-scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use”.

No development or site alteration would be permitted within the buffer once established, except through a subsequent study demonstrating that the proposed development would have no negative impacts on the natural feature or its ecological functions.

The Fulton Rural Employment Area Study Constraints Report provides more detailed review and analysis of natural heritage policies and features within the study area.

3.2.3 Habitat of Endangered Species and Threatened Species

Section 3.1.13 of the NOP provides policies related to the habitat of endangered species and threatened species. It directs that, “development or site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial and Federal requirements”.

Policy 3.1.13.3 directs that “In order to determine the presence of, and to assess the impacts that proposed development and activities may have on the habitat of endangered species and threatened species, a site assessment by a qualified professional is generally required to be completed using accepted protocols. The assessment shall identify whether the habitat is present and whether the proposed activities will have any impact on endangered species and threatened species or their habitat. The site assessment may be combined with a broader environmental impact study. The Province should be contacted for further direction regarding site-specific proposals”.

Policy 3.1.13.4 states, “It is the responsibility of a proponent to work directly with the Province to determine that the Endangered Species Act has been, or will be, complied with as a condition of any permit received from the Provincial Ministry with jurisdiction”.

3.2.4 Natural Hazards

Section 3.1.23 of the NOP provides policies related to Natural Hazards. The policies generally reflect the direction of the PPS. They direct development to be located away from hazardous lands and hazardous sites, including flooding hazards and erosion hazards. The NOP provides the same general exceptions and criteria for development within or adjacent to hazardous lands as the PPS.

Section 3.2 of the NOP provides objectives and direction for Watershed Planning. The Study Area is located within the “Lake Ontario Tertiary Watershed” per Schedule D – Tertiary and Quaternary Watersheds. The Region recognizes the watershed as an ecologically meaningful scale for integrated and long-term planning. It is an objective of the Region to ensure watershed planning is informing land-use planning (Policy 3.2. a) and that local area municipalities have direction for undertaking subwatershed planning, as necessary (Policy 3.2. b).

Policy 3.1.23.7 states, “Hazardous lands shall be identified in mapping in Local official plans and included in appropriate zones in Local zoning by-laws to protect public health and safety in accordance with Provincial direction and the policies of this Plan. The extent of natural hazards may be refined by Local Area Municipality on their own initiative or in response to development applications, as appropriate, and as approved by the Conservation Authority”.

3.2.5 Environmental Impact Studies and Hydrological Evaluations

Section 3.1.33 of the NOP provides policies that outline the requirements and processes for preparing and approving Environmental Impact Studies (EIS) and Hydrological Evaluations associated with applications for development or site alteration when required.

Policy 3.1.33.3 allows for the waiving of an EIS or Hydrological Evaluation requirement in accordance with the Environmental Impact Study Guidelines and/ or Hydrological Evaluation Guidelines.

Under policy 3.1.33.3.5 an EIS or Hydrological Evaluation may be waived if a proposed use is authorized under an environmental assessment process, including Class Environmental Assessment, carried out in accordance with Provincial or Federal legislation.

3.3 Planning for Employment

Section 4.2 of the NOP provides policies related to planning for employment. The policy objectives include:

- a) designate employment areas for long-term protection and plan for forecasted employment growth within employment areas;
- d) plan employment lands to enhance economic resilience through a diversified economy;
- e) guide future redevelopment of employment lands;
- g) enhance rural employment lands within rural settlements and recognize rural employment lands outside of rural settlements;

The objective of developing the Fulton lands for rural employment uses aligns well with the direction found in Section 4.2 of the NOP. The development of these lands will provide new employment opportunities in the Township of West Lincoln's rural settlements.

3.3.1 Employment Areas

Section 4.2.1 of the NOP outlines the different employment area types and densities within the region. These include Core employment areas, Dynamic employment areas, and Knowledge and Innovation employment areas. Section 4.2 does not provide policies that are specific to Rural Settlement Employment Areas.

Under Policy 4.2.1.2, the following are prohibited in all employment areas:

- a) residential uses;
- b) major retail / major commercial uses; and
- c) major office uses, except major office uses are permitted on employment area lands within a strategic growth area.

Policy 4.2.1.11 states, “Conversion of lands within employment areas shall not be permitted except during the Region’s municipal comprehensive review”. However, this policy is no longer consistent with the PPS, and since the Region of Niagara no longer has planning authority, there will be no comprehensive review of the NOP.

Policy 4.2.1.12 states, “Local Area Municipalities shall use planning tools identified in policies 4.2.4.2 and 4.2.4.3 to achieve land use compatibility between employment areas and non-employment lands”.

3.3.2 Employment Lands

Section 4.2.4 of the NOP provides policies for Employment Lands, which are locally designated lands for employment uses. These include policies related to land use compatibility that are generally the same as the PPS policies. Policies related to retail and office uses within

employment lands are no longer consistent with the Planning Act definition of Employment Uses.

Policy 4.2.4.7 states, “Sustainable practices will be encouraged, such as green infrastructure and low impact development, to address the impacts of climate change”.

Policy 4.2.4.8 directs that, “Employment lands planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment lands in accordance with Section 6.2”.

3.3.3 Rural Employment Lands within Rural Settlements

Section 4.2.7 specifically addresses Rural Employment Lands within Rural Settlements. Policy 4.2.7.1 states, “The Region and Local Area Municipalities should support rural employment within rural settlements by:

- a) ensuring sufficient rural employment land is available to accommodate forecasted employment within rural settlements;
- b) providing opportunities for rural employment clusters and more intensive rural employment uses within rural settlements to build synergies;
- c) supporting rural character and community, and leveraging rural amenities and assets; and
- d) using rural infrastructure and public service facilities efficiently.

Policy 4.2.7.2 states that when directing development to rural settlements, Local Area Municipalities shall consider the rural characteristics, the appropriate scale of development, and the provision of appropriate service levels.

3.4 Stormwater Management and the Planning Process

Section 5.2.5 of the NOP provides policies related to Stormwater Management. It requires that, “All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections”.

Policy 5.2.5.3 states, “Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of development and redevelopment”.

Policy 5.2.5.4 directs that proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) conforms with watershed planning policies in Section 3.2;
- b) is informed by a subwatershed plan or equivalent as completed by the Local Area Municipality;
- c) ensures all proposals for development or redevelopment are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and water budget to minimize stormwater flows and reliance on stormwater ponds, which includes low impact development and green infrastructure, where appropriate;

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- d) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
- e) ensures stormwater management facilities are designed to support key features and ecological functions in the Region's natural environment system, where possible; and
- f) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

3.5 Fulton Rural Settlement

Policy 8.13.4 provides a site-specific policy and map related to the Fulton Rural Settlement. It states, "The area identified on the associated map has been added to the Fulton rural settlement to accommodate forecasted rural employment growth. This area shall be designated in the Township of West Lincoln's Official Plan for rural employment land uses". The current project will develop a land use plan and zoning provisions in order to facilitate the development of rural employment uses on these lands. As such, the project will comply with policy 8.13.4 of the NOP. This process will also establish an employment density target for the Fulton lands.



Figure 3: Fulton Rural Settlement, Niagara Official Plan (May 2024 Consolidation)

3.6 Effect of "Removing Planning Authority"

The *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185), which was given royal assent on June 6th, 2024, removed planning responsibilities from a number of upper-tier municipalities, including Niagara Region. On December 12, 2024, Niagara Region was added to the list and effective March 31, 2025, the Region no longer has planning responsibilities under the *Planning Act*. As outlined in Section 70.13 of the *Planning Act*, transition provisions provide that the NOP will be "deemed to constitute an official plan of the lower-tier municipality" and "remain in effect

until the lower-tier municipality revokes it or amends it to provide otherwise.” Until such a time as the area municipalities revoke or amend ROP, they will be responsible for administering both the regional official plan and their local official plan.

3.7 Summary

The policies of the Niagara Official Plan will need to be reflected in the resulting land use plan and policies of the Fulton Rural Employment Area Study. Some policies of the NOP are not consistent with the Provincial Planning Statement, 2024 but they can still provide important guidance regarding priorities and intended outcomes.

The project team, through the Constraints Report for the study area, has identified areas to protect from development in accordance with the policies of the ROP and the PPS. Policies to allow for the refinement of mapping of these areas will be drafted in accordance with the direction of the NOP.

In the next phase of the project, the project team will undertake work to assess the potential stormwater impacts of development within the Study Area. This will follow the direction of the NOP.

4 West Lincoln Official Plan

The Township of West Lincoln Official Plan (“OP”) was approved by the Ontario Municipal Board in 2015 and has been subject to numerous amendments. In June 2022, Official Plan Amendment No. 62 (OPA 62) updated the official plan to include new growth forecasts and expand several urban and rural settlement areas, including Fulton, to conform with the ROP. This OPA added the study area to the Fulton Hamlet Settlement Area, but did not provide area-specific policies or designations to the study area.

4.1 Goals

The goals of the Official Plan, as provided in Section 2.4 include:

- c) To recognize the mixed use landscape of agricultural areas and to encourage nonfarm uses to locate within the existing settlement areas.
- d) To protect, preserve and enhance the Natural Heritage Features of the Township including water courses, wetlands, other ground and surface water resources, woodlots, aggregate resources, fish and wildlife habitat, areas of natural and scientific interest and important corridors in recognition of significant social, economic and recreational benefits provided.
- j) To encourage more diversified employment opportunities for residents of the Township through the promotion new and expanding industrial uses, commercial businesses and institutional uses.

These goals in particular will be important to consider as the Fulton Rural Employment Area Study progresses.

4.2 Settlement Areas

Section 7 of the OP provides policies related to Hamlet Settlement Areas (Hamlets). It is the Township's intention to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas.

Policy 7.2.1 of the OP states that the predominant use of land in Hamlet Settlement Areas shall be single-detached dwellings. Other uses that may be permitted include, but are not limited to; schools, parks, churches, bed and breakfast establishments, home occupations, nursing homes, government and institutional uses and public utilities. Hamlets may include commercial uses deemed necessary to serve the surrounding residential and agricultural area and commercial or industrial uses such as a builders' supply yard, feed mill, public garage, farm implement dealer or other similar uses.

Policy 7.2.2 provides objectives for Hamlet communities:

- a) The intent of this designation is to recognize and encourage further development within the defined Hamlet communities that provides both residential accommodation and a service function to the larger agricultural and rural community.
- b) To ensure compatibility between competing uses within each Hamlet community.

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- c) To provide an alternate place for residential uses to be accommodated outside the Urban Area of Smithville and the Agricultural Area.

Policy 7.2.3 provides policies for hamlet settlement areas. Key policies applicable to the Fulton Rural Employment Area Study include:

- b) Lands will be designated Hamlet on the land use schedule and will be zoned to recognize current uses where appropriate. The Township Zoning By-law will regulate the uses that are permitted in Hamlets.
- c) The protection of residential uses within Hamlets will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. The onus will be on the new non-residential use to ensure compatibility with adjacent residential uses.
- e) New development that proposes to create multiple new lots shall be by plan of subdivision and shall be in accordance with the policies of this plan including Section 17.6.
- f) The proponent of any subdivision shall be required to prepare a hydro geological study in support of the proposed development. Public water and municipal sewerage facilities are not intended to be provided in the Hamlets.
- g) All development within the Hamlet designation shall be supported by private waste sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln and/or the applicable Ministry.
- i) New commercial and industrial uses shall be permitted by a Zoning Bylaw amendment, and in considering an application to rezone for such uses, the Council shall have due regard to the compatibility of the proposal with neighbouring residential uses. Such uses should be encouraged to locate in groups and preferably at the junction of major roads where safe access points can be provided.
- j) When considering a change of use, by rezoning, provision will be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage. The density and character of new development will be strictly regulated by the Council in order to ensure a satisfactory Hamlet environment.
- k) Development in the Hamlet will not be required to comply with Minimum Distance Separation requirements and the boundary of the Hamlet Settlement shall establish the setback for MDS II calculations for new or expanding livestock operations from a Type B land use.
- l) Development shall comply with Natural Heritage policies of this plan and Schedule 'C' ('C-1' to 'C-4'). Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when development is within or adjacent to the lands that are subject to their regulation.

Generally, the West Lincoln Official Plan recognizes the mixed-use landscape of agricultural areas and encourages non-farm uses within the settlement areas (Policy 2.4.c). The West Lincoln OP has not been updated with policies specifically for "Rural Employment Lands" within

Rural Settlements. As such, permitted uses are captured in Policy 7.2.3 of the West Lincoln OP, which generally permits residential uses, new commercial or industrial uses.

The current project intends to add new policies for rural employment areas, which will differ from the existing “Policies for Hamlet Settlement Areas” which are found in Section 7.2.3 of the Township’s OP.

Section 7.3 of the OP provides policies for servicing within Hamlet Settlement Areas. It states that it is not expected that hamlet settlement areas will be serviced with municipal sanitary sewer facilities. It also states that communal systems are not permitted within hamlet settlement areas. This direction predates the current servicing policies of the PPS, which states that communal services are preferred where municipal services are not available or planned.

4.3 Natural Heritage

Section 10 of the OP provides policies related to the Natural Environment. The Study Area is partially designated within the Natural Heritage System and contains Environmental Protection Areas (“EPA”), including Provincially Significant Wetlands in Schedules B-3 – Land Use South Grimsby, C-1 – Natural Heritage System, and C-2 – Natural Heritage System Environmental Protection Area, of the Township of West Lincoln OP.

4.3.1 Healthy Landscape

Policy 10.2.1 provides objectives for a healthy landscape:

- a) To maintain a healthy natural environment for present and future generations.
- b) To conserve the Township’s distinctive natural character.
- c) To apply an ecosystem-based approach to planning and decision-making.
- d) To foster and promote cooperation among public agencies, private landowners and community groups.
- e) To support and encourage environmental stewardship and restoration.

Policy 10.2.2 emphasizes the need for planning decisions to employ an ecosystem approach, and maintain, enhance or restore ecosystem health and integrity.

4.3.2 Core Natural Heritage System

Section 10.7 provides policy direction regarding the Core Natural Heritage System. The Core Natural Heritage System contains environmental features and functions of special importance that maintain the character, ecological health, and integrity of the Township. The objectives of the core natural heritage system are:

- a) To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System; and
- b) To recognize the linkages among natural heritage features and ground and surface water resources.

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Since the Study Area is partially designated within the Natural Heritage Systems and Environmental Protection Areas (EPA), which include Provincially Significant Wetlands (PSWs) and significant habitat for threatened and endangered species. Policy 10.7.2 provides the following direction:

- b) Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies of Section 10.2 as well as the Core Natural Heritage System Policies.
- g) The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedules 'C-1' to 'C-4'. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Township and may be mapped in more detail in secondary plans and zoning by-laws. A significant modification, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.
- h) In considering both refinements and significant modifications to the mapping or classification of features shown on Schedules 'C-1' to 'C-4' the Township shall consult with the Region and with:
 - i. The Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
 - ii. The Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat; or
 - iii. The Niagara Peninsula Conservation Authority.
- k) Within Environmental Protection Areas [...] development and site alteration shall not be permitted except for the following:
 - i. Forest, fish, and wildlife management activities;
 - ii. Conservation projects in the public interest;
 - iii. Passive recreational uses that do not negatively impact ecological functions;
 - iv. Infrastructure, aggregates and existing uses may be permitted in accordance with the General Policies of Section 4 of the Greenbelt Plan.
- s) Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Section 10.8. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.
- t) Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 10-1 the applicant may be required to

submit a Tree Saving Plan maintaining or enhancing the ecological functions to be retained. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

4.3.3 Environmental Impact Studies

Policy 10.8 of the OP provides direction on Environmental Impact Studies which may be required when development is proposed adjacent to significant natural heritage features. It establishes a requirement for an EIS to be prepared by a qualified professional, the process of determining the scope of the EIS, and allows the Township to require a peer review of the EIS.

4.3.4 Stormwater

Section 10.9 of the OP addresses Stormwater Management considerations. It states that a stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified professional may be required with a development application depending on: a) The scale and nature of the proposal; and b) Site-specific environmental conditions.

4.4 Employment Areas

The intent of the Fulton Rural Employment Area Study is to designate the study area as a Rural Employment Area. The Township OP does not currently include policies with regard to Rural Employment Areas in particular, but general employment policies provide some direction that can be adapted for the Study.

Section 5 of the OP provides Growth Management Strategies for West Lincoln. An objective of the OP is to ensure that Settlement boundaries contain sufficient land to accommodate forecasted growth (Policy 5.2 (a)). Objectives related to employment include:

- d) To create a balanced community where employment opportunities are consistent with the available labour force. This is generally considered a ratio of one (1) job for every three (3) residents.”
- f) To focus employment growth to designated employment areas in Smithville and the Hamlet areas.”

The OP provides projected population and employment forecast policies to the year 2031. It is projected that West Lincoln will accommodate 16,990 people and 4,930 for employment. Policy 5.3 (c) specifies that a total of (1,150 new jobs) 4,930 jobs are projected. To achieve the employment objective of one (1) job for every three (3) residents, an employment target of 126 new jobs will need to be achieved every five (5) years (Policy 5.3 (c)).

Section 6.10 of the OP provides policies for Employment Areas. The Employment Area designation on Schedule ‘B-4’ recognizes existing and future areas appropriate for a broad range of employment in traditional manufacturing, warehousing and distribution as well as new industries and office type development. Currently, areas designated “Employment Area” are located in the north east corner of Smithville north of the CPKC Rail line and in proximity to Industrial Park Road and Spring Creek Road, and known as the “Smithville Employment Park.”

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Prestige employment uses are proposed in the area between Highway 20 and the CPKC Rail lands and restricted employment uses are permitted in the Spring Creek Secondary Plan.

The objectives of the Employment Area designation, as set out in Policy 6.10.2, are:

- a) To encourage employment development in order to achieve a more balanced live-work community as an alternative to out-commuting.
- b) To encourage a broad range of industrial employment areas.
- c) To encourage prestige employment.

Policy 6.10.3 (a) states that permitted uses in the Employment Area designation include, “manufacturing, processing, servicing, storage of goods and raw material, warehousing, research and laboratories, data processing and development and uses of a similar nature”.

Retail sales ancillary to a permitted employment use are permitted under policy 6.10.3 (b).

Under policy 6.10.3 (c) and (d), other permitted uses include professional and administrative offices, personal service offices, and community facilities, however these would no longer be appropriate in an employment area due to recent amendments to the Planning Act and the PPS, 2024.

Policy 6.10.3 (f) states, “uses which involve the storage, handling, or production of a hazardous substance which are explosive, toxic, corrosive, or any other dangerous material which would pose a threat to public safety if it were to escape its normal containment, shall only be permitted through a risk assessment which demonstrates that there will be negligible health and safety risk to the public”.

Policy 6.10.3 (g) states, “Uses shall be encouraged which contribute to a high quality business park environment and outdoor storage shall be regulated through the Zoning Bylaw and through Site Plan Control”.

Section 6.10.4 provides general policies for Employment Areas. These may be adapted for applicability to a Rural Employment Area. In some cases, policies that would be appropriate for an urban employment area, may not be as appropriate for a rural employment area. These will be considered when drafting the Fulton Rural Employment Area policies. The general employment area policies include:

- a) Uses shall be encouraged to contribute to a high quality business park environment. Outdoor storage shall be prohibited in front and side yards, and outdoor activities such as storage, parking and loading shall be adequately screened and buffered in areas visible from the street.
- c) Employment buildings shall be setback from existing residential dwellings where determined necessary to meet the minimum distance requirements set out in Ministry of Environment (MOE) guidelines. Buffers, plantings, berthing or fencing adjacent to residential areas shall be required.
- e) The storage and use of hazardous liquid or leachable chemicals including petrochemicals not classified as waste and PCB's shall be regulated in accordance with the regulations and guidelines of the Ministry of Environment. Site specific

hydrogeological and stormwater studies may be required for new industries to ensure no impact on the groundwater and surface water from the proposed use. Such studies shall be completed to the satisfaction of the Township in consultation with the Niagara Peninsula Conservation Authority (NPCA). The implementing Zoning shall set out specific requirements for the storage of such liquids and chemicals.

- f) Applications for new industrial developments and extensions of existing uses will be evaluated based on submissions of:
 - i. A Site Plan showing the proposed development or extension; and
 - ii. Where there is a concern that the use may create excessive air, water or noise pollution, the submission of appropriate studies by qualified experts in the field, which indicate how such pollution will be controlled to ensure the safety of the Township's residents.
- i) Lands designated "Employment Area" are subject to the Site Plan Control policies of the Township Official Plan.

4.5 Official Plan Amendment No. 62

The Region of Niagara completed a Land Needs Assessment, which determined that the Township of West Lincoln would require an additional 360 hectares of urban land for community needs (residential, commercial, mixed-use, institutional, community facilities, parks and open space, and related urban land uses) and an additional 75 hectares of urban land for employment needs. An additional 40 hectares of land was also identified for residential and rural employment uses in rural settlement areas, known as the Hamlets.

The Township of West Lincoln Council adopted Official Plan Amendment No. 62 (OPA 62) on July 18th, 2022 to provide the additional lands recommended by the Region of Niagara. The changes introduced in OPA 62 incorporate updated population and employment growth forecasts up to 2051 to conform with the Region of Niagara's Official Plan (ROP). OPA 62 added lands to the hamlet boundary of Fulton and changed the land use designation on those lands from "Good General Agricultural Area" to "Hamlet Settlement Area".

FULTON



**TOWNSHIP OF WEST
LINCOLN
OFFICIAL PLAN**

**SCHEDULE 'D-2'
HAMLET BOUNDARIES**

Legend

- Hamlet Settlement Area
- Natural Heritage System
- Municipal Boundary

**OPA NO. 62
SCHEDULE M**

**AREA TO BE ADDED TO HAMLET
SETTLEMENT AREA**

JULY 2022

West Lincoln

Planning Department

Note: This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.
Detail on some features may be lost at this scale.

Date: March 2014

OPA 62 implements a minimum intensification rate of 13% and a minimum greenfield density target of 50 people and jobs per hectare across West Lincoln to meet the Region's targets. There are no specific population and employment projections for the Fulton Rural Employment Area and no policies for the rural employment uses contemplated by the area-specific policy 8.13.4 of the ROP. This process will establish appropriate employment targets.

4.6 Implementation

Section 18 of the OP provides policies to guide the implementation of the official plan through the zoning by-law, site plan control, plans of subdivision, severances, and other planning tools. Section 18 also provide policies for existing non-complying development standards, hazardous and obnoxious uses, and issues requiring special consideration.

Policy 18.15.1 addresses hazardous and obnoxious uses and states that, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection for any purpose that creates or is likely to become a nuisance or offensive, or both:

- a) by the creation of noise or vibration, or
- b) by reason of the emission of gas, fumes, smoke, dust, or objectionable odour, or
- c) by storage or use of toxic wastes including PCB's, or
- d) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material.

Notwithstanding the above, any use which is operating in accordance with all applicable Federal, Provincial and local rules and regulations is deemed not to be obnoxious.

Policy 18.18, regarding land use compatibility, states, "Sensitive land uses shall be protected from the adverse impacts of noise, vibration, odours, emissions, litter, dust and other

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contaminants. In order to achieve this, Council will request that appropriate studies be undertaken where sensitive land uses may be impacted. Such studies shall be submitted to Council prior to approval in principle of a development or land use change (i.e.: prior to establishing the principle of development)”.

4.7 Summary

The Township of West Lincoln Official Plan provides policies and general direction to guide development within the Township, including the Fulton Rural Employment Area. This includes direction related to rural settlement areas, the natural heritage system, general policies for Employment Areas and implementation policies to guide the process of reviewing planning applications.

The OP does not include policies specific to Rural Employment Areas, however the project team will take direction from policies of the OP and develop a land use plan and policies that reflect the priorities of the OP and apply them to the Fulton Rural Employment Area.

5 Zoning

5.1 Zoning By-law No. 2017-70 (June 2017, July 25, 2025 Consolidation)

The West Lincoln Zoning By-law No. 2017-70 (“ZBL 2017-70”) zones the Study Area as Agricultural (A), Agricultural Exception T-15 (A(T-15)), Rural Residential (RuR), and Service Commercial (C3). The zoning reflects land use designations in place before the approval of OPA 62, which added the lands to the Fulton Hamlet Settlement Area.

The Agricultural zone permits the following uses:

- Principal Uses: Agricultural, Single detached dwelling, Wayside pit or quarry; and
- Accessory Uses that are only permitted accessory to or in conjunction with a permitted principal use: Accessory dwelling unit, Accessory farm dwelling, Garden suite, Group home, Home occupation, On-farm diversified uses, Agriculture-related use, Agricultural service and supply establishment, Agri-tourism / value-added us, Bed and breakfast establishment, Home industry, Home occupation, Pet care establishment, Private kennel, Service Shop, Veterinary Clinic, Outside storage, Pet care establishment, Private kennel, Renewable energy system.

The Temporary Use Provision (T-15) allows for outdoor storage of rain barrels on one of the parcels in the Study Area (9127 Regional Road 20). This provision has an expiry date of February 10, 2028, as directed by the Ontario Land Tribunal in the decision OLT-25-000150.

The Temporary Use Provision which allows for outdoor storage of rain barrels does not imply an endorsement of this use in the future planning framework that is being developed for this area. As specified in the OLT decision, an extension of the Temporary Use Provision to 2028 allows:

for the completion of the study and the emergence of a new planning framework, against which the use can be properly evaluated. If the outdoor storage of barrels does not ultimately fit into that new planning framework, [the business owner] will have ample time to find an alternative location and remove the barrels from the Site.

Further regulations for the Agricultural zone are outlined in Part 5, Section 5.3 of the ZBL 2017-70.

The Rural Residential zone permits the following uses:

- Principal Uses: Single detached dwelling; and
- Accessory Uses that are only permitted accessory to or in conjunction with a permitted principal use: Accessory dwelling unit, Bed and breakfast establishment, Boarding or rooming house, Garden suite, Group home, Home occupation, Renewable energy system.

Further regulations are outlined in Part 6, Section 6.3 of the ZBL 2017-70.

The Service Commercial zone permits the following uses:

- Principal Uses: Commercial kennel, Commercial school, Communications establishment, Contractors establishment, Drive-through facility, Dry cleaning/laundry depot, Financial institution, Funeral home, Garden centre, Hotel/motel, Motor vehicle dealership, Motor vehicle gasoline bar, Motor vehicle repair establishment, Motor vehicle service station,

Motor vehicle washing establishment, Office, including a medical office, Personal service shop, Pet care establishment, Place of entertainment, Private club, Recreation facility, Restaurant, Retail store, Service shop, Studio, Veterinary clinic, Wayside pit or quarry;

- Accessory uses that are only permitted accessory to or in conjunction with a permitted principal use: Outside display and sales area, Outside storage, Renewable energy system.

Further regulations for the Service Commercial zone are outlined in Part 7, Section 7.3 of the ZBL 2017-70.

The West Lincoln Zoning By-law No. 2017-70. does not provide regulations or definitions for Rural Employment or Unserviced Industrial uses as contemplated for the Fulton Rural Employment Area.

Outside Storage

The West Lincoln Zoning By-law defines outside storage as “an area of land used for the storage of goods and materials accessory to a principal use for a business located within a building or structure on the same lot.”

Specific regulations are provided to govern outside storage in each specific zone. Outside storage is often permitted as an accessory use or in conjunction with a permitted principal use, it is limited by provisions related to the maximum lot area and lot coverage.

5.2 Summary

The existing zoning of the study area is based on previous land use designations, prior to OPA 62. While the majority of the lands will be zoned for rural employment uses, some existing uses will likely be retained and may be updated to conform with the policy direction for Rural Settlement Area uses.

The current planning exercise will create a future vision for the Fulton Rural Employment Area. This long-term vision will be reflected in new Official Plan policies and new Zoning By-law provisions. However, any legally existing uses in place before the adoption of the Fulton Rural Employment Area policies and regulations will be protected and permitted to continue. The policies for legally non-complying uses will apply to any property with a legally existing use that is subject to a change to its zoning.

Ultimately, this means that after the new policies and zoning provisions are adopted, current legal uses can still continue subject to applicable regulations. Any future developments will be evaluated against the new policies and provisions in order to support the gradual transition of the lands into a Rural Employment Area.

6 Stakeholder and Public Consultation

6.1 Public Open House

On June 17, 2025 the Township held a public open house at the Fulton Community Centre. The Open House features display boards describing the scope of the project, preliminary mapping of constraints within the study area and examples of what a Rural Employment Area might look like.

Forty-seven people signed in at the meeting, reviewed the information display boards and stayed for the presentation. Comments and questions were generally curious with a few concerns raised regarding the potential impacts of the development of the study area. The following is a summary of key issues raised by attendees with a brief response for each:

- A landowner was concerned that the Provincially Significant Wetland boundary on the constraints mapping did not reflect recent revisions that they had submitted to the Township.
 - The revised boundary has been reviewed and will be implemented in the revised Constraints Report
- Residents were concerned about the type of employment uses that would be permitted and the potential impacts on adjacent homes.
 - The types of employment uses permitted in the Fulton Rural Employment Area will be limited to those that are considered compatible with adjacent residential dwellings. Compatibility will be based on the Provincial Guidelines for Land Use Compatibility and restrictions on the types of uses permitted will be included in the implementing zoning by-law.
 - Areas that are closest to residential dwellings will be limited to Class 1 industrial uses that do not produce noise, dust/odour or vibration. Examples may include: Electronics manufacturing and repair, Furniture repair and refinishing, Auto parts supply, Packaging and crafting services, Distribution of dairy products, etc.
 - Class 2 industrial uses would typically be located no less than 70 metres from a residential dwelling. Any of these uses proposed within 300 metres of a dwelling would need to demonstrate there will be no adverse impacts on the dwelling. These uses may produce occasional noise, dust/odour or vibration. Examples may include: Magazine printing, Paint spray booths, Electrical production manufacturing, Feed packing plant, etc.
 - Class 3 industrial uses would typically be located no less than 300 metres from a residential dwelling. Any of these proposed uses within 1000 metres of a dwelling would be required to demonstrate there would be no adverse impacts on the dwelling. These uses may produce noise, dust/odour and vibration that is noticeable outside the property. The required separation distance means these uses would be limited to a small portion of the study area, if at all.
- There were concerns about potential stormwater run-off and impacts on well water as a result of new development.

Township of West Lincoln

Fulton Rural Employment Land Use Plan | **Background Report**

- A component of the Fulton Rural Employment Area Study is a Stormwater Management and Drainage Plan. This will assess potential stormwater impacts and provide policy and land use recommendations to ensure that stormwater is contained on-site.
- The types of uses permitted in the study area will be limited to those that will not have a negative impact on groundwater supply.
- There was some interest from landowners about what the internal circulation and land use plan would look like.
 - The land use plan for the study area may include a conceptual road layout, however the exact location of internal roads will be the result of individual development plans in accordance with applicable planning policies. Other factors will include the specific land uses proposed, their size, layout and other components of the development.
- There were concerns about an increase in traffic, especially heavy truck traffic.
 - New development proposals will be required to undertake a traffic impact study to demonstrate the proposed use will not have a negative or hazardous impact on the public roads.
 - The final land use plan, policies and zoning by-law will help inform future upgrades to County Road 20 to accommodate anticipated development and increased traffic.

The feedback received during the public open house, and through written submissions during the project timeline will help inform the draft official plan amendment and zoning by-law amendment. A summary of all feedback received and how the comments have been addressed will be included as part of the final submission of the Official Plan and Zoning By-law Amendments

7 Conclusion

The Fulton Rural Employment Area Study is intended to culminate in an Official Plan Amendment and Zoning By-law Amendment to provide land use planning policies, designations and zoning regulations for the study area. These policies and regulations are required to follow provincial, regional and local planning policies to address issues such as growth management, employment growth, environmental protection, land use compatibility, stormwater management and other considerations.

The policies and regulations will also be written to address the priorities and concerns of local residents to ensure that the development of the study area does not have a negative impact on the community.

In the coming months the project team will prepare a draft land use plan, policies and regulations for public review and commenting. These will be revised based on feedback received before being presented to Township Council for adoption. Once adopted, the Official Plan Amendment will be submitted to the Ministry of Municipal Affairs and Housing for approval or modification. Once approved, the policies and regulations will come into effect and landowners will be able to prepare development applications.