

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 11, 2024

**CASE NO(S).:** OLT-23-000470

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	JTG Holdings Ltd.
Appellant:	Phelps Homes Ltd.
Subject:	Proposed Official Plan Amendment No. 63
Description:	(OPA 63) implements a detailed Secondary Plan for the lands added to the Smithville Urban Area.
Reference Number:	D.10.12.OPA-22-0035 / OPA 63
Property Address:	Smithville Master Community Plan Area
Municipality/Upper Tier:	Township of West Lincoln/ Region of Niagara
OLT Case No.:	OLT-23-000470
OLT Lead Case No.:	OLT-23-000470
OLT Case Name:	JTG Holdings Ltd. v. West Lincoln (Township)

**Heard:** April 16, 2024 by Video Hearing

**APPEARANCES:**

**Parties**

Phelps Homes Ltd. And JTG Holdings ("Phelps")

Regional Municipality of Niagara ("Niagara")

Township of West Lincoln ("Town")

**Counsel/Representative\***

Mark A. DeJong  
Jennifer Meader (*in absentia*)

Scott Crocco  
Alexander Suriano

Thomas Hanrahan\*  
Alexander Richardson (*in absentia*)

1734234 Ontario Ltd. and 2650687 Russell Cheeseman  
Ontario Ltd. and Allan & Janet  
Schutten and Tek Corporation and  
Kingma Petek LLP

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. SAUVE ON APRIL 16,  
2024 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This is the second Case Management Conference (“CMC”) with respect to the appeal by Phelps, brought pursuant to s. 17(36) of the *Planning Act* against the decision of the Town to adopt Official Plan Amendment No. 63 (“OPA 63”), which implements a Secondary Plan for the lands added to the Smithville Urban Area. The boundary expansion is being implemented through the concurrent Town Official Plan Amendment 62 (“OPA 62”). OPA 63 incorporates the Master Community Plan land use designations and policies as well as the natural heritage, infrastructure, and transportation systems mapping and policies for the planned growth of Smithville into the Town. Preparation for the Secondary Plan started in early 2021 and was adopted by the Town on August 11, 2022. The amended OPA 63 was approved by the Niagara Council on April 20, 2023.

[2] Phelps owns properties legally described as part of lots 3, 6, 8, and Plan M-97, which total 198 acres within the Smithville Master Community Plan area and is appealing the adoption of OPA 63 in its entirety and specifically identified issues related to conformity with provincial and regional policy documents, natural heritage system, transportation, water and wastewater servicing, and the implementation plan.

[3] The parties attended four days of Tribunal-led mediation between October 4, 2023, and February 22, 2024, which resulted in the settlement of a number of issues under appeal.



[4] The Town brought a Motion to be heard today for the Tribunal to approve a proposed partial settlement that has been agreed upon by the Parties. The proposed settlement will eliminate the need for approximately two weeks of already-scheduled Hearing dates.

### **SETTLEMENT HEARING**

[5] The Town submitted two Affidavits in support of the partial settlement:

- a) The Affidavit of Steve Weaver, a Professional Planner employed by the Town; and
- b) The Affidavit of Donald Treble, a Professional Planner and the Director of Planning and Building for the Town.

[6] The Tribunal did not hear oral evidence but relied on the Affidavit evidence. Both Mr. Weaver and Mr. Treble submitted their CVs' and Acknowledgement of Expert Duty forms in their Affidavits. The Tribunal found them both to be experts in the field of Land Use Planning.

[7] Attached as Schedule 1 is the modified OPA 63 as agreed upon by the Parties through mediation. The following is a summary of the suggested modifications to OPA 63 provided through the evidence of Mr. Weaver:

- a. Section 6.11.7.1.1 (Introduction – Area Context & Integrated Planning Approach) – minor re-wording for clarification purposes in the second last paragraph of the preamble, regarding implementation of the Master Community Plan via Block Plans supported by Master Environmental Servicing Plans ("MESPs");

- b. Section 6.11.7.1.3 (Goals) – minor re-wording for clarification purposes in clause (r) regarding logical, timely, and orderly development of the MCP Area and development implementation of infrastructure and transportation systems;
- c. Section 6.11.7.2.2 (Residential) – addition of a new policy in clause (k) providing for potential exceptions to the maximum height and density in the Residential designation via the implementing Zoning By-law, without amendment to the Official Plan, if information is provided to satisfy the criteria in subclause i. to vi. of clause (k), to allow for added flexibility for a range of housing types, densities and built forms supported by appropriate justification for specific future development proposals to be considered on a case-by-case basis;
- d. Section 6.11.7.2.3 (Medium Density) – addition of a new policy in clause (k) providing for potential exceptions to the maximum height and density in the Medium Density designation via the implementing Zoning By-law, without amendment to the Official Plan, if information is provided to satisfy the criteria in subclause i. to vi. of clause (k), to allow for added flexibility for a range of housing types, densities and built forms supported by appropriate justification for specific future development proposals to be considered on a case-by-case basis;
- e. Section 6.11.7.2.4 (Commercial) – addition of a new policy in clause (j) providing for potential exceptions to the maximum height in the Commercial designation via the implementing Zoning By-law, without amendment to the Official Plan, if information is provided to satisfy the criteria in subclause i. to v. of clause (j), to allow for added flexibility for a range of commercial buildings and uses supported by appropriate justification for specific future development proposals to be considered on a case-by-case basis;

- f. Section 6.11.7.2.5 (Mixed Use Node) – addition of a new policy in clause (o) providing for potential exceptions to the maximum height and density in the Mixed-Use Node overlay designation via the implementing Zoning By-law, without amendment to the Official Plan, if information is provided to satisfy the criteria in subclause i. to vi. of clause (o), to allow for added flexibility for a range of housing types, densities and built forms for mixed use buildings and areas supported by appropriate justification for specific future development proposals to be considered on a case-by-case basis;
- g. Section 6.11.7.3.1 (Natural Heritage System Context & Subwatershed Study) – addition of further information for clarification and context purposes in the second sub-bullet under the second bullet of the fifth paragraph of the preamble, to further explain the relationship between the Natural Heritage System (NHS) policies and 30% cover target for the MCP Area and the established Township-wide cover target in Section 10.3.2 of the Township Official Plan which identifies a coverage target comprised of 30% of the land area in the Township in forest cover or wetland, with at least 10% of each subwatershed in wetland, and naturally vegetated buffers along 70% of the length of the first to third order streams in the Township;
- h. Section 6.11.7.3.1 (Natural Heritage System Context & Subwatershed Study) – addition of further information for clarification purposes in the first sentence of the final paragraph of the preamble to explain the intent that the achievement of the 30% natural cover target will be measured across the Smithville MCP Secondary Plan Area;
- i. Section 6.11.7.3.1 (Natural Heritage System Context & Subwatershed Study) – rewording of the second sentence to clarify that the opportunity to consider trail corridors (not just the trails themselves) towards the

achievement of the natural cover target and to clarify reference to green infrastructure corridors to mean utility/servicing corridors;

- j. Section 6.11.7.3.1 (Natural Heritage System Context & Subwatershed Study) – addition of a new sentence after the second sentence to add discrete separate features that provide wildlife habitat and act as “stepping stone” linkages as areas that will be considered towards the achievement of the natural cover target subject to appropriate justification demonstrated through an Environmental Impact Study (EIS), to allow additional flexibility in the measurement and achievement of the natural cover target and the efficient use of land and layout of proposed development;
- k. Section 6.11.7.3.2 (Principles / Objectives) – grammatical correction in the first sentence (changing the first word from “This” to “The”) and addition of wording in clause (a) to more comprehensively capture the broad objectives for the NHS and add reference to the other features that contribute towards achievement of the natural cover target and revised wording in clause (f) to better articulate the principle and objective of further assessment and location confirmation of Recommended Restoration Areas;
- l. Section 6.11.7.3.3 (Interpretation) – revisions to the definition of “natural cover target” in clause (e) to clarify and expand on the areas and features contributing towards the achievement of the target to allow additional flexibility in the measurement and achievement of the natural cover target and the efficient use of land and layout of proposed development, and to provide direction for addressing the target in each Block Plan Area while clarifying that deficiencies in one Block Plan Area or Phase are not required to be made up in other Block Plan Areas or Phases, and further clarifying that the natural cover target is not a maximum or cap on the

amount of natural cover if additional natural cover is required to conform with other applicable policies of the Township Official Plan;

- m. Section 6.11.7.3.8 (Woodlands) – revisions to the wording of clause (f) to clarify that it is the results of Tree Preservation Plans and an EIS that shall be used to demonstrate the extent to which proposed developments contribute to, or will not conflict with, the achievement of the natural cover target;
- n. Section 6.11.7.3.14 (Conceptual Buffers) – addition of wording in clause (c) to articulate the primary and secondary function of Buffers in determining their appropriate width;
- o. Section 6.11.7.3.15 (Linkages) – addition of wording in clause (a) to articulate the primary and secondary function of Linkages in considering refinements where appropriate as determined through an EIS;
- p. Section 6.11.7.3.16 (Recommended Restoration Areas and Potential Restoration Areas) – revised wording in subclause iii. of clause (c) to rephrase in a positive direction the policy in regards to the extent of refinement of Recommended Restoration Areas, or identified alternative restoration opportunities, and their contributions to the achievement of the natural cover target;
- q. Section 6.11.7.3.17 (Natural Hazards) – revised wording in clause (c) to be clearer that, where karst features and their associated buffers are added to the NHS, they may be counted “as contributing” toward the achievement of the natural cover target;

- r. Section 6.11.7.4.4 (Transportation Network) – addition of new subclause (iv) in clause (f) to add viable servicing within the right-of-way to the criteria for determining the number and alignments of Local Roads that will be required as defined through the Block Plan process;
- s. Section 6.11.7.4.4 (Transportation Network) – addition of wording in clause (g) to note the potential for exceptions to the minimum right-of-way width of 20 metres for Local Roads, to be consistent with the addition of a new subclause ii. of clause (h) to provide flexibility for a reduced right-of-way width of 18 metres where the standard 20-metre road allowance is difficult to achieve due to natural heritage / environmental constraints, to allow flexibility for the efficient use of land and layout of proposed development;
- t. Section 6.11.7.4.4 (Transportation Network) – addition of new subclauses iii. of clause (h) to provide the Township with flexibility to modify the minimum right-of-way width for any Arterial or Collector Roads under its jurisdiction, to allow some flexibility to adapt minimum right-of-way standards over time to address transportation and servicing needs and provide for the efficient use of land and infrastructure;
- u. Section 6.11.7.4.4 (Transportation Network) – addition of wording in clause (n) and (o) regarding sidewalk requirements, to clarify that sidewalks are required on both sides of Arterial and Collector Roads while allowing for sidewalks on one side of Local Roads except where sidewalks are required on both sides of Local Roads along park or school frontages and as connecting routes for off-road active transportation facilities, to provide for longer driveways and greater space for parking within driveways;

- v. Section 6.11.7.4.4 (Transportation Network) – revised and additional wording in clause (r) to reflect the possibility of future transit options and to note that, at present, transit service is provided by Niagara Regional Transit on an on-demand basis, for context;
- w. Section 6.11.7.6.1 (Block Plans) – addition of new clause (b) to further articulate the intent of Block Plans, which is to help implement the Smithville MCP and guide development applications, and the expectation that Block Plans will provide for expedited development application processes for related amendment to the Zoning By-law, site plans and draft plans of subdivision/condominium;
- x. Section 6.11.7.6.1 (Block Plans) – revision of wording in clause (e) (re-numbered to clause (f)) to add that a Terms of Reference for Blocks Plans shall identify anticipated timelines for approval of Block Plans;
- y. Section 6.11.7.6.1 (Block Plans) – addition of new clause (l) to clarify that applications proposing development may be deemed complete for processing concurrent with the Block Plan process provided any incomplete matters not already addressed by the Block Plan are identified as application submission requirements through pre-consultation and are submitted with the development application(s), in an effort to enable a timely/efficient process for deeming complete and processing development applications;
- z. Section 6.11.7.6.1 (Block Plans) – addition of new clauses (m) and (n) to clarify that a proposed plan of subdivision/condominium may be draft approved or other development approval may be considered once the proponent has completed all work required to formulate a Block Plan, and that the Township may use holding provisions and/or conditions of approval to ensure the entire Block Plan is completed prior to final

approval of site-specific development applications, and to allow for the approval of Block Plans in phases, in an effort to enable a timely/efficient process for development review and approvals, while limiting this exception to appropriate circumstances where a portion of a Block Plan Area is still under review to enable other portions of the same Block Plan Area to proceed to draft plan of subdivision/condominium or other development approval;

- aa. Section 6.11.7.6.1 (Block Plans) – replacement of “shall generally conform with and implement” with “should appropriately implement” to improve clarity and mutual understanding of expectations of development implementation of Block Plans;
- bb. Section 6.11.7.6.1 (Block Plans) – rewording of subclauses i., ii., iii. and iv. of clause (l) (re-numbered as clause (p)) to improve clarity and mutual understanding regarding the scope and content of Block Plans including the appropriate implementation and refinement of land use designations, community facilities, parks and open spaces, the Master Servicing Plan (MSP) and Transportation Master Plan (TMP) via Block Plans supported by MESP, and information demonstrating how the Block Plan appropriately implements the policies of Section 6.11.7.5 (Community Design & Sustainability) and Township Design Guidelines;
- cc. Section 6.11.7.6.1 (Block Plans) – rewording of clause (m) (re-numbered as clause (q)) to clarify that Block Plans are required to identify the proposed gross densities (not “calculated” densities), appropriately implement the policies of the applicable land use designations and demonstrate achievement of the greenfield density target, to improve clarity and mutual understanding regarding the scope and content of Block Plans;



- dd. Section 6.11.7.6.1 (Block Plans) – rewording of clause (p) (re-numbered as clause (t)) for consistency with the added policies regarding the processing and approval of development applications relative to the Block Plan process for consistency with the modifications described in Items y. and z.;
- ee. Section 6.11.7.6.1 (Block Plans) – addition of new clauses (v) and (w) to indicate the Township's target of 120 days for timely decisions on submitted Block Plans and to allow flexibility for alternative subdivision/condominium or other development applications, which are not consistent with a Block Plan if the deviation is appropriate and represents good planning and enhanced community benefits, and conformity with the policies of the Township Official Plan are demonstrated;
- ff. Section 6.11.7.6.2 (Master Environmental Servicing Plans (MESPs)) – revision of subclauses i., iii., iv., and vii. Of clause (a) for consistency of wording with the modifications described in items aa., bb., and cc. (“appropriately implement”) to improve clarity and mutual understanding regarding the scope and content of MESPs;
- gg. Section 6.11.7.6.3 (Development Staging Plan) – revisions to clause (d) and consolidation of requirements/criteria for consideration of future changes to the Development Staging Plan, to clarify that the development of lands designated for employment or commercial uses in earlier phases is not required prior to the development lands designated for residential uses in later phases, in order to provide for the timely progression of housing development and facilitate an adequate supply of housing, subject to the requirements that the necessary transportation systems and municipal infrastructure will be provided and that existing and

planned community facilities and parks will be reviewed to ensure the population can be accommodated;

- hh. Section 6.11.7.6.3 (Development Staging Plan) – revision to clause (f) to clarify that the achievement of the intensification target is included in the requirement to support the implementation of the Official Plan through a servicing allocation policy as may be adopted by the Township;
- ii. Section 6.11.7.6.3 (Development Staging Plan) – addition of new clauses (h) and (i) to describe the Township's intent to coordinate with the Region to monitor the pace of growth and adapt phasing and servicing strategies to maintain a reliable land inventory to achieve the growth forecasts of the Official Plan in keeping with the policies of the Niagara Region Official Plan, and to consult with affected landowners prior to making adjustments to the Development Staging Plan; and
- jj. Section 6.11.7.6.4 (Complete Application) – addition of new subclause xxii in clause (b) to include a MESP as a submission requirement for a complete application for consistency with the modifications described in Item y.

[8] It is the opinion of both expert witnesses, and the Tribunal agrees, that the proposed modifications have appropriate regard for matters of Provincial interest, is consistent with the Provincial Policy Statement, conforms to the Growth Plan, conforms to the Official Plan, constitutes good land use planning and is in the public interest.

## NEXT STEPS

[9] The Merit Hearing to dispose of the remaining issues will commence on **Monday, June 17, 2024**, beginning at **10 a.m.** by video hearing for **nine days** and ending on **Friday, June 28, 2024**. for the Tribunal will not sit on June 24, 2024.

[10] The Procedural Order found in Schedule A of this Decision shall govern the proceedings leading up to and including the Hearing.

[11] The details to access the video hearing are below. Parties and Participants are asked to log into the video hearings at least **15 minutes** before the start of the event to test their video and audio connections:

<https://meet.goto.com/278736685>

**Access code:** 278-736-685

[12] Parties are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at GoToMeeting or a web application is available:

<https://app.gotomeeting.com/home.html>

[13] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(Toll Free): 1-888-455-1389 or +1 (647) 497-9391**. **The access code is indicated above.**

[14] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Hearing by video, to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator.

**THE TRIBUNAL ORDERS THAT:**

1. The appeal is allowed in part;
2. The appeal is allowed in part and Orders that OPA 63 for the Township of West Lincoln is approved as modified by the partial settlement, as set out in Schedule B to this Order, and is in full force and effect, save and except for those scoped site-specific policies and land use schedules as set out in Schedule C to this Order; and
3. A nine-day video hearing with respect to the remaining issues will commence at **10 a.m. on Monday, June 17, 2024**, by video hearing for **nine days** and ending on **Friday, June 28, 2024**. The Tribunal will not sit on **Monday June 24, 2024**,.

[15] There will be no further notice, and this Member is not seized but will remain available for case management subject to the Tribunal's calendar.

*"A. Sauve"*

A. SAUVE  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## “SCHEDULE A”



### Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

**CASE NO. OLT-23-000470**

### ONTARIO LAND TRIBUNAL

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Appellant:	JTG Holdings Ltd.
Appellant:	Phelps Homes Ltd.
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Reference Number:	D.10.12.OPA-22-0035 / OPA 63
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OLT Case No.:	OLT-23-000470
OLT Lead Case No.:	OLT-23-000470
OLT Case Name:	JTG Holdings Ltd. v. West Lincoln (Township)

1. The Tribunal may vary or add to the directions in this Procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

### Organization of the Hearing

2. The video hearing will begin on **June 17, 2024** at **10:00 a.m.** virtually.
3. The parties' initial estimation for the length of the hearing is ten (10) days. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.
4. The parties and participants identified at the Case Management Conference are set out in Attachment 1.
5. The issues are set out in the Issues List attached as Attachment 2. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.

6. The order of evidence shall be as set out in Attachment 3 to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible – ideally before the Case Management Conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's Video Hearing Guide, available on the Tribunal's website.

### **Requirements Before the Hearing**

9. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **May 9, 2024** and in accordance with paragraph 22 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
10. Expert witnesses in the same field shall have a meeting on or before **April 26, 2024** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting, the parties must prepare and file a Statement of Agreed Facts and Issues with the OLT case co-ordinator on or before **May 3, 2024**.
11. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in paragraph 13 below. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
12. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; by the party calling them must file a brief outline of the expert's evidence as in paragraph 13 below. A party who intends to

call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 13 below.

13. On or before **May 8, 2024**, the parties shall provide copies of their witness and expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 22 below.
14. On or before **May 8, 2024**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 22 below. A participant cannot present oral submissions at the hearing on the content of their witness statement, unless ordered by the Tribunal.
15. On or before **June 7, 2024**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
16. On or before **June 7, 2024**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 22 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
17. Parties may provide to all other parties and the OLT case co-ordinator a written response to any written evidence on or before **May 29, 2024** and in accordance with paragraph 22 below.
18. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT case co-ordinator on or before **June 7, 2024**.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the Motion to all other parties 15 days before the Tribunal hears the Motion.*
20. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
21. The parties shall prepare and file a preliminary hearing plan with the Tribunal on or before **June 11, 2024** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the

hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.

22. All filings shall be submitted electronically and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the *Rule 7*.
23. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's *Rule 17* applies to such requests.
24. A summary of the filing dates is attached as Attachment 4.

**This Member is [not] seized.**

**So orders the Tribunal.**

BEFORE:

Name of Member:

Date:

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TRIBUNAL REGISTRAR



**ATTACHMENT 1**  
**PARTIES/PARTICIPANTS**

**Parties**

**1. Phelps Homes Ltd. & JTG Holdings Ltd.**

Turkstra Mazza Associates  
15 Bold Street  
Hamilton, ON L8P 1T3

**Jennifer Meader**

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**2. Regional Municipality of Niagara**

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**3. Township of West Lincoln**

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**4. 2650687 Ontario Ltd.**

**Russell Cheeseman**

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**5. Allan and Janet Schutten****Russell Cheeseman**

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Email: [rdcheese@aol.com](mailto:rdcheese@aol.com)**6. Trek Corporation and Kingma Petek LLP****Russell Cheeseman**

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Tel: 905.541.5935

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## ATTACHMENT 2

### ISSUES LIST

**NOTE 1:** The identification of an issue on the Issues List does not constitute an acknowledgement by the OLT or any party that such issue, or the manner in which the issue is expressed, is either appropriate or relevant to the determination of the OLT at the hearing. The extent to which these issues are appropriate or relevant to the determination of the OLT at the hearing will be a matter of evidence and argument at the hearing. The identification of an issue on this list by a party indicates that party's intent to lead evidence or argue that the issue is relevant to the proceeding, for the purpose of fairly identifying to the other parties the case they need to meet and shall not be construed as the OLT having jurisdiction over such matters in each circumstance. Accordingly, no party shall advance an issue not identified on the Issues List without leave of the OLT.

**NOTE 2:** These issues are related to the lands owned by the Appellants and scoped to the following policies and Schedules:

- a. Policy 6.11.7.3.1 preamble bullet 4
- b. Policy 6.11.7.3.8.a)
- c. Policy 6.11.7.3.15 preamble
- d. Policy 6.11.7.3.15.j)
- e. Policy 6.11.7.3.16 preamble
- f. Policy 6.11.7.3.16 a)
- g. Schedule E-11
- h. Schedule E-12

### Issues

1. Does OPA 63 have appropriate regard for matters of provincial interest, as set out in section 2 of the Planning Act, and section 2(a) in particular?
2. Is OPA 63 consistent with the Provincial Policy Statement, 2020 ("**PPS**")? In particular:
  - a. Policy 1.1.1 a);
  - b. Policy 1.1.3.4;
  - c. Policy 1.1.3.6;

3. Does OPA 63 conform with the Growth Plan for the Greater Golden Horseshoe, 2019 as amended (“**Growth Plan**”)? In particular:
  - a. Policies:
    - i. 2.2.1.4 e)
    - ii. 2.2.6.3
    - iii. 2.2.7.1
  - b. Section 4 – Context and Policies
    - i. 4.2.2.2
    - ii. 4.2.2.7
4. Does OPA 63 conform with the Region of Niagara Official Plan? In particular:
  - a. Chapter 2:
    - i. Policy 2.2.1.1 – b.,
  - b. Chapter 3:
    - i. Section 3.1.15
    - ii. Section 3.1.16
    - iii. Section 3.1.17
  - c. Chapter 6:
    - i. Policy 6.1.4.7 e)
    - ii. Policy 6.1.4.9 a) and e)
  - d. Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems
  - e. Schedule C2 - Natural Environment System - Individual Components and Features
  - f. Schedule C3 - Key Hydrologic Areas Overlay
5. Does OPA 63 meet the general intent and purpose of the Township of West Lincoln Official Plan? In particular:
  - a. Objectives 5.2 b);
  - b. Objectives 6.1.2 b);
  - c. Natural Heritage Policies of Section 10 Natural Environment, and specifically:

- i. 10.7.2 e)
  - d. Schedule C1 – Natural Heritage Systems
  - e. Schedule C2 – NHS Environmental Protection Area
  - f. Schedule C3 – NHS Environmental Conservation Area
  - g. Schedule C4 – NHS Other Features
  - h. Schedule E12 – Smithville NHS
- 6. Is the identification of Restoration Areas on the lands owned by the Appellants, as described in OPA 63 Policies 6.11.7.3.1 (Preamble, Bullet 4); the preamble of Policy 6.11.7.3.16, Policy 6.11.7.3.16.a), and depicted in Schedules “E-11” and “E-12”, adequately and factually justified in the Subwatershed Study?
- 7. Should there be a site-specific policy applying to the U-shaped woodland on the Subject Lands, confirming that it is not a Significant Woodland and will be evaluated according to its “Other Woodlands” designation on the Region of Niagara Natural Environment System mapping and according to the Region of Niagara Official Plan policies for “Other Woodlands”?
- 8. Is the north-south linkage to 20 Mile Creek referenced in Schedule E-11 and E-12 and Policy 6.11.7.3.15 – Preamble – 1<sup>st</sup> paragraph justified by an identified ecological function?
- 9. Is the linkage referred to in Policy 6.11.7.3.15.j) justified by an identified ecological function?
- 10. Does OPA 63 represent good planning and is it in the public interest?

**ATTACHMENT 3**  
**ORDER OF EVIDENCE**

1. Phelps Homes Ltd. & JTG Holdings Ltd.
2. Township of West Lincoln
3. Regional Municipality of Niagara
4. 2650687 Ontario Ltd.
5. Allan and Janet Schutten
6. Trek Corporation and Kingma Petek LLP
7. 1734234 Ontario Limited
8. Phelps Homes Ltd. & JTG Holdings Ltd. in reply

**ATTACHMENT 4**  
**SUMMARY OF FILING DATES**

EVENT	DATE
Witness List	May 9, 2024
Expert Witness Meeting	April 26, 2024
Statement of Agreed Facts and Issues	May 3, 2024
Expert Witness Statements	May 8, 2024
Written Participant Statements	May 8, 2024
Reply Witness Statements	May 29, 2024
Confirm All Hearing Dates with Tribunal	June 7, 2024
Visual Evidence	June 7, 2024
Joint Document Book	June 7, 2024
Preliminary Hearing Plan	June 11, 2024
OLT Hearing Commences	June 17, 2024

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**SCHEDULE “B”**

**AMENDMENT NUMBER 63  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(SMITHVILLE MASTER COMMUNITY PLAN)  
2022**

**MAY 2023 CONSOLIDATION  
AS APPROVED (WITH MODIFICATIONS)  
BY NIAGARA REGION ON APRIL 20, 2023**

**AS MODIFIED THROUGH MEDIATION  
CONSOLIDATION OF PROPOSED MODIFICATIONS  
APRIL 9, 2024**

\*Denotes a policy or schedule that has not been approved and remains under appeal



**AMENDMENT NUMBER 63  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 63 (Smithville Master Community Plan) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1 – The Preamble and Part 2 – The Amendment. The preamble does not constitute part of the actual amendment but is included as background information.

**1.3 PURPOSE**

The purpose of this Amendment is to revise specific policies and schedules of the Official Plan to:

- Articulate and support the achievement of the Vision for the future growth and expansion of Smithville to accommodate growth over a period of approximately 30 years (to 2051) as a complete, resilient and sustainable community with enhanced small-town character, a robust natural heritage system, efficient and optimized infrastructure systems, well-defined community edges, transportation choice and convenience, and supportive of the agricultural sector;
- Designate the land added to the Smithville Urban Area via the Niagara Region Official Plan and Township Official Plan Amendment No. 62 (OPA 62) for specific urban land uses and for the protection, restoration and enhancement of the natural environment by implementing the Smithville Master Community Plan (MCP) as a new Secondary Plan area based on the preferred concept plan and the recommended natural heritage system identified in the related Subwatershed Study (SWS), and establish related goals and policies;
- Identify Block Plan Areas within the Smithville MCP Area and establish policies for the future preparation of Block Plans to undertake further planning and Master Environmental Servicing Plans (MESP's) to establish the details of future land use and required servicing, transportation and natural heritage systems;
- Designate and establish a special policy area for agricultural-related and farm supportive uses on land to the north-west of the MCP Area;

- Establish policies to recognize and protect existing farm operations within the MCP Area while providing for the future transition of the area to urban land uses and designate a special policy area for specific land within the MCP Area where land uses will be limited until such time as constraints related to the proximity of the land to an existing livestock operation are addressed or no longer exist;
- Identify and establish policies for the recommended Smithville Transportation Plan and to guide and direct future transportation system improvements as well as future streets and active transportation/trail routes and including the potential alignment of a future alternative truck route/Regional Road 20 by-pass conceptually identified in the Niagara Region Official Plan;
- Establish a Development Staging Plan for the Smithville MCP Area including overall stage areas and sub-phases to direct the coordinated and orderly development of the area for urban land uses aligned with the timing of required infrastructure and transportation systems in accordance with the Township's Master Servicing Plan (MSP) and Transportation Master Plan (TMP).

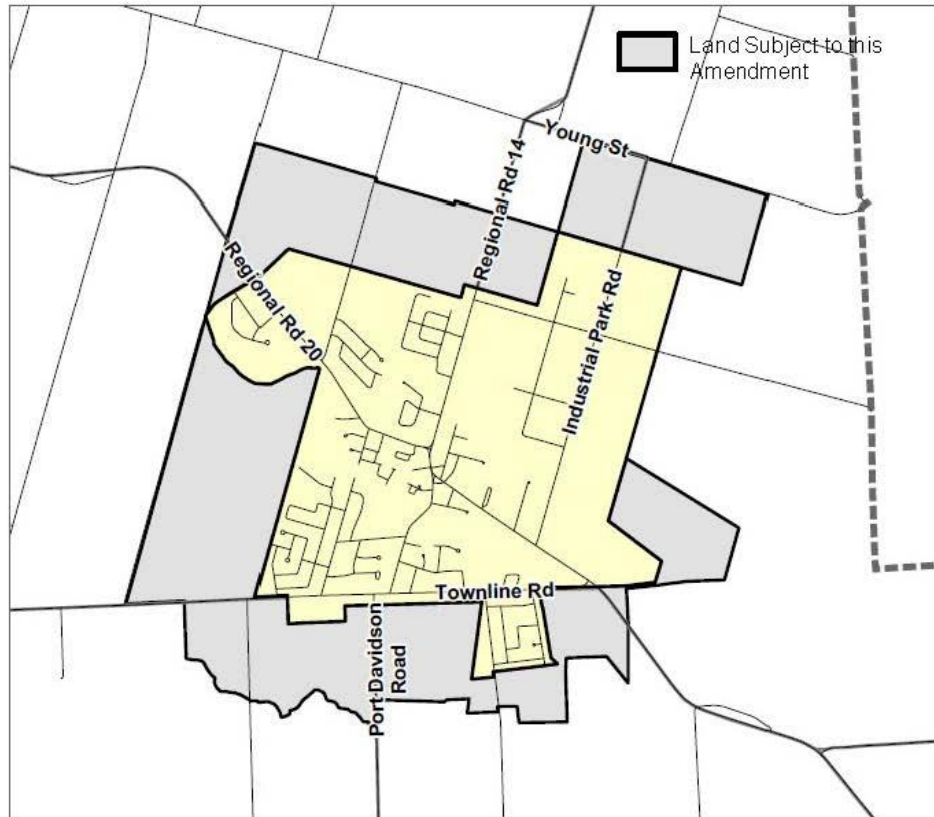
#### 1.4 LOCATION

The Amendment applies primarily to land surrounding the existing community of Smithville in the Township of West Lincoln within the area shown on the location map on the following page.

The total land area within Master Community Plan Study Area is approximately 685 hectares, and the total land area included within the MCP Secondary Plan by this amendment is approximately 540 hectares.

Certain aspects of this amendment relate to matters beyond the MCP Secondary Plan Area and apply to the Smithville Urban Area as a whole, including the Natural Heritage System mapping and policies. Special Policy Area 1 (agriculture-related uses) applies to land within the MCP Study Area between Young Street and the south limit of the Hydro One Corridor between the unopened portion of South Grimsby Road 6 on the west and the Smithville Urban Area boundary (as amended by Official Plan Amendment No. 62) on the east.

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**Location Map****1.5 BASIS OF THE AMENDMENT**

This Amendment is based upon the Smithville Master Community Plan process undertaken by the Township of West Lincoln under the Planning Act integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study has also been undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and support the Master Community Plan Study including the EA process.

The Master Community Plan process has been completed concurrently and coordinated with the Niagara Region Official Plan and this Amendment is intended to conform to and locally implement the policies of the Niagara Region Official Plan (2022) for West Lincoln and the Smithville Urban Area, as well as the Growth Plan for the Greater Golden Horseshoe (2020), and to be consistent with the Provincial Policy Statement (2020). This amendment is also based

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on a phased implementation of the Smithville MCP building upon Township of West Lincoln Official Plan Amendment No. 62 which implements changes to the Smithville Urban Area boundary and 2051 growth forecasts for the Township of West Lincoln implementing the settlement area boundary and growth forecasts for West Lincoln in accordance with the Niagara Region Official Plan.

## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 63 to the Official Plan of the Township of West Lincoln.

### **2.2 DETAILS OF THE AMENDMENT**

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by deleting the words "and future greenfield areas" from section 5.5 (a).

2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following text from section 5.5 (d):

"Future Greenfield Areas are intended to be planned primarily for future residential neighbourhoods as complete communities with a range of housing, commercial and community facilities and services, parks and a linked natural heritage and open space system, to be developed on full municipal services and supported by a local, collector and arterial street network, including complete streets, providing for transportation options and the efficient movement of people and goods. Future Greenfield Areas will be designated for specific land uses, and related policies as well as the required infrastructure, transportation systems and natural heritage systems will be established for these areas, through Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan."

2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following sentence to the end of subsection 4.2.1(a)(ii):

"These uses will be encouraged to be located within Special Policy Area 1 (see subsection 6.11.7.2.10)."

2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording the second sentence of clause (a) of subsection 6.11.1 to read as follows:

"Six (6) Secondary Plans are included in this Official Plan."

2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by deleting subsection 6.11.7 and replacing it with the following new subsection 6.11.7 as follows:

#### **6.11.7 Smithville Master Community Plan**

##### **6.11.7.1 Introduction**

##### **1. Area Context & Integrated Planning Approach**

The Smithville Master Community Plan is a Secondary Plan ("MCP" or "Secondary Plan") for the area that surrounds the existing community and is shown on Schedule "B-4" ("MCP Area"). The outer boundary of the MCP Area coincides with Smithville's urban

boundary while the inner boundary coincides with previous urban boundary limit prior to the approval of the Niagara Region Official Plan (2022) and Township of West Lincoln Official Plan Amendment No. 62, encompassing a total land area of approximately 540 hectares.

Smithville including the MCP Area falls within three watersheds: the Twenty Mile Creek Watershed, the North Creek Watershed, and the Spring Creek Watershed. Natural features within the MCP Area consist of woodlands, wetlands, and watercourses. Twenty Mile Creek and its associated valley and floodplain is a prominent feature on the landscape, and North Creek lies along a portion of the southerly boundary of the MCP Area. Several headwater drainage features are found throughout the MCP Area, and karst features are also present.

The existing pattern of land uses in the MCP Area is characterized primarily by land that has historically been used for agriculture. The Leisureplex Township Park, located along South Grimsby Road 6, is the primary public outdoor sports venue in West Lincoln. Existing land uses in the MCP Area are privately serviced on the basis of individual on-site sanitary systems and water supply wells as well as private water cisterns.

Existing hydro transmission corridors are located along the north limits of the MCP Area, and a natural gas pipeline corridor crosses through the area south of Townline Road.

The transportation system is characterized by existing rural-standard roadways, with Regional Roads 14 and 20 being the primary through-routes and local Township roads (including Townline Road, South Grimsby Roads 5 and 6, Industrial Park Road, Port Davidson Road, Shurie Road, and Tober Road) providing secondary access to the Smithville area. Some existing and planned local streets within Smithville provide for future connections to the MCP Area. The Canadian Pacific Railway (CPR) that runs through Smithville also runs through the MCP Area, with three existing at-grade road crossings.

The Smithville MCP Area is the primary greenfield area designated to accommodate future growth in the Township to the planning horizon of the Official Plan, and the MCP establishes the future land use plan for that area to provide for its transition to urban land uses.

The MCP has been developed through a coordinated, integrated, and comprehensive approach, informed by watershed planning. The MCP was completed concurrently with the preparation of the Niagara Region Official Plan and followed the integrated *Planning Act* and Municipal Engineers Association's Municipal Class Environmental Assessment (EA) process (Approach #4). Infrastructure and

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transportation systems and improvements will be in accordance with the Master Servicing Plan (MSP) and Transportation Master Plan (TMP) completed as part of the MCP.

A Subwatershed Study (SWS) has been prepared for the MCP Area to characterize the area's existing environmental conditions and water resources. The findings and recommendations of the SWS have been integrated into the MCP and, in conjunction with the MSP and TMP, will be used to inform and guide more detailed planning for the sustainable development and environmental management of the area and for the provision of infrastructure and services.

The MCP is intended to be implemented through the preparation of Block Plans supported by Master Environmental Servicing Plans (MESPs), which will be required to guide complete applications for development under the *Planning Act*. Development in the MCP Area will require amendments to the Township's Comprehensive Zoning By-law.

The above paragraphs are intended as preamble to provide background and context to assist with the interpretation and application of the Secondary Plan.

## 2. Vision

The MCP process involved a series of public and stakeholder consultation events and opportunities, which included public information centres, a virtual engagement site, public meetings, and online community surveys and presentations featuring live polls. Several themes that emerged from the input received have contributed to the Vision for the Smithville MCP and informed the development of the MCP's goals, land use concept, and policies.

As the MCP is intended to accommodate growth over a period of approximately 30 years (to 2051), it is anticipated that future updates and changes to the MCP may be required by way of amendments to the Township's Official Plan. The Vision presented below describes the overall outcomes and desired future state of the MCP Area and articulates the general intent of the MCP. Future decision-making, including decision-making about possible updates to the MCP, should have reference to this Vision statement, particularly in circumstances where conformity with the MCP is in question.

The above paragraphs are intended as preamble to assist with the interpretation and application of the following Vision for the Secondary Plan and the community of Smithville more broadly.

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Smithville is a vibrant centre of community life and economic activity in western Niagara, offering a range of services and amenities to residents across the Township and as a memorable place to visit.

West Lincoln's diverse agricultural sector is strengthened by local access to supportive and complementary businesses in Smithville's north-east employment area and farm-related services nearby, and local food retailing opportunities. The movement of goods including agricultural products is efficiently accommodated by strong regional transportation connections and delivery routes, connecting local businesses to broader markets. Smithville's well-defined community edges provide certainty to the long-term protection of high-quality farmlands and investment in agricultural production.

Smithville accommodates a growing population and employment while retaining its rural, small-town character, and using land, energy and infrastructure efficiently. Community and environmental health, sustainability and resiliency are protected by a linked system of natural features, water resources and open spaces, supported by environmental stewardship and watershed management. Urban places are framed and enhanced by connected natural landscapes.

Quiet residential neighbourhoods provide a range of housing to meet diverse needs. Local retail and services, parks, open spaces and community facilities are within convenient walking and cycling distances via safe, multi-modal streets and multi-use trails. A network of complete streets supports enhanced connectivity within neighbourhoods and throughout Smithville and provides access to local and regional transit and ride-sharing options.

### 3. Goals

The following goals have been identified to build on the Vision for the Smithville MCP and to further establish the intent and direction of this Plan, and future decision-making related to planning matters affecting land within the MCP Area, including decision-making about possible updates to the MCP, shall be consistent with these goals:

- a) Designate urban land areas, and direct the establishment of municipal infrastructure and transportation systems, to support Smithville's growth and expansion as the primary location for accommodating the Township's forecast growth and development to the planning horizon of this Plan.
- b) Provide a framework for the development of a balanced mix of urban land uses in the MCP Area that will help Smithville become a complete community while respecting and enhancing the small-town character of Smithville.



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- c) Promote the development of a compact, sustainable, and resilient built environment that supports the reduction of greenhouse gas emissions.
- d) Recognize the importance of agriculture in the Township and protect agricultural areas by establishing well-defined community edges and appropriate transitions to urban land uses in the MCP Area while mitigating and minimizing impacts on agricultural operations.
- e) Provide opportunities for the establishment of land uses, businesses, industries, and facilities in the MCP Area that will support the agricultural sector, and enhance Smithville's role as a service centre by providing regional transportation connectivity and efficient goods movement corridors.
- f) Identify and designate a linked Natural Heritage System and direct the manner in which it will be protected, restored, and enhanced while promoting environmental stewardship and watershed management.
- g) Identify the conceptual locations for future stormwater management facilities, as informed by subwatershed planning for the MCP Area, and provide direction for addressing and managing the impacts of development through green infrastructure and low-impact development approaches, ensuring that these facilities help the community adapt to the effects of climate change.
- h) Identify the conceptual locations for future community facilities, parks, open spaces, and a well-connected active transportation and recreational trails system that will meet community needs and support access to a range of built and natural settings for active and passive recreation, education, health care, and other public and community services.
- i) Promote diversification in the local economy, and protect, reinforce, and provide for the expansion of the North-East Smithville Industrial Park as the primary location for urban employment growth in the Township.
- j) Protect corridors for future transportation facilities and other linear infrastructure needs, including potential routes for the future alternative truck route / by-pass (identified conceptually in the Niagara Region Official Plan) to support the implementation of that future by-pass.
- k) Establish a multi-modal transportation system that supports choice and efficiency through a well-connected street network, including complete streets, and identify the conceptual location

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and general pattern of future streets and active transportation routes.

- l) Provide for a range and mix of housing types that meet residents' full range of housing needs while achieving minimum density targets and the planned mix of unit types.
- m) Provide for the emergence of mixed-use nodes as village centres that will serve as pedestrian-oriented neighbourhood and community focal points in central locations offering local access to retail, commercial services, community facilities, and public spaces while achieving a high level of quality for urban design.
- n) Establish new community commercial "anchors" at the north-west and south-east community gateways along Regional Road 20 (West Street and St. Catharines Street) as retail and service nodes to meet the needs of the community and of visitors.
- o) Avoid conflicts between incompatible land uses by directing development to appropriate locations that allow for the separation of incompatible uses and the provision of appropriate buffering and other mitigative measures.
- p) Direct development away from areas where natural hazards pose a risk to public safety or a risk of damage to property, buildings, and structures, and provide a framework for the further assessment of hazards and constraints on development related to flooding, erosion, and karst features particularly as those hazards are amplified by the impacts of a changing climate.
- q) Provide for the preparation of more detailed Block Plans, to be supported by Master Environmental Servicing Plans, that will facilitate the implementation of the MCP Land Use Concept; the protection, restoration and enhancement of the Natural Heritage System; and the establishment of required infrastructure and transportation systems, and clarify what is required for a complete application proposing development in the MCP Area.
- r) Ensure the logical, timely and orderly development of the MCP Area in a staged and coordinated manner that is aligned with investments in, and the timing of the development implementation of, infrastructure and transportation systems based on and informed by the Region's and Township's Master Plans for servicing and transportation.

#### 6.11.7.2 Land Use Plan

##### 1. Land Use Concept

The land use designations for the Smithville MCP Area are shown on Schedules "E-8" ("North Community Area"), "E-9" ("Employment Area"), "E-10" ("South Community Area"), and "E-11" ("West Community Area") to this Plan. This section of the MCP focuses on the designations listed under "Urban Place-Types" on the aforementioned Schedules, which consist of the following place-types:

- Residential;
- Medium Density;
- Commercial;
- Mixed Use Node;
- Open Space;
- Employment; and
- Restricted Employment.

All of the "place-types" are land use designations.

The "Mixed Use Node" and "Restricted Employment" place-types shall be interpreted as overlay designations (see Subsections 6.11.7.2.5 and 6.11.7.2.9).

Policies regarding the components of the Natural Heritage System shown on the Land Use Schedules and those identified as "Other Features" (Karst features and "Wetlands for Further Review") can be found in Section 6.11.7.3 below. The identification of an area as a "Potential Restoration Area" indicates that the area is considered a possible alternative location for the "Recommended Restoration Area" designation (see Subsection 6.11.7.3.16). Potential Restoration Areas are subject to the policies in Subsection 6.11.7.3.16. Karst features are considered Natural Hazard features and as such are subject to the policies in Subsection 6.11.7.3.17.

Policies regarding "Infrastructure / Corridors" identified on the Land Use Schedules can be found in Section 6.11.7.4 below. The areas identified as "Proposed SWM Facilities" on the schedules are the recommended conceptual locations for stormwater management facilities associated with future development, which will be required to conform with the policies and permitted uses for the land use designations adjacent to the Proposed SWM Facility. The precise locations of SWM facilities will be confirmed through Block Plans and the development approval process, as informed by the SWS.

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Applications proposing development adjacent to the rail corridor shown on the Land Use Schedules are strongly encouraged to consider the recommendations made in the Guidelines for New Development in Proximity to Railway Operations (prepared for the Railway Association of Canada and the Federation of Canadian Municipalities) regarding the mitigation of impacts from noise and vibration and regarding other safety and security measures.

It is the intent of this Plan that all development in the Smithville MCP Area will proceed through the preparation of Block Plans in accordance with Section 6.11.7.6.1 below. Block Plans will provide refined and more specific details regarding the location, dimensions, and types of land uses in conformity with the policies and permitted uses established in this section of the MCP.

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) For the purposes of this section:
  - i. "Land Use Schedules" shall refer collectively to Schedules "E-8", "E-9", "E-10", and "E-11";
  - ii. "Place-types" and "land use designations" are synonymous, and the "Urban Place-Types", "Natural Heritage System (NHS)" and "Recommended Restoration Area" shown on the Land Use Schedules are land use designations;
  - iii. The "Mixed Use Node" and "Restricted Employment" place-types shall be interpreted as overlay designations; and,
  - iv. "the Official Plan" shall refer to the Official Plan of the Township of West Lincoln.
- b) Any area shown on one of the Land Use Schedules as being located in a Conceptual Buffer shall be considered part of the Smithville Natural Heritage System and shall be subject to the policies in Section 6.11.7.3.14 below, notwithstanding any underlying land use designation shown on the Land Use Schedules.
- c) The Smithville MCP Area will be planned to achieve an overall minimum density of 50 combined people and jobs per hectare, and the Smithville Industrial District as a designated Employment Area in the Niagara Region Official Plan shall be planned to achieve a minimum density target of 20 jobs per hectare.

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- d) The minimum density targets established in Policy No. 6.11.7.2.1.c) above should be interpreted as applying to the Smithville MCP Area or the Smithville Industrial District as a whole. Complete applications for development will be required to demonstrate that the development will achieve the target or, if the target will not be achieved by the development, that the development will not negatively affect the achievement of the target when considered in conjunction with other developments and the overall development of the MCP Area.
- e) Where a policy in this section of the Plan makes reference to building height in terms of storeys, a single "storey" should be understood as being the height defined through more specific regulations to be established in the implementing Zoning By-law.
- f) All development adjacent to the rail corridor shown on the Land Use Schedules shall comply with all applicable standards and requirements of CP Rail, Transport Canada, and any other relevant agency.
- g) Development in all land use designations shall be subject to the policies in Section 6.11.7.5 regarding community design and sustainability.
- h) Nothing in this Plan is intended to limit the ability of existing agricultural uses in the Smithville MCP Area to continue.

## 2. Residential

The "Residential" place-type is intended to provide opportunities for the development of low-rise, ground-related residential land uses at lower densities.

The following policies shall apply to those areas designated "Residential" on the Land Use Schedules:

- a) The following residential uses shall be permitted in the "Residential" designation:
  - i. single detached dwellings;
  - ii. semi-detached dwellings;
  - iii. duplex dwellings; and
  - iv. townhouse dwellings.
- b) The following shall be permitted in the "Residential" designation in conjunction with the uses permitted in Policy No. 6.11.7.2.1.a):

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- i. accessory apartments (either in the same building as the primary dwelling or in a detached building), subject to the policies in Section 17.1 of the Official Plan;
  - ii. converted dwellings, subject to the policies in Section 17.1 of the Official Plan; and
  - iii. garden suites, subject to the policies in Section 18.4 of the Official Plan.
- c) The following non-residential uses may be permitted in the "Residential" designation in conjunction with the uses permitted in Policy No. 6.11.7.2.1.a):
  - i. home occupations, provided that:
    - A) the use is clearly secondary to the primary residential use of the property;
    - B) the overall residential character of the property is maintained; and
    - C) the use complies with all relevant provisions of the Zoning By-law;
  - ii. bed-and-breakfast establishments, provided that:
    - A) the use is clearly secondary to the primary residential use of the property;
    - B) all guest rooms are contained within the same building as the principal dwelling unit;
    - C) the establishment is operated by someone who resides in the principal dwelling unit and who is present when the establishment is operating;
    - D) any additions or modifications to the property to accommodate the establishment are compatible with the residential character of the neighbourhood; and
    - E) the establishment will not have any negative impacts on the privacy of residents of adjacent properties or on their ability to enjoy their property; and
  - iii. public and private utilities, provided that:
    - A) the proposed location is supported by technical reports prepared by qualified professionals;

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- B) the scale of any buildings and structures associated with the utility is compatible with the residential character of the area; and
  - C) the use will not interfere with the ability of nearby residents to enjoy their properties.
- d) The following uses may be permitted in the "Residential" designation but shall require an amendment to the Zoning By-law:
- i. local convenience or service retail uses, provided that:
    - A) the use is small in scale and does not exceed a gross floor area of 200 m<sup>2</sup>;
    - B) the use serves the needs of the immediate neighbourhood;
    - C) the use is compatible with adjacent uses and will not detract from the overall residential character of the area; and
    - D) adequate buffering and screening will be provided between the use and adjacent residential properties;
  - ii. day-care facilities, provided that:
    - A) the property has access to a Collector Road;
    - B) the use is compatible with adjacent uses and will not detract from the overall residential character of the area;
    - C) adequate buffering and screening will be provided between the use and adjacent residential properties; and
    - D) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking;
  - iii. places of worship, provided that:
    - A) the property has an area no greater than 0.75 ha;
    - B) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - C) the use is compatible with adjacent uses and will not detract from the overall residential character;

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- D) the building in which the use is located is designed to a high standard of quality; and
- E) extensive buffering and screening will be provided between the use and adjacent residential properties; and
- iv. educational facilities, provided that:
  - A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
  - B) the use and the scale of any buildings associated with the use is compatible with adjacent uses and will not detract from the overall residential character of the area;
  - C) Council is satisfied that the proposed use will not have any negative impacts on surrounding uses; and
  - D) adequate buffering and screening will be provided between the use and adjacent residential properties.
- e) Any land use in the "Residential" designation, other than those listed in Policy No. 6.11.7.2.2.a) above, may be subject to site plan control.
- f) Areas designated "Residential" shall be planned to achieve an overall gross density of between 15 and 20 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.
- g) Residential areas shall provide an appropriate mix of dwelling types in a variety of compatible sizes and styles, as determined through the Block Plan process.
- h) No building or structure in the "Residential" designation shall exceed a height of 2.5 storeys, except that this policy shall not apply to structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein.
- i) Residential uses should be designed to accommodate or facilitate the addition of an accessory dwelling unit.
- j) Development in the "Residential" designation shall be designed in accordance with the principles and policies for the "Residential Neighbourhood" character area set out in Subsection 6.11.7.5.2 below.



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- k) Notwithstanding Policy No. 6.11.7.2.2 f) and h) above, the implementing Zoning By-law may permit increases to height and density, without amendment to this Plan, if information is provided to the satisfaction of the Township demonstrating that all of the following criteria are met:
  - i. That the proposed development will achieve compatible land use and built form and is appropriately designed and integrated with the nature and character of the surrounding area and to avoid or appropriately mitigate potential impacts such as shadow and overlook, and conforms with Policy No. 6.11.7.5 below;
  - ii. That there is adequate reserve servicing capacity, emergency access and fire protection services available or planned to accommodate the development;
  - iii. That the proposed development supports active transportation, will provide adequate off-street parking and will have adequate access to, and will not adversely affect traffic conditions on, existing or new roads or on the ability to meet the transportation needs of the area;
  - iv. That the additional height and density of development will not adversely affect the achievement of the intensification target within the built-up area;
  - v. That the maximum permitted height and density will be regulated through the implementing Zoning By-law and that the measures required to achieve the above criteria will be addressed in the Zoning By-law and/or via Site Plan Control as applicable; and,
  - vi. That the development conforms with all other applicable policies of this Plan.

### 3. Medium Density

The "Medium Density" place-type is intended to provide opportunities for the development of low-rise, multi-unit residential land uses at medium densities, such as triplex, four-plex, and townhouse dwellings.

The following policies shall apply to those areas designated "Medium Density" on the Land Use Schedules:

- a) The following residential uses shall be permitted in the "Medium Density" designation:
  - i. townhouse dwellings in a variety of forms (including street, cluster, back-to-back, and stacked);

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- ii. triplex dwellings;
  - iii. four-plex dwellings;
  - iv. other forms of multi-residential development, up to six units unless otherwise approved by the Township through the implementing Zoning By-law; and
  - v. apartment buildings, subject to Policy No. 6.11.7.2.3.c) below.
- b) Single detached dwellings, semi-detached dwellings, and duplex dwellings may be permitted in the Medium Density designation, subject to Policy No. 6.11.7.2.3.c) below and provided that the overall density target established in Policy No. 6.11.7.2.3.g) is achieved.
- c) The Block Plan process will be used to determine the specific mix of housing types provided in any given development, which shall generally adhere to the following proportions:
- i. those residential uses listed in Policy No. 6.11.7.2.3.a) above except for apartment buildings should comprise no less than 80% of all units;
  - ii. apartment buildings should comprise no more than 10% of all units; and
  - iii. the low-density residential uses referred to in Policy No. 6.11.7.2.3.b) should comprise no more than 10% of all units.
- d) The following may be permitted in the "Medium Density" designation where permitted in conjunction with the uses permitted in Policy No. 6.11.7.2.3.a) or 6.11.7.2.3.b):
- i. accessory apartments (either in the same building as the primary dwelling or in a detached building), subject to the policies in Section 17.1 of the Official Plan;
  - ii. converted dwellings, subject to the policies in Section 17.1 of the Official Plan; and
  - iii. garden suites, subject to the policies in Section 18.4 of the Official Plan.
- e) The following uses may be permitted in the "Medium Density" designation where permitted in conjunction with the uses permitted in Policy No. 6.11.7.2.3.a) or 6.11.7.2.3.b):
- i. communal housing, provided that:

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- A) the nature and scale of the use are compatible with adjacent uses and with the overall residential character of the area;
  - B) the development provides adequate amenity areas for residents and sufficient parking facilities for employees, residents, and visitors, as necessary; and
  - C) adequate buffering and screening is provided between the use and adjacent residential uses;
- ii. home occupations, provided that:
- A) the use is secondary to the primary residential use of the property;
  - B) the use maintains the overall residential character of the property and is compatible with adjacent uses; and
  - C) the use complies with all relevant provisions of the Zoning By-law;
- iii. bed-and-breakfast establishments, provided that:
- A) the use is secondary to the primary residential use of the property;
  - B) all guest rooms are contained within the same building as the principal dwelling unit;
  - C) the establishment is operated by someone who resides in the principal dwelling unit and who is present when the establishment is operating;
  - D) any additions or modifications to the property to accommodate the establishment are compatible with the overall character of the area; and
  - E) the establishment will not have any negative impacts on adjacent properties; and
- iv. public and private utilities, provided that:
- A) the proposed location is supported by technical reports prepared by qualified professionals;
  - B) the scale of any buildings and structures associated with the utility is compatible with the character of the area; and
  - C) the use will not have any negative impacts on adjacent properties.

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- f) The following uses may be permitted in the "Medium Density" designation but shall require an amendment to the Zoning By-law:
- i. local convenience or service retail uses, provided that:
    - A) the use is small in scale and does not exceed a gross floor area of 200 m<sup>2</sup>;
    - B) the use serves the needs of the immediate area;
    - C) the use is compatible with adjacent uses and will not detract from the overall character of the area; and
    - D) adequate buffering and screening will be provided between the use and adjacent residential properties;
  - ii. day-care facilities, provided that:
    - A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - B) the use is compatible with adjacent uses and will not detract from the overall character of the area;
    - C) adequate buffering and screening will be provided between the use and adjacent residential properties; and
    - D) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking;
  - iii. places of worship, provided that:
    - A) the property has an area no greater than 0.75 ha;
    - B) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - C) the use is compatible with adjacent uses and will not detract from the overall character of the area;
    - D) the building in which the use is located is designed to a high standard of quality; and
    - E) adequate buffering and screening will be provided between the use and adjacent residential properties; and
  - iv. educational facilities, provided that:

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- A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
  - B) the use is compatible with adjacent uses and will not detract from the overall character of the area;
  - C) Council is satisfied that the proposed use will not have any negative impacts on surrounding uses; and
  - D) adequate buffering and screening will be provided between the use and adjacent residential properties.
- g) Areas designated "Medium Density" shall be planned to achieve an overall gross density of between 20 and 40 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.
- h) No building or structure in the "Medium Density" designation shall exceed a height of 3 storeys, except that this policy shall not apply to the following:
- i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- i) All development in the "Medium Density" designation, except for the development of a use identified in Policy No. 6.11.7.2.3.b) above, shall be subject to site plan control.
- j) Development in the "Medium Density" designation outside of the "Mixed Use Node" overlay designation shall be designed in accordance with the principles and policies for the "Residential Neighbourhood" character area set out in Subsection 6.11.7.5.2 below.
- k) Notwithstanding Policy No. 6.11.7.2.3 g) and h) above, the implementing Zoning By-law may permit increases to height and density, without amendment to this Plan, if information is provided to the satisfaction of the Township demonstrating that all of the following criteria are met:

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- i. That the proposed development will achieve compatible land use and built form and is appropriately designed and integrated with the nature and character of the surrounding area and to avoid or appropriately mitigate potential impacts such as shadow and overlook, and conforms with Policy No. 6.11.7.5 below;
- ii. That there is adequate reserve servicing capacity, emergency access and fire protection services available or planned to accommodate the development;
- iii. That the proposed development supports active transportation, will provide adequate off-street parking and will have adequate access to, and will not adversely affect traffic conditions on existing or new roads or on the ability to meet the transportation needs of the area;
- iv. That the additional height and density of development will not adversely affect the achievement of the intensification target within the built-up area;
- v. That the maximum permitted height and density will be regulated through the implementing Zoning By-law and that the measures required to achieve the above criteria will be addressed in the Zoning By-law and/or via Site Plan Control as applicable; and,
- vi. That the development conforms with all other applicable policies of this Plan

#### 4. Commercial

The "Commercial" place-type is meant to accommodate a wide range of commercial uses to meet the needs of Smithville residents, located within reasonable walking distance and developed in a manner that will contribute to the achievement of complete communities. This designation is also meant to accommodate some residential uses in dwelling units above the first floors of buildings.

The following policies shall apply to those areas designated "Commercial" on the Land Use Schedules:

- a) The following non-residential uses shall be permitted in the "Commercial" designation:
  - i. a full range of retail commercial uses;
  - ii. personal service uses and commercial service uses;
  - iii. office commercial uses;

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- iv. medical clinics, dental clinics, and other health care-related uses;
  - v. restaurants;
  - vi. hotels;
  - vii. cultural, recreational, and entertainment uses;
  - viii. community uses and institutional uses; and
  - ix. public and private utilities.
- b) The following uses may be permitted in the "Commercial" designation:
- i. day-care facilities, provided that:
    - A) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area;
    - B) adequate buffering and screening will be provided between the use and adjacent commercial properties; and
    - C) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking; and
  - ii. public and private utilities, provided that:
    - A) the proposed location is supported by technical reports prepared by qualified professionals;
    - B) any buildings or structures associated with the utility will be compatible with the commercial character of the area; and
    - C) the use will not have any negative impacts on adjacent commercial properties.
- c) The following uses may be permitted in the "Commercial" designation but shall require an amendment to the Zoning By-law:
- i. automotive-oriented uses, such as gas stations, automotive sales establishments, and automotive service and repair establishments, provided that:
    - A) these uses shall not be permitted in Mixed Use Nodes;

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- B) through the implementing Zoning By-law, the land area zoned for such uses does not exceed 25% of the total land area zoned for commercial land uses within the Commercial designation (excluding Mixed Use Nodes) in the MCP Area;
  - C) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area; and
  - D) adequate buffering and screening will be provided between the use and adjacent commercial properties.
- ii. places of worship, provided that:
  - A) the property has an area no greater than 0.75 ha;
  - B) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area; and
  - C) adequate buffering and screening will be provided between the use and adjacent commercial properties.
- d) Parking for a place of worship permitted under Policy No. 6.11.7.2.4.c).ii above may be provided through a shared parking arrangement with an adjacent commercial use through the implementing Zoning By-law and appropriate development agreements.
- e) The following uses shall not be permitted in the "Commercial" designation:
  - i. adult entertainment establishments; and
  - ii. residential uses, except within Mixed Use Nodes in accordance with Subsection 6.11.7.25.
- f) Permitted commercial uses may be located in free-standing buildings or in multi-unit commercial buildings. In Mixed Use Nodes, permitted commercial uses may be located in mixed commercial-residential buildings.
- g) All development in the "Commercial" designation shall be subject to site plan control.
- h) No building or structure in the "Commercial" designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:



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- i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- i) Development in the "Commercial" designation outside of the "Mixed Use Node" overlay designation shall be designed in accordance with the principles and policies for the "Commercial" character area set out in Subsection 6.11.7.5.3 below.
  - j) Notwithstanding Policy No. 6.11.7.2.4 h) above, the implementing Zoning By-law may permit increases to height, without amendment to this Plan, if information is provided to the satisfaction of the Township demonstrating that all of the following criteria are met:
    - i. That the proposed development will achieve compatible land use and built form and is appropriately designed and integrated with the nature and character of the surrounding area and to avoid or appropriately mitigate potential impacts such as shadow and overlook, and conforms with Policy No. 6.11.7.5 below;
    - ii. That there is adequate reserve servicing capacity, emergency access and fire protection services available or planned to accommodate the development;
    - iii. That the proposed development supports active transportation, will provide adequate off-street parking and will have adequate access to, and will not adversely affect traffic conditions on, existing or new roads or on the ability to meet the transportation needs of the area;
    - iv. That the maximum permitted height will be regulated through the implementing Zoning By-law and that the measures required to achieve the above criteria will be addressed in the Zoning By-law and/or via Site Plan Control as applicable; and,
    - v. That the development conforms with all other applicable policies of this Plan.

## 5. Mixed Use Node

The “Mixed Use Node” place-type identifies areas meant to serve as neighbourhood focal points, accommodating a mix of compatible residential, commercial, and community uses. Most of the Mixed Use Nodes in the Smithville MCP Area are centrally located to serve as walkable destinations. There are also some Mixed Use Nodes located along key corridors or at community gateways.

The “Mixed Use Node” designation is an overlay designation, with areas classified as either “Commercial Mixed Use Nodes” or “Medium-Density Mixed Use Nodes,” as determined by the underlying place-type designation.

The following policies shall apply to those areas designated “Mixed Use Node” on the Land Use Schedules:

- a) For the purposes of this section of the Plan:
  - i. “Commercial Mixed Use Node” shall refer to any area shown on the Land Use Schedules that is designated “Commercial” and is located within an area designated “Mixed Use Node”; and
  - ii. “Medium-Density Mixed Use Node” shall refer to any area shown on the Land Use Schedules that is designated “Medium Density” and located within an area designated “Mixed Use Node”.
- b) The policies that apply to the underlying land use designation shall also apply to the “Mixed Use Node” designation, except that where a policy that applies to the underlying land use designation conflicts with a policy contained in this section (Section 6.11.7.2.5) of the Plan, the policy in this section shall prevail.
- c) The uses permitted in the “Mixed Use Node” designation shall be those permitted in the underlying designation.
- d) Notwithstanding Policy No. 6.11.7.2.5.c), the implementing Zoning By-law may permit the following non-residential uses in a Medium-Density Mixed Use Node:
  - i. small-scale retail commercial uses;
  - ii. personal service commercial uses;
  - iii. small-scale office commercial uses;
  - iv. live–work units; and
  - v. community uses.

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- e) For the purposes of Policy No. 6.11.7.2.5.d), the meaning of "small-scale" shall be determined as part of the implementing Zoning By-law which shall establish provisions to regulate the size of retail commercial and office commercial uses so that they are secondary to the primary residential uses and based on information demonstrating that they will support the planned function, viability and successful integration of compatible uses in the Medium-Density Mixed Use Node.
- f) Notwithstanding Policy No. 6.11.7.2.5.c), the implementing Zoning By-law may permit residential uses in a Commercial Mixed Use Node, except that:
  - i. single detached dwellings, semi-detached dwellings, and duplex dwellings shall not be permitted in any Commercial Mixed Use Node; and
  - ii. no residential use shall be permitted on the ground floor of a building in a Commercial Mixed Use Node, unless the residential use in question is:
    - A) a communal housing use; or
    - B) an apartment building.
- g) Commercial Mixed Use Nodes should feature a mix of uses that generally adheres to the following proportions:
  - i. commercial uses should comprise between 75% and 85% of the gross floor area of development; and
  - ii. residential uses should comprise between 15% and 25% of the gross floor area of development.
- h) Residential uses in the Commercial Mixed Use Nodes may consist of buildings with dwelling units such as apartments and live-work units that are located on floors above the ground floor and/or separate commercial and residential buildings on the same site provided that
  - i. if separate commercial and residential buildings are proposed, the ground floor area of residential building(s) shall not exceed the lesser of the commercial ground floor area or 15% of the total net developable land area of the site;
  - ii. if separate commercial and residential buildings are proposed, the residential building(s) shall be for one or more uses permitted by Policy No. 6.11.7.2.5.f); and,

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- iii. if shared parking provisions are proposed these requirements shall be established in the implementing Zoning By-law.
- i) Medium-Density Mixed Use Nodes should feature a mix of uses that generally adheres to the following proportions:
  - i. residential uses should comprise between 75% and 85% of the gross floor area of development, with a mix of unit types similar to that described in Policy No. 6.11.7.2.3.c) above; and
  - ii. commercial uses should comprise between 15% and 25% of the gross floor area of development, provided that stand alone commercial uses shall not exceed 15% of the net developable land area of the site.
- j) The proportions set out in Policy No. 6.11.7.2.5.g) and Policy No. 6.11.7.2.5.i) above are intended as general targets, shall not be used as the sole basis for refusing a development application, and shall be more specifically set out in the implementing Zoning By-law. The provisions of the Zoning By-law may vary from the proportions set out in Policy No. 6.11.7.2.5.g) and Policy No. 6.11.7.2.5.i) above and may differ by location if alternative proportions are justified based on information demonstrating that:
  - i. the proposed alternative to the development proportions set out in Policy No. 6.11.7.2.5.g) will support the planned function, viability and successful integration of compatible uses in the Commercial Mixed Use Node primarily for permitted commercial uses and secondarily for permitted residential uses;
  - ii. the proposed alternative to the development proportions set out in Policy No. 6.11.7.2.5.i) above will support the planned function, viability and successful integration of compatible uses in the Medium-Density Mixed Use Node primarily for permitted residential uses and secondarily for permitted commercial uses; and,
  - iii. the development is in keeping with the other applicable policies of this Plan.
- k) Medium-Density Mixed Use Nodes shall be planned to achieve an overall gross density of between 20 and 40 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.

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- l) No building or structure in the "Mixed Use Node" designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- m) Development in the "Mixed Use Node" designation shall be designed according to the principles and policies for the "Mixed Use Neighbourhood Node" character area set out in Subsection 6.11.7.5.4 below.
- n) Parking for developments within Mixed Use Nodes may be provided through shared parking arrangements through the implementing Zoning By-law and appropriate development agreements.
- o) Notwithstanding Policy No. 6.11.7.2.5 k) and l) above, the implementing Zoning By-law may permit increases to height and density, without amendment to this Plan, if information is provided to the satisfaction of the Township demonstrating that all of the following criteria are met:
  - i. That the proposed development will achieve compatible land use and built form and is appropriately designed and integrated with the nature and character of the surrounding area and to avoid or appropriately mitigate potential impacts such as shadow and overlook, and conforms with Policy No. 6.11.7.5 below;
  - ii. That there is adequate reserve servicing capacity, emergency access and fire protection services available or planned to accommodate the development;
  - iii. That the proposed development supports active transportation, will provide adequate off-street parking and will have adequate access to, and will not adversely affect traffic conditions on, existing or new roads or on the ability to meet the transportation needs of the area;

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- iv. That the additional height and density of development will not adversely affect the achievement of the intensification target within the built-up area;
- v. That the maximum permitted height and density will be regulated through the implementing Zoning By-law and that the measures required to achieve the above criteria will be addressed in the Zoning By-law and/or via Site Plan Control as applicable; and,
- vi. That the development conforms with all other applicable policies of this Plan.

#### 6. Open Space

The "Open Space" place-type is intended to accommodate a range of outdoor recreation facilities and amenities to support both active and passive recreation uses. These areas will help establish a connected public open space system, and are further intended to provide opportunities for community greening, green infrastructure, and enhanced tree canopy coverage.

The following policies shall apply to those areas designated "Open Space" on the Land Use Schedules:

- a) The following uses shall be permitted in the "Open Space" designation:
  - i. public parks, trails, and associated buildings and structures;
  - ii. a range of active and passive recreation uses; and
  - iii. conservation uses and natural areas, including those intended to protect, restore, or enhance features of the Natural Heritage System.
- b) Public and private utilities may be permitted in the "Open Space" designation, provided that:
  - i. the proposed location is supported by technical reports prepared by qualified professionals; and
  - ii. the use will not interfere with public enjoyment of the area or have any negative impacts on natural heritage features.
- c) Development and land uses in the "Open Space" designation shall be designed in accordance with the principles and policies for the "Residential Neighbourhood" character area set out in Subsection 6.11.7.5.2 below.

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- d) As shown on the Land Use Plan, the conceptual locations for a total of eight (8) future Neighbourhood Parks (NP1 to NP8) are shown within the "Open Space" designation with an associated 400-metre (approximately 5-minute walking distance) to illustrate the approximate number, location, size and distribution of Neighbourhood Parks intended to service the planned population growth within the Secondary Plan Area. The final number, location, size and distribution of new Neighbourhood Parks and other parks within the Secondary Plan Area shall be determined through the Block Plan process which may refine the Neighbourhood Parks shown on the Land Use Plan, subject to the following:
- i. The minimum number of new Neighbourhood Parks provided shall be no less than eight (8) as shown on the Land Use Plan, with an overall target provision level of 1.0 hectare of parkland per 1,000 residents;
  - ii. Neighbourhood Parks shall be centrally located within the surrounding neighbourhood to support convenient access and based on the following criteria:
    - A) highly visible street frontage on at least one adjoining street shall be provided along at least one quarter of the park perimeter;
    - B) adjacent to schools and/or other community facilities where possible;
    - C) with a target service area radius of 400 metres or a 5-minute walking distance from surrounding residential areas; and,
    - D) where the adjoining street layout and walkways support direct walking and cycling routes to the park;
  - iii. Neighbourhood Parks should have a minimum park area of approximately 1 hectare and may be up to 3 hectares in size to support a range of local park facilities and amenities, and the Township may accept smaller parkettes that are provided in addition and supplementary to the required Neighbourhood Parks to enhance geographic access to parkland and connectivity of the overall parks and open space system and to support the achievement of the overall target parkland provision level.
- e) The location of the existing Leisureplex Township Park is depicted within the "Open Space" designation on the Land Use Plan and is intended to continue to function as the primary

location for major outdoor recreational facilities for the entire Township. To contribute to addressing the needs of the growing community and as the adjoining neighbourhoods develop, the Township may improve, expand or otherwise change the range and type of public recreational facilities and complementary uses, buildings and structures within the Leisureplex site based on a Parks Master Plan or similar initiative. Adjoining lands shall be developed in a manner that maintains and contributes to convenient access to the Leisureplex via walking and cycling and by providing an additional street access via Street D.

#### 7. Community Facility

The “Community Facility” place-type is intended to accommodate a range of community facilities that play an important role in civic life. These places are often at the heart of community activities and host social events for people of all ages, abilities, and cultural backgrounds.

The following policies shall apply to those areas designated “Community Facility” on the Land Use Schedules:

- a) The following uses shall be permitted in the “Community Facility” designation:
  - i. schools and other educational facilities;
  - ii. libraries;
  - iii. community centres;
  - iv. cultural and recreational facilities;
  - v. places of worship;
  - vi. parks; and
  - vii. other similar uses and facilities as may be defined in the implementing Zoning By-law.
- b) No building or structure in the “Community Facility” designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include



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information to justify the additional height based on the applicable policies of this Plan.

- c) Development in the "Community Facility" designation shall be designed according to the principles and policies for the "Mixed Use Neighbourhood Node" character area set out in Subsection 6.11.7.5.4 below.
- d) The Township will work with the School Boards to determine the need for new schools and the number and final location, size, distribution and other aspects of new school sites and school facilities based on planned growth and development in the Secondary Plan Area. Where the need for additional school facilities is identified through consultation with the Boards of Education, the Township will encourage the Board(s) to locate the school site(s) within the "Community Facility" designation.

#### 8. Employment

The "Employment" place-type is intended to serve as an extension of Smithville's existing North-East Industrial Park, which is a designated Employment Area in the Niagara Region Official Plan, and to provide a land base for a range of industrial, office, and other ancillary and supportive uses.

The following policies shall apply to those areas designated "Employment" on the Land Use Schedules:

- a) The following uses shall be permitted in the "Employment" designation:
  - i. industrial uses, including manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials;
  - ii. data processing, laboratories, and research and development facilities;
  - iii. agricultural services;
  - iv. offices associated with and ancillary to a permitted use in Policy No. 6.11.7.2.8.a)i, 8.a)ii. and 8.a)iii;
  - v. Professional and administrative offices, excluding major offices, provided that these offices are secondary to the primary core employment uses planned for the employment area; and,
  - vi. such other uses as may be permitted by the implementing Zoning By-law.

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- b) Ancillary uses and facilities that are supportive of the overall employment area may be permitted in the "Employment" designation, provided that such uses and facilities:
  - i. are compatible with permitted employment uses;
  - ii. will not hinder the establishment, continuation or expansion of any permitted employment use by virtue of sensitivity or other factors; and
  - iii. will support, or will not detract from, the overall functioning and viability of the area as an employment area.
- c) Retail sales that are ancillary to a permitted employment use may be permitted in the "Employment" designation, provided that the goods for sale are manufactured or processed on-site. Stand-alone and major retail and major commercial uses shall not be permitted.
- d) All development on lands designated "Employment" shall be subject to site plan control.
- e) Development in the "Employment" designation shall be designed according to the principles and policies for the "Urban Employment" character area set out in Subsection 6.11.7.5.5 below.

#### 9. Restricted Employment

The "Restricted Employment" place-type is an overlay designation that has been applied to a small area at the southeasterly corner of the North Community Area, as shown on Schedule "E-8". The purpose of this designation is to limit the types of employment uses permitted to those that will be compatible with adjacent residential areas. This designation is also intended to provide for an appropriate transition between the residential areas to the west and the larger employment area to the east.

The following policies shall apply to those areas designated "Restricted Employment" on the Land Use Schedules:

- a) The following uses shall be permitted in the "Restricted Employment" designation:
  - i. automotive-related uses, including car wash facilities;
  - ii. automobile sales establishments;
  - iii. business parks;
  - iv. commercial recreational facilities;

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- v. financial institutions;
  - vi. health clubs;
  - vii. light industrial and prestige industrial uses, including light manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials;
  - viii. local convenience/retail uses;
  - ix. nurseries and garden centres;
  - x. data processing, laboratories, and research and development facilities;
  - xi. professional and administrative offices;
  - xii. agricultural services; and
  - xiii. such other uses as may be permitted by the implementing Zoning By-law.
- b) All development on lands designated "Restricted Employment" shall be subject to site plan control.
  - c) Loading and outdoor storage areas shall be screened and generally directed towards the rear of buildings away from street frontages.
  - d) The Township will encourage buildings with continuous street frontage to promote a consistent urban character, and enhanced building and landscape design of visible gateway and prestige sites.
  - e) Development in the "Restricted Employment" designation shall be designed according to the principles and policies for the "Urban Employment" character area set out in Subsection 6.11.7.5.5 below.
10. Special Policy Area 1 (Agriculture-Related Uses)

Special Policy Area 1 consists of approximately 132 hectares of land on the south side of Young Street, from South Grimsby Road 6 to about 420 metres east of Thirty Road. This area is located just to the north of the North Community Area and includes the lands within the hydro right-of-way. These lands are designated "Good General Agricultural" with portions being located with the Natural Heritage System.

Special Policy Area 1 is intended to support rural economic development and to provide employment opportunities in the agricultural sector. Land uses in this area will support to continued viability and vitality of farming in the Township of West Lincoln and in

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Niagara Region. In particular, these lands are envisioned as accommodating uses that will benefit from a central location at the edge of Smithville that has access to primary goods movement corridors.

- a) The following land uses shall be permitted in "Special Policy Area 1":
  - i. agriculture-related uses, including the sales and servicing of farm equipment and the processing of food and agricultural products;
  - ii. agricultural uses; and
  - iii. on-farm diversified uses.
- b) Passive recreation uses, including multi-modal trails and other facilities and infrastructure for active transportation, may be permitted in Special Policy Area 1, in accordance with the conceptual alignment for such facilities shown on Schedule "E-13" to this Plan.
- c) Development permitted in Special Policy Area 1 shall be limited to that which can be supported by rural services.
- d) All development and land uses in Special Policy Area 1 shall be designed:
  - i. to ensure compatibility with nearby sensitive land uses;
  - ii. to maintain the area's rural character;
  - iii. to avoid negative impacts on natural heritage features and to mitigate any such impacts to the fullest possible extent; and
  - iv. to minimize the potential of any adverse impacts on farm operations in the area and to mitigate any such impacts to the fullest possible extent.

11. Special Policy Area 2 (Limited Permitted Uses/Urban Infrastructure)

Special Policy Area 2 is located at the westerly edge of the North Community Area, as shown on Schedule "E-8" to this Plan. The purpose of Special Policy Area 2 is to limit permitted uses within the designated area until such time as the livestock operation at 6817 Highway 20 ceases to operate or it is demonstrated through future MDS analysis that a reduced MDS setback is justified based on changes to the livestock operation and/or intervening land uses provided that no urban community uses shall be permitted within the new MDS setback, while providing for the establishment of urban

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infrastructure to support the development of Blocks 1 and 2 for their intended urban uses.

- a) The uses permitted in "Special Policy Area 2" shall be limited to the following:
  - i. public roads, trails, and multi-use pathways;
  - ii. public utilities and other forms of linear infrastructure;
  - iii. stormwater management facilities; and
  - iv. public open space uses that do not involve a sensitive land uses.
- b) Nothing in Policy No. 6.11.7.2.11.a) is intended to hinder the ability of existing agricultural uses to continue.

#### 6.11.7.3 Natural Heritage System

##### 1. Natural Heritage System Context & Subwatershed Study

The Natural Heritage System (NHS) for Smithville including the MCP Area was identified primarily through the Subwatershed Study (SWS) undertaken as part of the MCP and in fulfillment of the requirements set out in Section 3.2.3 of the Niagara Region Official Plan. The SWS process involved a review of the existing policies in the Township of West Lincoln's Official Plan alongside regional and provincial policies, as well as field surveys to identify significant and sensitive features in the Smithville MCP Area.

The Township's overall NHS is considered part of Niagara Region's Natural Environment System, as defined in the Niagara Region Official Plan and as represented by the "Natural Environment System Overlay" designation shown on Schedule "C1" to the Niagara Region Official Plan. Those portions of the Region's Natural Environment System that are located within settlement areas, which includes the Smithville MCP Area, are subject to the policies in Section 3.1.9 of the Niagara Region Official Plan. The NHS identified through the SWS has refined the limits and boundaries of the areas designated by the Region, in accordance with Section 3.1.4 of the Niagara Region Official Plan.

According to Section 3.1.1.2 of the Niagara Region Official Plan, the components of the Region's Natural Environment System also include groundwater features (such as recharge areas and aquifers), surface water features, and other features that serve hydrologic functions. The SWS has identified the locations of such features within the Smithville MCP Area.

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The NHS for Smithville including the MCP Area is shown on Schedule "E-12" to this Plan. The NHS consists of the following components:

- Core Areas, which are the central defining features of the NHS and which consist of significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered and threatened species;
- Conceptual Buffers, which serve to protect Core Areas from nearby land uses and to mitigate the impacts of development;
- Linkages, which provide physical and functional connections between Core Areas and which maintain the ability of various species to move between habitats; and
- \* Recommended Restoration Areas, which represent areas whose restoration to a natural state will enhance the functions and connectivity of the overall NHS and provide a range of ecological benefits.

The policies presented below shall apply to all lands in the NHS for the settlement area of Smithville including the MCP Area. These policies are meant to work in harmony with those set out in other sections of the Official Plan, in particular those contained in Section 10 ("Natural Environment") and Section 11 ("Watershed Planning"). Specifically, the SWS and the NHS for Smithville including the policies of this Section are intended to:

- Support the achievement of the following objectives of this Plan within the Smithville Urban Area:
  - Section 10.2.1 ("Objectives for a Healthy Landscape");
  - Section 10.3.1 ("Objectives" for Natural Vegetation and Wildlife)
  - Section 10.4.1 ("Objectives" for Water Resources)
  - Section 10.6.1 ("Objectives" for Natural Hazards)
  - Section 10.7.1 ("Objectives" for the Core Natural Heritage System); and,
  - Section 11.2 ("Objectives for Watershed Planning");
- Further detail and support the appropriate application and implementation of the following policies of this Plan within the Smithville Urban Area:
  - Section 10.2.2 ("Policies for a Healthy Landscape");

- Section 10.3.2 ("Policies" for Natural Vegetation and Wildlife) including but not limited to the achievement of the coverage target identified in Section 10.3.2 (a) being 30% of the land area in the Township in forest cover or wetland, with at least 10% of each subwatershed in wetland, and the naturally vegetated buffers identified in Section 10.3.2 (b) being 30-metre wide natural vegetated buffers along 70% of the length of the first to third order streams in the Township, through the implementation of the SWS and also through voluntary landowner stewardship and restoration;
- Section 10.4.2 ("Policies" for Water Resources);
- Section 10.6.2 ("Policies for Natural Hazards");
- Section 10.7.2 ("Policies" for the Core Natural Heritage System); and,
- Section 11.3 ("Policies for Watershed Planning").

To support the achievement of the Township-wide coverage target in Section 10.3.2 (a) of this Plan, within the Smithville MCP Secondary Plan Area the area included as natural cover is not limited to woodlands and wetlands and the achievement of the 30% natural cover target will be measured across the Smithville MCP Secondary Plan Area. The SWS and the NHS policies recognize and support the protection, restoration, enhancement and integration of additional features and areas and their contributions to achieving natural cover and includes all components of the NHS as well as complementary public open spaces including parks, trail corridors, green utility/servicing corridors and stormwater management facilities where these additional areas overlap or are located adjacent to the NHS. Additionally, discrete separate features that nevertheless provide wildlife habitat and act as "stepping stone" linkages will be considered as contributing towards the natural coverage target where appropriate as demonstrated through an Environmental Impact Study (EIS). The intent is to allow for refinement of the limits of the NHS in specific areas based on more detailed studies while supporting the achievement of the overall natural cover target across the Smithville MCP Secondary Plan Area, based upon the SWS and in keeping with the policies of this Plan. The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with the following principles/objectives and applying the following policies:

## 2. Principles / Objectives

The objectives for the NHS for the Smithville settlement area including the MCP Area are as follows:

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- a) Identify, plan for, and protect a robust NHS, including Core Areas, Buffers, Linkages and Restoration Areas, that will protect, enhance and restore ecological features, functions and connectivity, and contribute to the creation of a complete and resilient community and achieving the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e), while helping mitigate climate change.
- b) Protect, and where possible enhance and restore, high-quality habitats that accommodate a diverse range of flora and fauna, including rare and significant species.
- c) Ensure that the water budget of important natural heritage and water resource features is maintained to support those features post-development.
- d) Provide buffers that will protect key natural heritage features and their functions.
- e) Ensure that connectivity between key natural heritage features is maintained.
- f) Identify, plan for, assess and confirm the location and extent of suitable areas to be restored to a natural state, including Recommended Restoration Areas, while providing for flexibility in their location and extent, to enhance the functions and connectivity of the NHS. These areas will contribute towards achieving the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).

### 3. Interpretation

For the purposes of Section 6.11.7.3:

- a) "adjacent to a wetland" shall refer to lands that are located:
  - i. within 120 metres of:
    - A) a significant wetland;
    - B) a wetland that is not considered significant that has an area of more than 2 hectares; or
    - C) an unevaluated wetland that has an area of more than 2 hectares; or
  - ii. within 30 metres of:
    - A) a wetland that is not considered significant that has an area of 2 hectares or less; or
    - B) an unevaluated wetland that has an area of 2 hectares or less.

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- b) "key natural heritage feature" shall have the same meaning as it does in the Region of Niagara's Official Plan, as amended;
- c) "Ministry of the Environment" shall refer to the Ministry presided over by the Minister responsible for the administration of the *Ministry of the Environment Act* (R.S.O. 1990, c. M.24);
- d) "Ministry of Natural Resources" shall refer to the Ministry presided over by the Minister responsible for the administration of the *Ministry of Natural Resources Act* (R.S.O. 1990, c. M.31).
- e) "natural cover target" shall mean the percentage of the total land area within the Smithville MCP Secondary Plan Area that is to be maintained in or restored to a natural state inclusive of the NHS and which will also include parks, trail corridors, green utility/servicing corridors and stormwater management facilities where these additional areas overlap or are located adjacent to the NHS as well as discrete separate features that nevertheless provide wildlife habitat and act as "stepping stone" linkages as demonstrated through an Environmental Impact Study (EIS), being the target identified in the SWS which is 30% of the total land area within the Smithville MCP Secondary Plan Area, pursuant to and in support of the achievement of the Township-wide coverage target in Section 10.3.2 (a) of this Plan. The natural cover target will be addressed in each Block Plan Area or Phase. Deficiencies in one Block Plan Area or Phase are not required to be made up by other Block Plan Areas or Phases. The natural cover target shall not be interpreted or applied as a cap or maximum area if more than 30% natural cover is required to conform with other applicable policies of this Plan.
- f) "significant wetland" shall mean a provincially significant wetland (PSW);
- g) "unevaluated wetland" shall mean a wetland that has been assessed as meeting the definition of "wetland" set out in the Conservation Authorities Act but that has not yet been evaluated in accordance with Provincial standards;
- h) "wetland" shall mean a wetland as that term is defined in the *Conservation Authorities Act*;
- i) "Wetland for Further Review" shall mean an area that might be a wetland but that has not been assessed or evaluated; and
- j) "wetland that is not considered significant" shall mean a wetland that has been evaluated in accordance with Provincial standards but is not a PSW.

#### 4. General Policies

- a) Notwithstanding the boundaries of the Smithville MCP Area, the NHS shown on Schedule "E-12" is intended as the NHS for the entire Smithville Urban Area, including the Smithville MCP. As such, the policies of this subsection apply to all land within the Smithville Urban Area, including the Smithville MCP Area, except where otherwise indicated, and shall be read and applied in conjunction with those contained in Section 10 ("Natural Environment") and those of the other Secondary Plans, as applicable.
- b) Where the policies of this subsection conflict with those in Section 10, the policies of this subsection shall prevail.
- c) Where Schedule "E-12" and/or the NHS policies of this subsection conflict with the policies and/or mapping of any other approved Secondary Plans for land within the Smithville Urban Area, the policies and mapping of the other approved Secondary Plan shall prevail. If any future Secondary Plans are adopted for land within the Smithville Urban Area, those Secondary Plans shall conform with the NHS shown on Schedule "E-12" unless otherwise approved by the Township as part of the Secondary Plan process and implementing Official Plan Amendment.
- d) Within the MCP Area, the boundaries of the NHS shown on Schedule "E-12" will be confirmed and may be refined through the Block Plan process as determined through the preparation of the required Master Environmental Servicing Plan (MESP) and Environmental Impact Study (EIS). The extent of refinement that may be permitted shall be determined based upon the EIS and in a manner that contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e). Where refinements to the boundaries of the NHS or Natural Hazards are approved by the Township, the refinement shall be deemed to be a refinement of the boundary between the NHS or Natural Hazards, as applicable, and the adjoining land use designation shown on the Land Use Plan (Schedules "E-8" to "E-11"). The adjoining land use designation shall apply to any areas removed from the NHS or Natural Hazard shown on the Land Use Plan as a result of approved boundary refinements.
- e) Any EIS required under the policies of this Plan shall be prepared in accordance with the policies in Section 10.8 of the Official Plan and based upon the SVS.

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- f) No work required as part of an EIS shall proceed until a terms of reference for such work has been approved by the Township, the Region, and the NPCA.
- g) Future studies that refine the NHS shown on Schedule "E-12" shall identify any additional natural heritage features, appropriate buffers, linkages, or restoration areas that should be considered. Where an EIS or other site-specific study has identified a natural feature that meets the appropriate criteria, and such feature is not shown as a component of the NHS on Schedule "E-12", the natural feature shall be subject to the applicable policies of this Plan.
- h) Any refinements to the boundaries of Linkage Areas or Recommended Restoration Areas resulting from future studies as described in Policy No. 6.11.7.3.4.g) should be made in a manner that maintains or enhances their ecological functions and contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e).
- i) No refinements or adjustments to the boundaries of the NHS shown on Schedule "E-12" shall be approved unless the Township and Region have each been provided with a georeferenced shape-file in a standard format that is acceptable to the Township and the Region.
- j) The NHS shall be retained within appropriately sized property boundaries and shall not be further fragmented in ownership. Where possible, the consolidation of ownership of features into larger land holdings will be encouraged, and lot creation will not be permitted within the NHS except to facilitate the conveyance of a feature to public ownership and/or to accommodate required roads and infrastructure.
- k) Crossings of roads and infrastructure, where necessary, should be aligned at the narrowest part of NHS, perpendicular to watercourses, and located and designed to:
  - i. minimize the width of crossings;
  - ii. maximize the span of crossings over watercourses where appropriate and financially feasible;
  - iii. consider fluvial geomorphological design requirements;
  - iv. consider the impacts of crossings and properties upstream on flood hazards;
  - v. consider wildlife movement underneath crossings;
  - vi. consider wildlife road mortality;

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- vii. consider the naturalization of areas used for infrastructure crossings to the greatest extent possible; and
- viii. minimize maintenance requirements.
- l) Residential development, where permitted on land adjacent to the NHS, will be subject to requirements for the provision of fencing or other appropriate delineation and separation between the residential use and the NHS, especially where the rear yards of residential dwellings abut the NHS. Such requirements are to be set out through conditions of development approval and in development agreements.

#### 5. Core Areas

The Core Areas of the Smithville NHS consist of significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered species and threatened species. These features are identified by the "Core Area" designation on Schedule "E-12" to this Official Plan. Provincially Significant Wetlands, although shown separately on Schedule "E-12", are within the Core Area designation and are part of the NHS.

- a) No development or site alteration shall be permitted in any area designated as a "Core Area" on Schedule "E-12" to this Official Plan, except in accordance with the policies in this section of the Plan.
- b) No development or site alteration shall be permitted in the following features in the Core Area:
  - i. significant wetlands; or
  - ii. significant woodlands.
- c) No development or site alteration shall be permitted in any of the following features unless an Environmental Impact Study has demonstrated, to the satisfaction of the Township, Niagara Region, and any other approval authority, that there will be no negative impacts on the feature or its ecological functions:
  - i. significant valleylands;
  - ii. significant wildlife habitat;
  - iii. wetlands that are not considered significant;
  - iv. woodlands that are not considered significant; or
  - v. significant areas of natural or scientific interest (ANSIs), should any be identified or designated.

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- d) No development or site alteration shall be permitted in any of the following features, except in accordance with provincial and federal requirements:
  - i. fish habitat; or
  - ii. habitat of endangered species and threatened species.
- e) Notwithstanding Policy Nos. 6.11.7.3.5.b), c) and d) above, the following uses are not considered as development and may be permitted as follows:
  - i. forest management, fisheries management, and wildlife management, subject to the approval of the Township in consultation with Niagara Region and the NPCA;
  - ii. conservation projects, flood control projects, and erosion control projects, as approved by the Township in consultation with the Region and the NPCA, provided that it has been demonstrated that the project is necessary to maintain the public interest and all alternatives have been considered;
  - iii. activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the *Environmental Assessment Act*; and
  - iv. small-scale structures for passive recreational uses, such as boardwalks, footbridges, and picnic facilities, provided that the Township, in consultation with the Region and the NPCA, is satisfied that the number of such structures will be minimized and that there will be no negative impacts on Core Area features or their functions.
- f) Where development or site alteration is permitted in accordance with Policy No. 6.11.7.3.5.c) or No. 6.11.7.3.5.d), then the permitted uses shall be those permitted by the land use designation (or designations) adjoining the feature.
- g) The determination of the applicable land use designation(s) under Policy No. 6.11.7.3.5.f) will be made at the Block Plan stage, where applicable, and the specific uses permitted will be established in the implementing Zoning By-law.
- h) The expansion of an existing building or structure, or the conversion of a legally existing use to a use that has less of an impact on Core Area features, may be permitted, provided that the building, structure, or use does not expand into a Core Area feature.

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- i) The expansion of, or the making of alterations to, an existing building or structure for an existing agricultural use, agriculture-related use, or on-farm diversified use, or the expansion of an existing residential dwelling, may be permitted in the Core Area, provided that:
  - i. there is no alternative to the proposed expansion or alteration;
  - ii. the extent to which the expansion or alteration occurs in Core Area features is minimized, notwithstanding Policy No. 6.11.7.3.5.f) above; and
  - iii. the impact of the proposed expansion or alteration on Core Area features and their ecological functions is minimized and mitigated to the fullest possible extent.
- j) Block Plans proposing development adjacent to a Core Area feature shall include an EIS as part of the required MESP in accordance with the policies of this Plan.
- k) Applications proposing development adjacent to a Core Area feature shall be required to include a scoped EIS as part of a complete application, in keeping with the EIS prepared for the Block Plan area and to further demonstrate that the requirements of this Plan are met based on the details of the proposed development and its potential impacts.
- l) For the purposes of this section of the Plan, "adjacent" shall be defined as referring to all lands that are located:
  - i. within 120 metres of a significant wetland or a significant woodland;
  - ii. within 50 metres of significant valleylands, significant wildlife habitat, habitat of endangered species or threatened species, an ANSI (should any be designated), or a woodland that is not considered significant; or
  - iii. within 30 metres of fish habitat (top of bank) or a wetland that has been evaluated and is not considered significant.
- m) Notwithstanding Policy No. 6.11.7.3.5.k) above, applications proposing a new building or structure for an existing agricultural use, agriculture-related use, or on-farm diversified use shall not be required to complete an EIS if the proposed building or structure will be provided with a buffer that is at least 30 metres wide from the adjacent feature.

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## 6. Wetlands

- a) All development or site alteration in or adjacent to a wetland shall be subject to the regulations and policies of the Niagara Peninsula Conservation Authority (NPCA) and shall require the approval of the NPCA.
- b) Applications proposing development or site alteration adjacent to a wetland shall be required to undertake a wetland water balance assessment to ensure that the water balance for each wetland unit is maintained to pre-development conditions. Where possible, wetland water balance assessments should be completed at the Block Plan stage through the MESP.
- c) Any Environmental Impact Study required for development proposed adjacent to a significant wetland shall be undertaken in consultation with the Township, Niagara Region, the NPCA and other review agencies.
- d) Information on wetlands and surveyed wetland boundaries obtained through an EIS or other site-specific study should be provided to the Ministry of Natural Resources (MNR) to allow for updates to the Lower Twenty Mile Creek wetland evaluation.

## 7. Wetlands for Further Review


- a) Certain areas are identified on Schedule "E-12" as "Wetlands for Further Review". While these features are not necessarily considered to be part of the Core Area, they are nonetheless subject to the applicable policies of this subsection of the Plan.
- b) Any area that possesses characteristics suggesting it could potentially be identified as a wetland shall be considered a "Wetland for Further Review", regardless of whether the area is identified as such on Schedule "E-12".
- c) Where a "Wetland for Further Review" is also identified in the Niagara Region Official Plan as an "other wetland", the feature shall be deemed to have been assessed as meeting the definition of a "wetland" under Policy No. 6.11.7.3.7.d) below and shall be subject to Policies Nos. 6.11.7.3.7.e)–6.11.7.3.7.h).
- d) Proponents of development on lands that contain all or part of a "Wetland for Further Review" shall be required to complete a wetland assessment for the purpose of determining whether that feature meets the definition of "wetland" (as defined in the *Conservation Authorities Act*) and/or the criteria of Other Wetland as defined by the Niagara Region Official Plan. The

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making of this determination will be required at the Block Plan stage, where applicable.

- e) Where a wetland assessment has determined that a "Wetland for Further Review" meets the definition of "wetland," no further development shall be approved on the lands containing all or part of that feature until the wetland has been evaluated in accordance with Provincial standards.
- f) Where it has been determined that a "Wetland for Further Review" is a significant wetland, the proponent may be required to incorporate linkages connecting the feature to the larger NHS as part of the Block Plan and to implement such linkages as a condition of development approval. The determination of whether linkages are required shall be based upon an EIS which evaluates the need for linkages to provide physical and functional connections between the significant wetland and the larger NHS to maintain or enhance the ability of various species to move between habitats.
- g) Where a "Wetland for Further Review" has been evaluated and is determined to be a wetland that is not considered significant, development and site alteration may be permitted in or adjacent to the feature, subject to the applicable policies of this Plan and to the approval of the Township in consultation with the Region and the NPCA and which may include the requirement for wetland compensation as determined in accordance with NPCA policies. Such wetlands may be regulated by the NPCA.
- h) Where development or site alteration is permitted under Policy No. 6.11.7.3.7.g), the permitted uses shall be those permitted by the adjoining land use designation (or designations).

#### 8. Woodlands

- a)  Significant woodlands have been identified as Core Area features of the Smithville NHS and shall be preserved.
- b) All development shall comply with the Regional Municipality of Niagara's Woodland Conservation By-law No. 2020-79 or any successor thereto and with the Region's policies for "other woodlands," as set out in the Region of Niagara Official Plan.
- c) Block Plans proposing development adjacent to a significant woodland shall include an EIS as part of the required MESP in accordance with the policies of this Plan and in consultation with the Township, Niagara Region, and other review agencies.



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- d) Applications proposing development adjacent to a significant woodland shall be required to include a scoped EIS as part of a complete application, in keeping with the EIS prepared for the Block Plan area and to further demonstrate that the requirements of this Plan are met based on the details of the proposed development and its potential impacts.
  - e) Any development that proposes the removal of trees shall be required to prepare a Tree Preservation Plan in accordance with the Region's Woodland Conservation By-law and to the satisfaction of the Township, as a condition of approval.
  - f) In determining the extent of tree removal that may be permitted, the results of Tree Preservation Plans and an EIS shall be used to demonstrate the extent to which the development will contribute to, or will not conflict with, the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
  - g) Proponents of development adjacent to a woodland that is not considered a significant woodland shall be required to undertake an EIS for the purpose of assessing the feature's ecological functions.
  - h) Development proposals that involve the removal of a woodland that is not considered significant shall not be approved unless supported by an EIS that assesses Species at Risk, Significant Wildlife Habitat (which shall include an assessment of the presence of Bat Maternity Colony SWH), and the potential for woodland retention.
9. Significant Valleylands
- a) Any development or site alteration that occurs adjacent to a significant valleyland shall take place in a manner that preserves and protects, or where possible enhances, the linkage functions of that feature.
10. Significant Wildlife Habitat
- a) Proponents of development adjacent to any watercourse or water body that provides suitable habitat for turtles may be required to undertake an EIS for the purpose of assessing the area for the presence of Turtle Nesting Area Significant Wildlife Habitat.
  - b) Proponents of development on any lands in the Smithville Urban Area located east of Industrial Park Road and north of the railway line that bisects the Urban Area may be required to undertake an EIS for the purpose of assessing the subject

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lands for the presence of Raptor Wintering Area Significant Wildlife Habitat.

- c) Where an EIS has identified the presence of significant wildlife habitat that is not already protected as a Core Area feature:
  - i. the significant wildlife habitat and any additional lands required to protect that habitat may be incorporated into the Smithville NHS as Core Areas by way of an amendment to this Official Plan; and
  - ii. until such time as this Official Plan has been amended to designate the significant wildlife habitat and any additional lands as Core Areas, the Township may ensure the protection of the habitat through development agreements, holding provisions, or any other methods at the Township's disposal that are considered appropriate.
- d) For greater clarity, Policy No. 6.11.7.3.10.c) above may apply with respect to any significant wildlife habitat, including but not limited to those identified in Policies No. 6.11.7.3.10.a) and 6.11.7.3.10.b).

#### 11. Habitat of Endangered Species and Threatened Species

- a) The proponent of any work or undertaking shall be responsible for consulting with the appropriate agencies and authorities regarding compliance with the *Endangered Species Act, 2007* and with the regulations under that Act.
- b) No development that proposes the demolition or removal of a barn, garage, outbuilding, culvert, or any other structure that might provide nesting for barn swallows shall be approved unless an appropriate study has been undertaken to assess the presence of barn swallows and barn swallow nests.
- c) Proponents of development in or adjacent to any area that might provide suitable habitat for bobolinks or eastern meadowlarks may be required to undertake an appropriate study to assess the impacts of the proposed development with respect to the requirements of the *Endangered Species Act, 2007* and the regulations under that Act.
- d) Proponents of development involving the removal of trees or buildings may be required to undertake a bat survey, in consultation with the Ministry of the Environment, to assess the impacts of the proposed development with respect to the requirements of the *Endangered Species Act, 2007* and the regulations under that Act.

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- e) The need for an EIS or other appropriate study to assess the impacts of proposed development on the habitat of endangered species and threatened species will be determined in consultation with the NPCA, the Ministry of the Environment, the Region, and any other appropriate review agency.

#### 12. Fish Habitat

- a) Block Plans proposing development adjacent to a watercourse, water body, or headwater drainage feature may, as part of the required EIS, be required to determine whether fish habitat is present, to the satisfaction of the Township and the Region.
- b) If fish habitat is present as determined in accordance with Policy No. 6.11.7.3.12.a), the applicable policies of this section shall apply to proposed development on adjacent land.

#### 13. Areas of Natural and Scientific Interest

- a) Should the Province or the Region identify an area of natural and scientific interest (ANSI) in the Smithville Urban Area, this Plan shall be amended to designate that area as a Core Area.

#### 14. Conceptual Buffers

Conceptual Buffers are meant to protect Core Area features from interference and from the impacts of nearby development. (Such areas may sometimes be referred to as "Vegetation Protection Zones" in the Niagara Region Official Plan.) The designated "Conceptual Buffers" shown on Schedule "E-12" to this Plan should be interpreted as conceptual, in that they generally represent the buffer that will be required. The actual width required for any given Buffer will be specified at the Block Plan stage or, where a Block Plan is not required, through the review of information required in support of a complete application for development (such as an EIS).

- a) All development lands adjacent to a Core Area shall be required to provide a Buffer, within which no development or site alteration shall be permitted except in accordance with Policy No. 6.11.7.3.14.f) below.
- b) The width for each Buffer associated with a proposed development shall be a minimum of 30 metres as conceptually shown on Schedule "E-12" unless an ecologically and hydrologically appropriate alternative Buffer width is established through the completion of an Environmental Impact Study (EIS) approved by the Township in consultation with the Region and the NPCA.

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- c) The determination of the appropriate width for each Buffer shall consider primarily the protection of the subject natural feature and shall secondarily take into consideration and support the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
- d) Notwithstanding anything else in this section of the Plan, the width of any Buffer adjacent to a watercourse shall be determined in accordance with the regulations and requirements of the Niagara Peninsula Conservation Authority.
- e) Where necessary to accommodate the details of a development layout, minor alterations may be made to the justified revised delineation of the boundaries of a feature Buffer if appropriate as determined by the Township in consultation with the Region and the NPCA based on an approved EIS and in keeping with Policy Nos. 6.11.7.3.14 b) and c) above. Where the final Buffer established through an approved EIS differs from the conceptual Buffer shown on Schedule "E-12" an amendment to this Official Plan is not required to reflect the final Buffer.
- f) The uses permitted within a Buffer shall be limited to:
  - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
  - ii. passive recreation uses, provided that appropriate separation from the feature protected by the Buffer is maintained.
- g) Proposals to establish a passive recreation use and for any development or site alteration for a permitted use within a Buffer may be required to complete an EIS to assess the potential impacts of the use on the Buffer and its ecological function.
- h) Buffers shall be maintained as self-sustaining, natural vegetation, primarily comprised of native species.
- i) Where proposed development involves the creation of one or more lots, any Buffers required in association with that development shall be maintained as single blocks along with the Core Area feature for which the Buffer is required.
- j) Where a Buffer is required in association with proposed development, the Township shall require the preparation of a detailed Buffer Management Plan as a condition of approval.

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- k) The Township may require that a Buffer Management Plan include measures for the active naturalization of Buffers, such as the planting of native species and the creation of habitat.

#### 15. Linkages

\* Linkages have been identified as part of the Smithville NHS for the purpose of connecting Core Areas into a single integrated system. Linkages help to protect Core Areas and maintain their ecological functions by providing movement corridors for different species, which helps support healthy population levels. Where possible, Linkages have been aligned with watercourses and headwater drainage features.

\* Linkages are identified separately on Schedule "E-12" to this Plan but are considered integral components of the Smithville NHS. Linkages have generally been mapped as either Primary Linkages (200 metres wide) or Secondary Linkages (50 metres wide). High-constraint watercourses — i.e., those that are most environmentally sensitive and thus warrant the greatest protection — generally require buffers of at least 30 metres on each side, resulting in a 60-metre-wide Linkage. The identification of the type, classification and width of Linkages shall be determined based on the guidance within the SWS and may be refined based upon an EIS approved by the Township in consultation with the Region and the Niagara Peninsula Conservation Authority.

In some places, Linkages incorporate elements of the recommended trail network (shown on Schedule "E-13").

- a) Wherever possible, Linkages shall be maintained as areas of self-sustaining natural vegetation, primarily comprised of native species, to provide high-quality habitat that is suitable for the species intended to use the linkage. Linkages may be refined where appropriate as determined through an EIS based upon the SWS and provided the ecological and hydrologic role and functions of the identified linkages are identified and maintained and, secondarily, taking into consideration the Linkage's contribution to the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
- b) No development or site alteration shall be permitted in, or within 30 metres of, a Linkage unless an Environmental Impact Study has demonstrated, to the satisfaction of the Township, Niagara Region, and any other approval authority, that there will be no negative impacts on the Linkage or its ecological and hydrologic functions. This requirement will be addressed

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through both the EIS required at the Block Plan stage and where a scoped EIS is required as part of a complete application for development.

- c) The uses permitted within a Linkage shall be limited to the following:
  - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e);
  - ii. passive recreation uses and infrastructure to support such uses, such as trails and rest areas, provided that the overall ecological function of the Linkage is maintained; and,
  - iii. Stormwater management facilities, based upon the SWS.
- d) Notwithstanding Policies Nos. 6.11.7.3.15.a), b), and c) above of this subsection, nothing in this Plan is intended to limit the ability of an existing agricultural use to continue within a Linkage.
- e) Notwithstanding Policy No. 6.11.7.3.15.b), the following forms of minor construction may be permitted within a Linkage without requiring the completion of an EIS:
  - i. the erection of a new building or structure for an existing agricultural use, an existing agriculture-related use, or an existing on-farm diversified use, provided that the building or structure has a ground floor area less than 200 m<sup>2</sup>;
  - ii. expansions to an existing building or structure for an existing agricultural use, an existing agriculture-related use, or an existing on-farm diversified use, provided that such expansions occupy an area that is less than 50% of the size of the original building and that is less than 200 m<sup>2</sup>;
  - iii. the erection of a new accessory building to an existing residential use, provided that the accessory building has a ground floor area less than 50 m<sup>2</sup>;
  - iv. expansions to an existing residential building or an existing accessory building to a residential use, provided that such expansions occupy an area that is less than 50% of the size of the original building; and
  - v. the reconstruction of an existing residential dwelling of the same size in the same location.
- f) Where development is proposed on lands that contain all or part of a Linkage, the Township may require that active

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restoration measures, such as the planting of native species, be undertaken as a condition of development approval.

- g) Where the proposed development of lands that contain all or part of a Linkage involves the creation of one or more lots:
  - i. the Linkage shall be maintained as a single block; or
  - ii. where it is not possible to maintain a Linkage as a single block, any fragmentation of the Linkage into multiple blocks shall be minimized.
- h) It is the intent of this Plan that the hydro corridor lands running east–west across the northern portion of the Smithville Urban Area, which lands are identified as a Linkage on Schedule “E-12”, be incorporated into the active transportation network as a naturalized multi-modal trail in a manner that maintains the ecological functions of the corridor as a Linkage.
- i) The Township will encourage proposed development to incorporate linkages that are not shown on Schedule “E-12” where the provision of such linkages is ecologically appropriate, and particularly where such linkages would serve to connect otherwise isolated features (such as those identified as “Wetlands for Further Review”) to the larger NHS.
- j) \* Further to Policy No. 6.11.7.3.15.i) above, the Township may seek to establish a linkage between the unnamed tributary of Twenty Mile Creek that runs south of Forestview Court and the U-shaped woodland located approximately 500 metres to the south, notwithstanding that this corridor is not identified as a Linkage on Schedule “E-12”. The appropriate width of this linkage will be determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the approved EIS.

#### 16. Recommended Restoration Areas and Potential Restoration Areas

- \* The areas designated as “Recommended Restoration Areas” on Schedule “E-12” to this Plan were identified by the SWS as lands that have the potential to be restored to a natural state and therefore warrant inclusion in the Smithville NHS (in accordance with the definition of “natural heritage system” in the Provincial Policy Statement, 2020). These are areas whose restoration or rehabilitation to a naturalized state would provide a range of ecological benefits to, and would enhance the overall health and resilience of, the Smithville NHS. (The Niagara Official Plan contains policies regarding “Supporting Features and Areas” and as

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“Enhancement Areas,” both of which serve a similar purpose as the Restoration Areas discussed here.)

\* Schedule “E-12” also identifies “Potential Restoration Areas”, which should be interpreted as possible alternative locations for, or in addition to, certain Recommended Restoration Areas, to be determined through the completion of one or more Environmental Impact Studies.

\* Recommended Restoration Areas are identified separately on Schedule “E-12” but are considered component features of the Smithville NHS. Potential Restoration Areas that are recommended to be incorporated as Restoration Areas through an EIS may also be considered to be part of the Smithville NHS as determined by the Township based on the findings and recommendations of the EIS. The term “Restoration Area” refers collectively to all Recommended Restoration Areas and Potential Restoration Areas that are confirmed through an EIS to be restored to a natural state.

- a) \* The “Recommended Restoration Areas” shown on Schedule “E-12” to this Plan shall be interpreted as representing the preferred boundaries of lands that have the potential to be restored to a natural state.
- b) The proposed development of lands that contain all or part of a Recommended Restoration Area, or on lands that are within 30 metres of a Recommended Restoration Area, shall be subject to the requirement to undertake an Environmental Impact Study, to the satisfaction of the Township and any other appropriate agency or public body. This requirement will be addressed through both the EIS required at the Block Plan stage and where a scoped EIS is required as part of a complete application for development.
- c) An EIS undertaken under Policy No. 6.11.7.3.16.b) with respect to a Recommended Restoration Area:
  - i. shall delineate the boundaries of the Restoration Area to be incorporated into the proposed development;
  - ii. shall make recommendations regarding the specific types of restoration that are to be undertaken;
  - iii. may refine the boundaries of Recommended Restoration Areas as they are shown on Schedule “E-12”, provided that the refined extent of “Recommended Restoration Area”, or identified alternative restoration opportunities, contributes to the achievement of the natural cover target



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- in combination with the other features and areas identified in Policy 6.11.7.3.3.e); and,
- iv. may recommend the designation of an alternative Restoration Area, with priority given to those identified as Potential Restoration Areas on Schedule "E-12", provided that such an alternative Restoration Area will achieve the same, or very similar, ecological goals and outcomes as the original Recommended Restoration Area.
- d) Once the boundaries of a Restoration Area have been confirmed through the completion of an EIS:
    - i. the Block Plan shall reflect the Restoration Area boundaries recommended by the completed EIS;
    - ii. applicable plans and drawings submitted as part of a complete application for development shall reflect the final Restoration Area boundaries recommend by the completed EIS; and,
    - iii. the proponent of development of the lands that contain that Restoration Area shall be required to prepare and implement an Active Restoration Plan as a condition of development approval.
  - e) An Active Restoration Plan should, among other things, include:
    - i. a detailed planting plan for the planting and seeding of native species;
    - ii. measures for restoring the habitat of significant species; and
    - iii. a plan for the amendment of soils, where necessary.
  - f) As an alternative to requiring the preparation and implementation of an Active Restoration Plan, the Township may enter into one or more agreements with a proponent of development regarding the costs associated with restoration work or regarding the conveyance of Restoration Area lands as part of a land exchange.
  - g) Proponents of development on lands that are within 30 metres of a Recommended Restoration Area shall be required to undertake an EIS to ensure that the proposed development will not interfere with the potential restoration of the adjacent area.
  - h) The uses permitted within a Restoration Area shall be limited to the following:

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- i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
  - ii. passive recreation uses and infrastructure to support such uses, such as trails and rest areas.
- i) Where proposed development on lands that contain all or part of a Restoration Area involves the creation of one or more lot:
  - i. any Restoration Area shall be maintained as a single block; and
  - ii. Restoration Areas shall be consolidated with adjacent Core Areas in order to maintain the overall integrity of the NHS.
- j) The Township may consider accepting all or a portion of a Restoration Area as part of the required conveyance of land for park or other public recreation purposes, provided that the Township is satisfied that:
  - i. the active recreation needs of the surrounding area are adequately addressed by existing or planned parks and facilities; and
  - ii. the Restoration Area or part thereof in question:
    - A) can support an appropriate range of passive recreation uses without hindering the restoration of the area's ecological functions; or
    - B) is located in a way that would enhance connections to other parks, open spaces, or recreational facilities; and,
  - iii. the amount of land accepted as part of the required conveyance of land for park or other public recreational purposes is limited to the area which is suitable for and can sustain appropriate public recreational use(s).
- k) Where development is proposed on lands that include one of the Potential Restoration Areas identified on the Land Use Schedules, the Township may require the proponent to undertake an EIS for the purpose of determining whether a Restoration Area to be incorporated into the development should be identified.
- l) Where an EIS undertaken under Policy No. 6.11.7.3.16.k) recommends that proposed development incorporate a Restoration Area, the appropriate policies in Section 6.11.7.3.16 a) to j) shall apply.

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## 17. Natural Hazards

Lands within the Smithville MCP Area that are subject to flood and erosion hazards are generally included in the Natural Heritage System, either as part of a Core Area or as part of a Conceptual Buffer. Development within the Conservation Authority Regulation Limit will be subject to the approval of the NPCA.

Karst features, which the Provincial Policy Statement, 2020 includes in its definition of “hazardous sites” due to unstable bedrock conditions, are identified on Schedules “E-8”, “E-11”, and “E-12” using the letter “K”. These features are not considered components of the Smithville NHS but are nonetheless subject to the policies of this section as Natural Hazard features.

Karst features are categorized as high-constraint, medium-constraint, or low-constraint. Through the karst review completed as part of the SWS, three potential high-constraint karst features are identified in the Smithville MCP Area: two high-constraint features are shown on Schedule “E-8” (the feature located in the area designated “Open Space” to the north of Spring Creek Road and the feature located south of the railway) and another on Schedule “E-11” (the more northerly of the two features shown on that schedule). The other two karst features identified on Schedules “E-8” and “E-11” are identified as medium-constraint features. Low-constraint karst features are not identified on the schedules to this Plan.

- a) The Natural Hazard policies set out in Section 10.6 of the Township of West Lincoln’s Official Plan shall apply to all lands in the Smithville MCP Area.
- b) Where an EIS has identified a flood or erosion hazard corridor that is not included as part of the NHS on Schedule “E-12”, the corridor may be designated as a Buffer, Linkage Area, or Recommended Restoration Area, as determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the EIS.
- c) Although karst features have not been included as components of the NHS, they may be added using an appropriate designation if an EIS has determined that the karst feature forms part of a key natural heritage feature or water resource feature, or that the karst feature is supportive of the ecological or hydrological functions of a key natural heritage feature or water resource feature. Where a karst feature and its associated buffer are added to the NHS the combined area of the karst feature and buffer may be counted as contributing towards the achievement of the natural cover target.

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- d) Any development or site alteration proposed within 50 metres of a karst feature, including the potential high- and medium-constraint karst features identified on Schedules "E-8" and "E-11" and any other potential high- and medium-constraint karst features identified through further study, shall be subject to the following:
  - i. the requirement to complete a Karst Hazard Assessment which shall recommend the constraint level and classification of each karst feature identified on the landscape and recommend minimum setbacks for development and other appropriate mitigation strategies; and,
  - ii. approval of the NPCA, in accordance with NPCA regulations and policies.
- e) No development or site alteration shall be permitted within 50 metres of a high-constraint or medium-constraint karst feature, unless an approved Karst Hazard Assessment has recommended an appropriate alternative setback and has demonstrated that:
  - i. the proposed development or site alteration will have no adverse impact on the hazard with respect to the control of flooding, erosion, or other hazard-related conditions;
  - ii. all applicable Provincial standards related to floodproofing, protection works, and access can be met and will be implemented;
  - iii. people and vehicles have a way to safely enter and exit the area during times of flooding, erosion, and other emergencies;
  - iv. the proposed development or site alteration will not aggravate an existing hazard or create a new hazard; and
  - v. there will be no negative impacts on the ecological or hydrological functions of the feature.
- f) Where development or site alteration is proposed within 50 metres of a low-constraint karst feature, the proponent may be required to undertake a geotechnical study, EIS, or similar study, which may make recommendations regarding the removal or by-passing of the feature.
- g) Where a karst feature is left to function in the landscape, any development or site alteration within the same drainage area of that feature shall be required to undertake a water balance

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study to ensure that post-development flows to the feature do not exceed pre-development flows, to the greatest extent possible.

- h) Where the proposed development of lands that contain all or part of a karst feature involves the creation of one or more lots:
  - i. the karst feature and its associated setback area shall be maintained as a single block; or
  - ii. where it is not possible to maintain a karst feature and its associated setback area as a single block, any fragmentation of the karst feature and its associated setback area into multiple blocks shall be minimized.
- i) All flood control and erosion control measures associated with future development in the Smithville MCP Area shall have regard to the unitary storage and discharge criteria set out in the SWS, unless such criteria have been refined based on the recommendations of an approved EIS or similar study.

#### 6.11.7.4 Infrastructure & Transportation Systems

##### 1. General Policies

- a) All infrastructure and transportation systems will be planned and developed through appropriate Environmental Assessment (EA) processes to ensure that full regard is had to the Natural Heritage System, to natural hazard features, and to cultural heritage resources.
- b) Infrastructure and transportation systems will be located, designed, constructed, and operated in a strategic, sustainable, and cost-efficient manner that minimizes adverse impacts.
- c) The Township will assess its infrastructure and transportation systems for risks and vulnerabilities, with particular emphasis on those caused by the impacts of climate change.

##### 2. Water & Wastewater

The strategy for providing water and wastewater services in support of future development in the Smithville MCP Area has been identified in the associated Water and Wastewater Master Servicing Plan and developed to optimize the use of existing and future road corridors and to take advantage of planned improvements to existing roads.

The provision of water services to the early development phases of the Smithville MCP Area will be coordinated with the servicing of the Northwest Quadrant Secondary Plan Area, which is adjacent to MCP Block Plan Areas 1, 2, and 3. Meeting the future water demands of

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development in the expanded Smithville Urban Area will require the water infrastructure improvements identified in the Water and Wastewater Servicing Master Plan that was completed for the Smithville MCP.

The wastewater servicing strategy for development in the Smithville MCP Area is based on conveying wastewater flows from future development to the existing Smithville Wastewater Pumping Station, once that station has been upgraded to provide the necessary capacity. Wastewater flows will be conveyed by new sanitary sewers that avoid sending flows through the existing sanitary sewer network. New sanitary sewers will use existing and future road corridors.

The wastewater servicing strategy proposes a new sanitary sewer collection network as well as private and public sewage pumping stations as required. The siting of pumping stations will be guided by topography and by the desire to integrate these stations with planned open spaces and stormwater management facilities.

The installation of infrastructure to provide water and wastewater services is anticipated to take place through separate four-phase projects and through the integrated Municipal Class Environmental Assessment (MCEA) process, following the final approval of the Smithville Master Community Plan (OPA 63).

Water and wastewater servicing systems for the Smithville MCP Area will follow the direction provided by the Water and Wastewater Master Servicing Plan for the Smithville MCP that is informed by the Region's Water and Wastewater Master Servicing Plan (WWMSP).

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) All new development in the Smithville MCP Area shall be provided with full municipal water services and full municipal wastewater services according to an approved Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.
- b) New development in the Smithville MCP Area may be required to provide for the future connection of adjacent existing uses to full municipal services, as established through an approved MESP, as a condition of development approval, where appropriate and financially feasible.
- c) No development shall proceed in any given Overall Stage Area shown on Schedule "E-14" unless the infrastructure and services to support that development have been constructed, in

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- accordance with the policies in Subsection 6.11.7.6.3 of this Plan.
- d) It is expected that existing uses in the Smithville MCP Area will eventually be connected to full municipal water and wastewater services, but expansions to, or the redevelopment of, an existing use may be permitted on existing private services, provided that:
    - i. the use of private services is appropriate for the proposed expanded or redeveloped use, either because the existing use is located in an area for which there is not yet capacity available in existing water and wastewater systems or because the nature of the proposed expansion or redevelopment does not warrant connection to full municipal services;
    - ii. site conditions are appropriate for the continued provision of such services with no negative impacts; and
    - iii. the existing private services will be used to service only the expanded or redeveloped existing use and will not provide services to more than one property.
  - e) Where the connection of an existing use to full municipal services has been provided for under Policy No. 6.11.7.4.2.b) above, expansions to, or the redevelopment of, that existing use shall generally be required to connect to full municipal services, provided that sufficient capacity is available in existing systems.
  - f) The Township may exempt minor expansions to an existing use from the requirement to connect to full municipal services set out in Policy No. 6.11.7.4.2.e).
  - g) Infrastructure and systems for water, wastewater, and other buried services shall be installed using best management practices to prevent the redirection of groundwater flow.
  - h) It is recommended that any construction of municipal services that will require dewatering systems apply for and obtain a Permit to Take Water from the Ministry of the Environment before any construction activities begin, in the event that unexpectedly high flows are encountered.
  - i) Backfilling during the decommissioning of any existing sewer lines should consider the use of materials with low hydraulic conductivity to prevent preferential groundwater flow.

### 3. Stormwater Management

The Land Use Schedules ("E-8" through "E-11") identify the general locations for stormwater management facilities in the Smithville MCP Areas. The locations shown represent the recommended conceptual locations for such facilities, as informed by the Subwatershed Study (SWS).

A Stormwater Management (SWM) Plan for the Smithville MCP Area is being prepared as part of Phase 3 of the SWS and will achieve stormwater quality management to an "Enhanced" standard of treatment in accordance with current Provincial guidelines, and provide erosion control and flood control for the receiving watercourses. The SWM Plan will refine the general locations shown on the Land Use Schedules and will identify the recommended types of facilities and infrastructure to be provided for future development. The SWM Plan will also include guidelines for incorporating low-impact development best management practices into future development.

- a) All development in the Smithville MCP Area shall proceed according to a stormwater management strategy that has been prepared as part of an approved Master Environmental Servicing Plan (MESP) that itself has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.
- b) The required stormwater management facilities to be provided with development in the Smithville MCP Area shall be determined in accordance with the following:
  - i. stormwater management facilities shall generally be located in consideration of the conceptual locations shown on Schedules "E-8" through "E-11" to this Plan, except where the SWM Plan prepared as part of Phase 3 of the SWS has recommended a different specific location for the facility and except as otherwise provided in Policy No. 6.11.7.4.3.b)iii;
  - ii. the location and configuration of the stormwater management facilities will be further refined through the applicable MESP and through Stormwater Management Plans prepared in support of individual development applications; and,
  - iii. stormwater management facility sites can be relocated or consolidated without amendment to this Plan, subject to the following:
    - A) information provided in conjunction with the stormwater management strategy required under



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Policy No. 6.11.7.4.3.a) demonstrating that the alternative sites are consistent with the goals, objectives, and policies of this Plan and the recommendations of the Subwatershed Study;

- B) the stormwater management facility site shall be co-located with other infrastructure where stormwater management facility locations are shown adjacent to or near a Proposed Sanitary Pumping Station on the Land Use Schedules to this Plan or the SWM Plan for the MCP Area recommends the co-location of stormwater management facilities with other infrastructure; and,
  - C) approval of the Township and relevant agencies.
- c) All wet end-of-pipe facilities which provide stormwater quality control shall be constructed as wet ponds and shall provide a permanent pool volume and forebay design, in accordance with current Provincial guidelines.

#### 4. Transportation Network

Schedule "E-13" shows the multi-modal transportation network envisioned for the Smithville MCP Area, which comprises Regional Roads, Township Roads (Arterial, Collector, Rural, and Local), the C.P.R. rail corridor, and future active transportation facilities. Where a road is identified on Schedule "E-13" as a "Future" Road, the alignment depicted on that Schedule should be interpreted as a conceptual approximation that represents the preferred configuration for the future road network in the Smithville MCP Area. This conceptual alignment is also shown on the Land Use Plans in Schedules "E-8" through "E-11".

It is the intent of this Plan that the conceptual network shown on Schedule "E-13" will be refined through the Block Plan process and finalized through the approval of development applications.

The roads identified as "Future Arterial 'A' Roads" on Schedule "E-13" represent the conceptual route for the future Smithville Bypass Road, which when complete will be under the jurisdiction of the Region of Niagara. The purpose of the Smithville Bypass Road is to provide an alternative route for trucks and other heavy vehicle traffic using Regional Road 20 that avoids Downtown Smithville. The Region will undertake an Environmental Assessment to establish the specific alignment for this route, as well as other details, such as the required minimum right-of-way.

- a) For the purposes of Subsections 6.11.7.4.4 through 6.11.7.4.7:

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- i. "Block Plan Area":
    - A) when followed by a numeral, shall refer to the area designated by that numeral on Schedule "E-6" to this Plan; and
    - B) when used on its own, shall be understood as referring generally to such areas; and
  - ii. "Smithville Bypass Road" shall refer to the planned future corridor whose conceptual alignment is shown on Schedule "J1" to the Niagara Region Official Plan and which is more specifically shown using the "Future Arterial 'A' Road" designation on Schedule "E-13" to this Plan.
- b) The hierarchy of roads in the Smithville Urban Area shall consist of the following:
- i. Regional Roads, which are under the jurisdiction of the Region of Niagara and are not subject to the policies of this Plan, and which shall include the Smithville Bypass Road, once complete;
  - ii. Township Arterial Roads, identified on Schedule "E-13" as "Future Arterial 'B' Roads", which are intended to serve as major transportation routes connecting the Smithville Urban Area with the Township more widely;
  - iii. Collector Roads, which are intended to convey traffic between higher-volume Regional Roads and Township Arterial Roads, on the one hand, and Local Roads, on the other; and
  - iv. Local Roads, which are intended to carry low volumes of traffic and to provide access to abutting properties.
- c) The "Rural Roads" shown on Schedule "E-13" shall be classified as Local Roads or as Collector Roads according to the classifications shown on Schedule "F" (Infrastructure & Transportation) to this Official Plan.
- d) All Block Plans shall be required to include a network of roads based on the conceptual Arterial and Collector Road alignments and the general pattern of Local Roads shown on Schedule "E-13" to this Plan in accordance with the policies of this subsection.
- e) Adjustments and modifications may be made to the conceptual alignments of future Township Arterial Roads and Collector Roads shown on Schedule "E-13" without requiring an amendment to the Official Plan, provided that:

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- i. the intended role and function of the roads will be maintained or improved with the proposed modification or adjustment;
  - ii. the proposed adjustment or modification is consistent with the overall goals of the Smithville MCP and the recommendations of the Township's Transportation Master Plan (TMP); and,
  - iii. the final alignment is identified on an approved Block Plan.
- f) The Local Roads shown on Schedule "E-13" are not intended to represent the entire local street network and the location, number and alignments of Local Roads will be determined and defined through the Block Plan process, and will be further detailed and changed based on the following criteria:
  - i. the intended role and function of the roads will be maintained or improved with the proposed changes;
  - ii. the roads are laid out in a grid-like pattern or modified grid format and connectivity and efficiency of the street network will be maximized;
  - iii. the roads will be located, aligned and designed to minimize travel distances and avoid offset intersections, the need for dead-end streets, cul-de-sacs or single-access development areas;
  - iv. the roads allow for viable servicing within their right-of-way;
  - v. the roads will extend from and complete the connection with existing and planned streets and intersections located along the boundaries of the Smithville MCP Area, generally as shown on Schedule "E-13", where applicable; and,
  - vi. the roads are identified on an approved Block Plan and refined and finalized through complete applications for development.
- g) All roads under the Township's jurisdiction in the Smithville Urban Area shall have a minimum right-of-way width of 20 metres, except as otherwise required in this Plan as follows:

Road Classification	Minimum Right-of-Way Width
Arterial "B"	25.0 m
Collector	22.0 m
Local Road	20.0 m
Rural Road	28.5 m

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- h) Notwithstanding Policy No. 6.11.7.4.4.g) above:
  - i. the Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to this Plan, provided the final right-of-way width is to the satisfaction of the Township;
  - ii. Without limiting the generality of the foregoing, and recognizing the desired width for Local Roads in the Secondary Plan is 20 metres, the Township may consider accepting a reduced minimum right-of-way width for developments where the standard road allowance is found to be difficult to achieve on a Local Road, or portion of a Local Road, due to natural heritage constraints or other environmental features provided that required infrastructure can be adequately accommodated, maintained and replaced. In these cases, a reduced minimum Local Road right-of-way shall be no less than 18 metres. Cul-de-sacs, should they be deemed appropriate to have a reduced right-of-way, will continue to require a bulb with a road allowance of 20 metres measured along the radius of the bulb. In addition, if a reduced right-of-way is to be requested, this request will be made to the Township during the Block Plan process, where possible;
  - iii. the Township may modify the minimum right-of-way width of any Arterial and Collector Roads, exclusive of Street "A" and Street "B", under its jurisdiction without requiring an amendment to this Plan, provided the final right-of-way width is to the satisfaction of the Township; and,
  - iv. Industrial Road between London Road and St. Catharines Street shall have a minimum right-of-way width of 25 metres.
- i) Direct driveway access from an Arterial "A" Road to a land use abutting that road shall not be permitted. The number of Local Road intersections along Arterial "A" Roads shall be minimized.
- j) Direct driveway access from a Township Arterial "B" Road to abutting properties shall generally be limited, and development adjacent to these roads shall be designed to avoid direct access wherever possible, or to minimize the number of access points where such avoidance is not possible, and access shall not be permitted where it would create a safety hazard or impact the primary function of the corridor.

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- k) Notwithstanding Policy No. 6.11.7.4.4.j), direct access from a Township Arterial Road to an abutting commercial property may be permitted, provided that access points are designed and controlled so as not to create a safety hazard or impact the primary function of the corridor, to the satisfaction of the Township.
- l) The number of direct access points from a Collector Road to abutting properties shall be minimized wherever possible.
- m) The determination of the number of accesses required for any development shall be made by the Township in consultation with emergency service providers and in consideration of Transportation Impact Studies and other information provided as part of Block Plans and complete applications for development.
- n) All new Arterial and Collector roads in the Smithville MCP Area shall be required to provide sidewalks on both sides of the street.
- o) All Local Roads that are internal to a Block Plan Area shall be required to provide continuous sidewalks on at least one side. Sidewalks on both sides of the street shall be required along park or school frontage or as a connecting route for off-road active transportation facilities (i.e. trails) unless otherwise approved by the Township, where appropriate.
- p) The appropriate orientation of future development adjacent to Street "A" will be determined based on the Township's Urban Design Guidelines and the design of such development may be required to incorporate appropriate noise mitigation measures. Reverse lotting shall be discouraged and only permitted where there is no alternative.
- q) Future development adjacent to Street "B" should be designed so that building fronts are oriented towards internal Local Roads.
- r) The design and reconstruction of Township Arterial Roads and Collector Roads shall adopt a complete streets approach and in a manner that supports multiple modes of transportation, including possible future transit options, in accordance with the Smithville MCP Urban Design Guidelines regarding matters such as streetscape elements and with any guidelines as may be set forth in the Transportation Master Plan. At present, transit service is provided by Niagara Regional Transit on an on-demand basis.

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- s) The design and reconstruction of all Local Roads shall adopt a complete streets approach and in a manner that prioritizes the safety of pedestrians, cyclists, and other users of active transportation modes, in accordance with guidelines set forth in the Transportation Master Plan.
- t) The "Rural Roads" identified on Schedule "E-13" are meant to be identifiable as defining the edge of the Smithville Urban Area, and should be designed to maintain a rural profile outside of the urban area, but may be required through the Block Plan process to provide some urban or "semi-urban" streetscape elements, where appropriate.
- u) The extension of Spring Creek Road west of Thirty Road/Station Street may be required to provide berms, fencing, or other streetscape elements on the south side of the street to address the back-lotting of existing residential development. The extension of Spring Creek Road west of South Grimsby Road 5 to Street "A" is shown on Schedule "E-13" to maximize the use of CPR setback area and with the understanding that a crossing of the rail line will not be permitted by the CPR unless other existing at-grade crossings in Smithville are closed. An additional rail crossing, if permitted in the future and supported by appropriate studies, to facilitate a southerly connection between Spring Creek Road and Regional Road 20, within the existing South Grimsby Road 6 right-of-way or in that vicinity, may be permitted without an amendment to this Plan.

#### 5. Smithville Bypass Road Corridor

- a) Any Block Plan prepared with respect to Block Plan Area 2, Block Plan Area 3, Block Plan Area 4 or Block Plan Area 5, shall be required to provide and protect a sufficient corridor to accommodate Street "A" as a potential Arterial "A" Road in accordance with the conceptual alignment shown on Schedule "E-13".
- b) Any Block Plan prepared with respect to Block Plan Area 7 shall be required to provide and protect a sufficient corridor to accommodate Street "B" as a potential Arterial "A" Road in accordance with the conceptual alignment shown on Schedule "E-13".
- c) The widths of the corridors referred to in Policies No. 6.11.7.4. 5.a) and b) above will be determined in consultation with the Region during the Block Plan process, but shall be sufficient to accommodate a minimum right-of-way width of 30.5 metres unless an alternative right-of-way width is determined.

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- d) If the Environmental Assessment undertaken by the Region recommends an alignment for the Smithville Bypass Road that does not include the conceptual alignment for Street "A" shown on Schedule "E-13", then:
  - i. Schedule "E-13" shall be amended to designate Street "A" a Township Arterial "B" Road with a minimum right-of-way width of 25 metres;
  - ii. Policy No. 6.11.7.4.5.a) above shall no longer apply; and
  - iii. any Block Plan prepared with respect to a Block Plan Area identified in Policy No. 6.11.7.4.5.a) shall provide a corridor for Street "A" as a Collector Road in accordance with the conceptual alignment shown on Schedule "E-13".
- e) If the Environmental Assessment undertaken by the Region recommends an alignment for the Smithville Bypass Road that does not include the conceptual alignment for Street "B" shown on Schedule "E-13", then:
  - i. Policy No. 6.11.7.4.5.b) above shall no longer apply; and
  - ii. any Block Plan prepared with respect to Block Plan Area 7 shall include at least one Collector Road, whose alignment may differ from what is shown on the Schedules to this Plan.

#### 6. Road Improvements for Block Plan Areas

Block Plans undertaken in accordance with Policy No. 6.11.7.6.1 shall identify through the MESP the timing of the following transportation improvements in relation to the phasing of development within the respective Block Plans:

- a) Block Plan Area 2:
  - i. the segment of South Grimsby Road 5 adjacent to Block Plan Area 2 to be upgraded to an urban standard; and
  - ii. the portion of the road allowance for South Grimsby Road 6 between the CPR rail corridor and the corridor for Street "A" to be opened and developed to an urban standard.
- b) Block Plan Area 3:
  - i. the segment of South Grimsby Road 5 adjacent to Block Plan Area 3 to be upgraded to an urban standard; and
  - ii. the segment of Thirty Road adjacent to Block Plan Area 3 to be upgraded to an urban standard.

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- c) Block Plan Area 4:
    - i. the segment of Thirty Road adjacent to that Block Plan Area to be upgraded to an urban standard.
  - d) Block Plan Area 5 or Block Plan Area 6:
    - i. the segment of Industrial Park Road adjacent to those Blocks to be upgraded to an urban standard.
  - e) Block Plan Area 9, Block Plan Area 10, or Block Plan Area 11:
    - i. the segment of Smithville Road (Regional Road 14) between South Grimsby Road 6 and Canborough Street to be upgraded to an urban standard; and
    - ii. the segment of Townline Road between Canborough Street and St. Catharines Street (Regional Road 20) to be upgraded to an urban standard.
  - f) Block Plan Area 12, Block Plan Area 13, or Block Plan Area 14:
    - i. the segment of Smithville Road (Regional Road 14) between South Grimsby Road 6 and Canborough Street, to be upgraded to an urban standard; and
    - ii. the segment of South Grimsby Road 6 between Smithville Road (Regional Road 14) and West Street (Regional Road 20) to be upgraded to an urban standard.
  - g) For the purposes of Policy Nos. 6.11.7.4.6.e) and f) above, “an appropriate standard” shall mean a standard that is appropriate for the road’s planned function with respect to development in the Block Plan Areas identified, to the satisfaction of the Township and the Region.
  - h) Any Block Plan prepared with respect to Block Plan Area 9 may be required to consider the potential future realignment of Port Davidson Road, as represented by the conceptual alignment shown on Schedule “E-13”, subject to the recommendations made in the Township’s Transportation Master Plan.
  - i) Any Block Plans prepared with respect to Block Plan Area 10 and Block Plan Area 11 may be required to consider the future realignment of Tober Road and the location or removal of the intersection with Townline Road for the road segment shown as “Existing Tober Road” on Schedule “E-10”.
7. Active Transportation & Trail System

The transportation network shown on Schedule “E-13” includes the conceptual primary routes (both on-street and off-street) for the future active transportation network in the Smithville MCP Area. The same



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conceptual alignments are shown on the Land Use Schedules to this Plan (Schedules "E-8" through "E-11").

This Plan intends for the active transportation network to be developed as a well-connected system of multi-modal trails and based on the recommendations of the Transportation Master Plan, with the alignment of trail segments to be refined during the Block Plan process and finalized as part of a complete development application.

- a) All Block Plans shall be required to include active transportation routes and infrastructure that is consistent with the general conceptual alignments shown on Schedule "E-13".
- b) To clarify, a Block Plan prepared with respect to a Block Plan Area that is not depicted on Schedule "E-13" as containing a conceptual active transportation route or trail route may nonetheless be required to provide active transportation routes, facilities, or infrastructure as a condition of development approval.
- c) Requirements regarding the provision of on-street active transportation facilities and infrastructure will be established as recommended through the Township's Transportation Master Plan or as recommended through typical road profile designs.
- d) Land uses in the MCP Area may be required to provide bicycle parking or bicycle storage areas as a condition of development approval.
- e) Active transportation facilities and infrastructure located in or adjacent to the Smithville Natural Heritage System shall be designed and developed in accordance with all applicable policies in Section 6.11.7.3 of this Plan.
- f) Policy No. 6.11.7.2.10.b), which permits passive recreation uses in Special Policy Area 1, is intended to encourage opportunities for the use of the hydro corridor just north of Block Plan Areas 2, 3, and 4 as multi-use trail, to be naturalized in a way that maintains the ecological function of that corridor as a Linkage Area in accordance with the policies set out in Section 6.11.7.3.15 above, in particular Policy No. 6.11.7.3.15.h).
- g) Required active transportation facilities and infrastructure for the Smithville Urban Area will also be determined in accordance with the recommendations of the Township's Transportation Master Plan which may be updated and revised from time-to-time without amendment to this Plan.

- h) Street and active transportation network design should integrate design principles from the Niagara Region Complete Streets Model Policy Handbook.

#### 6.11.7.5 Community Design & Sustainability

The Smithville Master Community Plan Urban Design Guidelines, as may be adopted by Council and revised or updated from time-to-time, are meant to complement the policies in this Plan by providing direction for the design of specific types of development. These Design Guidelines, and the policies of this section, which reference the Urban Design Guidelines shall be implemented through Block Plans, site plan control, and other development approval processes.

Among other things, the Urban Design Guidelines will ensure that all development in the Smithville MCP Area is sustainable and resilient and will contribute to mitigating and adapting to the impacts of climate change.

The Urban Design Guidelines for the Smithville MCP Area has identified distinct "character areas" within the community. These character areas are:

- Residential Neighbourhood Areas;
- Commercial Areas;
- Mixed Use Neighbourhood Nodes; and
- Urban Employment Areas.

The sections below set out the principles and policies for the design of each character area and explain which place-type designations are included in each character area.

#### 1. General Design Policies

- a) In this section, "Design Guidelines" shall refer to the "Smithville Master Community Plan Urban Design Guidelines" adopted by Council and as may be revised or updated from time to time.
- b) Any development proposed in a Block Plan shall be designed according to the guidelines for "Public Realm Design" set out in Section 3 of the Design Guidelines.
- c) All development in the Smithville MCP Area, except for the development of one low-density dwelling, shall be designed according to the guidelines for "Private Realm Design" set out in Section 4 of the Design Guidelines.
- d) For the purposes of Policy No. 6.11.7.5.1.c), "low-density dwelling" shall refer to any of the following:

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- i. a single detached dwelling;
  - ii. a semi-detached dwelling; or
  - iii. a duplex dwelling.
- e) To clarify, any development that contains more than one low-density dwelling, as defined in Policy No. 6.11.7.5.1.d), such as development proceeding by plan of subdivision, shall be required to comply with Policy No. 6.11.7.5.1.c) above.
  - f) All development in the Smithville MCP Area shall be designed according to the applicable specific guidelines set out in Section 5 of the Design Guidelines.
  - g) Where it is necessary to determine which specific guidelines in Section 5 of the Design Guidelines will apply to different uses in a proposed development, such determination shall be made during the Block Plan process or during pre-submission consultation for a development application.
  - h) All future development in the Smithville MCP Area will be encouraged to incorporate sustainable design practices and to incorporate elements that promote water conservation, energy conservation, and the reduction of greenhouse gas emissions.

## 2. Residential Neighbourhood Areas

Residential Neighbourhood Areas represent the largest portion of the Smithville MCP Area, and their design will play a central role in establishing the visual character of the community. These areas comprise a range of housing types and forms, from lower-density forms of low-rise housing (such as single detached and semi-detached dwellings) to townhouses and other residential uses that are permitted in the "Medium Density" designation.

- a) The "Residential Neighbourhood" character area shall comprise the following areas, as designated on the Land Use Schedules:
  - i. "Residential" areas;
  - ii. "Medium Density" areas, where such areas are located outside the "Mixed Use Node" overlay designation; and
  - iii. "Open Space" areas.
- b) Development in the "Residential Neighbourhood" character area shall be designed according to the following general principles:
  - i. Encourage variety and compatible alternatives in the form and design of the built environment.

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- ii. Ensure that the built environment is designed to create a consistent and attractive edge to the street.
  - iii. Establish block and street network patterns that are conducive to pedestrian movement.
  - iv. Ensure that buildings are sited in a way that defines and reinforces the public realm.
- c) Development in the "Residential" designation shall be designed with a street-facing orientation in a manner that provides and supports an attractive and animated streetscape.
- d) Development in the "Medium Density" designation shall be designed:
  - i. to have a street-facing orientation that provides and supports an attractive, animated, and pedestrian-oriented streetscape; and
  - ii. to provide an appropriate transition in building heights and density from any adjacent "Residential" areas.
- e) All parking areas in the "Medium Density" designation shall be designed and located in a manner that helps achieve the design objectives identified in Policy No. 6.11.7.5.2.d) above.
- f) Development and land uses in the "Open Space" designation shall be designed:
  - i. to meet the various recreational and social needs of the community;
  - ii. to enhance the character and aesthetic appeal of the area in which they are located;
  - iii. to promote and facilitate public safety; and
  - iv. to contribute to a well-connected system of parks and open spaces that is accessible to all residents.
- g) Reverse lotting of development shall be discouraged and may only be permitted in circumstances where:
  - i. the road onto which the rear lot lines abut runs along the Smithville Urban Boundary; and
  - ii. there is no alternative that will achieve the same overall objectives of the proposed development.

### 3. Commercial Areas

The "Commercial" character area, which comprises the "Commercial" place type-designation outside of the "Mixed Use Nodes", is meant to

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provide a wide range of retail and service commercial uses that support adjacent and nearby residential neighbourhoods. Buildings and streetscapes will be designed to provide continuous façades and a pedestrian-friendly environment, with on-street parking in retail areas to support pedestrian safety. Development blocks are sized to accommodate future intensification, with limited surface parking areas located behind buildings that front onto commercial streets.

- a) The "Commercial" character area shall comprise all "Commercial" areas that are located outside the "Mixed Use Node" overlay designation, as shown on the Land Use Schedules.
- b) Development in "Commercial" areas shall be designed according to the following general principles:
  - i. Ensure that the built environment is designed to create a consistent and attractive street edge that is pedestrian-friendly and transit-oriented.
  - ii. Provide high-quality public amenity spaces and landscaping, with features and facilities that support walking and cycling.
  - iii. Design spaces and streetscapes that provide for the future integration of transit stops and transit connections.
  - iv. Minimize the presence and prominence of parking areas along street frontages, and ensure that such areas are not located between the fronts of buildings located near the front lot line and the street.
  - v. Design areas that feature attractive interfaces with adjacent land uses.
- c) Where necessary, development in "Commercial" areas shall be designed to ensure compatibility with any adjacent low-density residential uses.
- d) Commercial blocks should be designed to incorporate more centralized, "one-stop" parking facilities that allow customers to park once and visit multiple destinations on foot.

#### 4. Mixed Use Neighbourhood Nodes

"Mixed Use Neighbourhood Nodes" are located at community focal points and high-profile locations at gateways and along key corridors. These areas are meant to provide a "main street", "urban village" atmosphere with an enhanced pedestrian realm and multi-modal access to ground-level retail and service commercial uses. These areas feature mixed-use, multi-functional developments with a variety

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of uses that transition gradually to adjacent lower-density residential neighbourhoods.

- a) The "Mixed Use Neighbourhood Node" character area shall comprise the following areas, as designated on the Land Use Schedules:
  - i. "Medium Density" areas, where such areas are located in the "Mixed Use Node" overlay designation;
  - ii. "Commercial" areas, where such areas are located in the "Mixed Use Node" overlay designation; and
  - iii. "Community Facility" areas.
- b) Development in the "Mixed Use Neighbourhood Node" character area shall be designed according to the following general principles:
  - i. Encourage variety and a range of compatible alternatives in the form and design of the built environment.
  - ii. Ensure that the built environment is designed to create consistent and attractive street edges, with buildings sited in a way that balances creating a strong street edge with providing a visual foreground for the structure.
  - iii. Minimize the visual impacts of parking areas, garbage storage areas, and equipment storage areas on the streetscape, and ensure such areas are not located between the fronts of buildings and the street.
  - iv. Ensure that private outdoor amenity areas are designed to be visually appealing when seen from the street.
  - v. Design visually attractive interfaces between medium-density residential areas and adjacent land uses.
- c) Development in the "Mixed Use Node" overlay designation shall be designed to provide:
  - i. prominent building entrances and clear-glazed street-level façades to promote a vibrant, pedestrian-oriented streetscape and a high level of visibility;
  - ii. separate residential entrances for mixed-use buildings; and
  - iii. appropriate transitions between commercial and residential components of buildings through architectural detailing (such as cornices, signage, porches, and changes in materials or colours).

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- d) Development in the "Community Facility" designation shall be designed:
  - i. to serve as an extension of the public realm that is accessible to all residents;
  - ii. to provide focal points for neighbourhoods and communities;
  - iii. to provide access to transit and other transportation options;
  - iv. to incorporate best practices with respect to sustainable design; and
  - v. to feature high-quality design with prominent entrances, transparency between indoor and outdoor spaces, and clear lines of sight that promote community safety.
- e) Parking facilities in the "Mixed Use Neighbourhood Node" character area should be design to provide centralized, "one-stop" parking wherever possible to promote a compact and pedestrian-oriented environment.

#### 5. Urban Employment Areas

The "Urban Employment" character area is an extension of the existing North-East Industrial Park in Smithville. Urban Employment Areas are meant to provide for a range of industrial and office uses, agricultural services, and ancillary supportive uses, with development that supports the achievement of high-quality urban design and landscaping.

- a) The "Urban Employment" character area shall comprise all areas in the "Employment" designation, including those in the "Restricted Employment" overlay designation, as shown on the Land Use Schedules.
- b) Development in the "Urban Employment" character area shall be designed according to the following general principles:
  - i. Ensure that the built environment is designed to create a consistent and attractive edge to the street.
  - ii. Provide a high degree of access and connectivity to primary goods movement corridors.
  - iii. Avoid negative impacts on the visual appeal of streetscapes, which includes minimizing the presence and prominence of parking areas and outdoor storage areas along street frontages.

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- iv. Avoid negative impacts on adjacent residential uses and areas, on adjacent open spaces, and on natural heritage features.
- c) The Township will encourage the development of buildings that have continuous street frontage to promote a consistent urban character, with enhanced building and landscape design for visible gateway and prestige sites.
- d) Parking, loading, and outdoor storage areas shall be directed towards the rears of buildings away from street frontages and shall be appropriately screened.
- e) Employment uses shall be required to provide appropriate screening and buffering from adjacent sensitive uses and areas, in accordance with the Zoning By-law and Urban Design Guidelines.

#### 6.11.7.6 Implementation

##### 1. Block Plans

- a) Detailed planning for development will occur by Block Plan. Block Plan Areas are shown on Schedule "E-6".
- b) Block Plans are intended to help implement the Smithville MCP and guide future development applications. It is expected that the Block Plan process will provide for expedited development application processes for related amendments to the Zoning By-law, site plans and draft plans of subdivision/condominium.
- c) The Block Plan Areas on Schedule "E-6" represent the smallest area for which a Block Plan will be accepted by the Township.
- d) The Township may accept a single Block Plan for multiple Block Plan Areas provided that the land within the proposed Block Plan is contiguous and is located within the same overall Development Stage.
- e) For the purposes of Section 6.11.7.6:
  - i. references to "Development Stages" shall refer to the "Overall Staging Areas" shown on Schedule "E-14" ("Development Staging Plan");
  - ii. any reference to a "Development Stage" in conjunction with a numeral ("1", "2", "3", or "4") shall be interpreted as referring collectively to all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with that numeral; and

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- iii. all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with the same numeral shall be understood as being located in the same overall Development Stage.
- f) Prior to the preparation of a Block Plan, a Terms of Reference shall be prepared in consultation with and to the satisfaction of the Township and in consultation with Niagara Region. The Township may prepare and adopt a standard Terms of Reference for the preparation of Block Plans. A Terms of Reference shall identify the required studies and plans required, and the scope thereof, as well as public and agency notice, consultation, review and approval requirements and anticipated timelines for approval of Block Plans.
- g) Block Plans shall be required to conform with the Smithville MCP and no Block Plans shall be approved until the Smithville MCP is in effect.
- h) Block Plans for Block Plan Areas that are located in the same overall Development Stage shall be prepared in a manner that provides for the coordination of elements such as transportation infrastructure, services, features of the NHS, and other matters as determined through the preparation of a Terms of Reference.
- i) Further to Policy No. 6.11.7.6.1. h), Block Plans for Block Plan Areas 10, 11, and 12 shall be prepared in a manner that provides for the coordination of various elements, as determined through the preparation of a Terms of Reference.
- j) The Township may accept a single Block Plan for Blocks 10, 11 and 12, notwithstanding Policy No. 6.11.7.6.1.d) above and the fact that these Block Plan Areas are located in two different Development Stages.
- k) No applications proposing development in a Block Plan Area shall be approved unless a Block Plan for the area in question has been prepared and has been approved by the Township.
- l) Applications proposing development may be deemed complete for processing concurrent with the Block Plan approval process provided any incomplete matters are identified as application submission requirements through the pre-consultation process in accordance with Policy 6.11.7.6.4. and submitted with the development application(s). As such, approval of the Block Plan may not be necessary to deem an application proposing development within the Block Plan area as complete.

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- m) Where a Block Plan has not been approved, a proposed plan of subdivision/condominium may be draft approved, or other development approval may be considered once the proponent has completed all work required to formulate a Block Plan in accordance with and in conformity to the provisions of this Plan. The proposed plan of subdivision/condominium or other development application may be evaluated in the context of the proposed Block Plan. The Township may use holding provisions and/or conditions of development approval to ensure the entire Block Plan is completed and approved prior to final approval of the site-specific application(s). For the purposes of this policy, Block Plans may be approved in phases.
- n) The exception outlined in Policy No. 6.11.7.6.1 m) above is intended for circumstances where a portion of a Block Plan Area is still under review and intended to allow the other portions to proceed to approval of a draft plan of subdivision/condo or other development approval in the portion of the Block Plan for which the review has been completed.
- o) All development in the Smithville MCP Area should appropriately implement the approved Block Plan for the Block Plan Area in which that development is located.
- p) Block Plans should:
  - i. Illustrate the detailed land uses including the location, type, area, and approximate dimensions of each land use proposed, to appropriately implement and as a refinement to the land use designations (and without amendment to this Plan) shown on the applicable Land Use Plan in Schedules "E-8" through "E-11";
  - ii. identify the location, distribution, and land areas for required community facilities, parks, and open spaces, to appropriately implement and as a refinement to the land use designations (without amendment to this Plan) intended to accommodate such uses shown on the applicable Land Use Plan in Schedules "E-8" to "E-11" and based upon any applicable Township Master Plans;
  - iii. be accompanied and supported by, and based upon, a Master Environmental Servicing Plan (MESP) that has been prepared to appropriately implement Subsection 6.11.7.6.2 below, the SWS, and the MSP and TMP;
  - iv. include a description of the Block Plan Area and information to demonstrate how the Block Plan appropriately implements the applicable policies in

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Section 6.11.7.5 above and in keeping with the applicable Township Design Guidelines.

- q) In addition to the requirements set out in Policy No. 6.11.7.6.1.p)p), any Block Plan prepared for a Residential Neighbourhood Area, a Commercial Area, or a Mixed Use Neighbourhood Node shall identify the proposed housing mix and gross densities, provide estimates for population and the number of population-related jobs estimate, appropriately implement the policies for the applicable land use designations, and demonstrate that the greenfield density target will be achieved.
- r) In addition to the requirements set out in Policy No. 6.11.7.6.1.p), any Block Plan prepared for an Urban Employment Areas shall provide an estimate for the number of jobs and demonstrate that the employment density target will be achieved.
- s) The Township may waive the requirement for a Block Plan for the development of land within the Employment and Commercial land use designations, if the Township is satisfied that all of the required information normally provided as part of a Block Plan will be provided as part of a complete application for development for the entirety of the land within the Block Plan Area. The Region will be consulted regarding the planning process for development proposed in the Employment land use designation.
- t) The Township may waive the requirement for a Block Plan for minor development applications, such as minor variances or site plans related to existing or interim land uses. However, applications involving the development or transition of land in the MCP Area to an urban land use shall be subject to the requirement for a Block Plan, except where otherwise permitted by the policies of this Plan.
- u) Block Plans shall be subject to approval by Township Council. Council may delegate this responsibility to an appropriate Township staff person, either for specific Block Plans or generally for all Block Plans.
- v) The Township will endeavour to make timely decisions on submitted Block Plans and generally within 120 days of submission of the Block Plan.
- w) A proposed plan of subdivision/condominium or other development application which is not consistent with a Block Plan approved by the Township may receive approval provided it can be demonstrated that any

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deviations from the Block Plan are appropriate, represent good planning, include enhanced benefits to the community and conform to the policies of this Plan.

## 2. Master Environmental Servicing Plans (MESPs)

- a) A Master Environmental Servicing Plan shall be prepared for each Block Plan, and may be prepared for multiple Block Plan Areas, and shall include the following:
  - i. an Environmental Impact Study (EIS) to delineate and confirm the boundaries of the NHS, which should appropriately implement and refine the NHS shown on Schedule "E-12" and based upon the SWS;
  - ii. proposed water and wastewater servicing plans, along with a review and confirmation of capacity of municipal servicing systems, including water and wastewater system modelling, based upon the MSP;
  - iii. the proposed order or phasing of development and the provision of services, which should appropriately implement the Development Staging Plan and policies in Subsection 6.11.7.6.3;
  - iv. a stormwater management strategy that includes the proposed location and sizing of stormwater management facilities and low-impact development measures, preliminary grading plans, and coordination with areas external to the subject Block Plan Area, which should appropriately be in conformity with and a refinement to the conceptual SWM locations shown on Schedules "E-8" through "E-11" and based upon the SWS;
  - v. a Karst Hazard Assessment, where required, based on the presence of identified Karst features and the policies of this Plan;
  - vi. a Transportation Impact Study (TIS), prepared in accordance with the recommendations and guidelines of the TMP, that identifies and provides an assessment of connections to the existing road network, as well as the required timing and phasing of upgrades to existing roads and intersections;
  - vii. detailed plans showing the street and active transportation network, along with typical street profiles or cross-sections, which should appropriately be in conformity with and a refinement to the Transportation

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System shown on Schedule "E-13" and based upon the TMP;

- viii. a noise impact assessment with respect to any transportation-related or stationary noise sources, where applicable, based on the location of existing or proposed sensitive land uses and provincial guidelines and requirements;
- ix. an assessment of, and detailed plans for the avoidance and mitigation of, potential land use conflicts with any existing livestock facilities within the MCP Area based on the application of Minimum Distance Separation (MDS I) setbacks;
- x. environmental site assessment(s); and
- xi. archaeological assessments;

### 3. Development Staging Plan

- a) It is the intent of this Plan that development in the Smithville MCP Area will occur in a logical and orderly manner over the planning period of this Plan.
- b) Development of the Smithville MCP Area shall be staged to align with the planning and implementation of the required infrastructure and transportation systems.
- c) The order of development of the MCP Area shall be based on the Development Staging Plan in Schedule "E-14" and on the timing of the provision of the required infrastructure and transportation systems in accordance with the MSP and TMP.
- d) Notwithstanding Policy No. 6.11.7.6.3.c) above,
  - i. The development of lands designated for employment or commercial uses in earlier phases will not be required prior to the development of lands designated for residential uses in later phases, provided there is sufficient existing or planned infrastructure as determined through the preparation of Master Environmental Servicing Plans (MESPs) in accordance with Policy 6.11.7.6.2 of this Plan;
  - ii. It is recognized that flexibility in phasing may be required to ensure adequate land, infrastructure and public service facilities to achieve the population and employment forecasts of this Plan, and revisions to the Development Staging Plan may be permitted without an amendment to this Plan, provided that the

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following requirements are addressed through the Block Plan process and associated MESP:

- A) The proposed revisions to the Development Staging Plan are warranted in order to maintain or improve the ability of the Township to meet its short-term and long-term land need requirements to accommodate the population and employment forecasts of this Plan and ensure the Township's ability to achieve the intensification target for the Built-Up Area;
- B) Any proposed changes to the Development Staging Plan will provide the necessary transportation systems and municipal infrastructure required for the development of the proposed Block Plan Area without adversely affecting the timely and efficient development of other Block Plan Areas;
- C) Any improvements or oversizing external to the Block Plan Area will be addressed through development agreements with the Township, Region, and affected landowners, as applicable, which may include front-ending considerations;
- D) Grading, drainage and stormwater management will be addressed and coordinated with the future development of adjacent Block Plan Areas;
- E) Existing and planned community facilities and parks will be reviewed in consultation with applicable departments and agencies to ensure the needs of the population can be accommodated;
- F) An Environmental Assessment has been prepared and approved as an addendum to the MSP or the TMP, as the case may be, where changes to the planned infrastructure and transportation systems are proposed or required; and,
- G) Any temporary or interim infrastructure, transportation, or other facilities or systems required that are not part of the permanent systems identified in the MSP or TMP are appropriately designed for their future decommissioning and removal, and such decommissioning and removal has been addressed through appropriate development, operational, and maintenance agreements.

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- e) The Township will consult and work with the Region to plan for the provision of municipal services in a co-ordinated, timely and financially viable manner, based on the principle that growth pays for growth to the extent permitted by applicable legislation, aligned with Block Plans and complete applications for development as well as the Region's and Township's Master Servicing and Transportation Plans. Infrastructure and transportation projects may be advanced in a Development Stage or a Sub Phase before development is permitted.
- f) Approval of Block Plans and development applications will be based on the timing of the implementation of the required infrastructure and available reserve servicing capacity. The Township may adopt and implement a servicing allocation policy to establish the requirements and criteria for obtaining and renewing servicing allocations for development approvals and to ensure infrastructure capacity is reserved and allocated in a manner that supports the implementation of this Plan, including the achievement of the intensification target, and other objectives and targets of this Plan.
- g) The Township may use holding provisions, conditions of development approval (including the phasing or staging of development within plans of subdivision), as well as front-ending and credit agreements with extended reimbursement periods, where necessary, to support the logical and orderly development of the MCP Area, manage the pace of growth and development, and ensure development is aligned with the provision and timing of the required infrastructure and transportation systems.
- h) To avoid unreasonable delays in the orderly and timely progression of growth and development in the MCP Area, the Township will coordinate with the Region to monitor the pace of growth and adapt its phasing and servicing strategy as necessary to maintain a reliable inventory of land with servicing capacity and land in draft approved and registered plans to achieve the applicable targets and accommodate the growth forecasts of this Plan in keeping with the policies of the Niagara Region Official Plan.
- i) The Township will consult with affected landowners prior to any adjustments to the Development Staging Plan being made.

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#### 4. Complete Applications

- a) All proponents of development in the Smithville MCP Area shall be required to consult with the Township prior to the submission of a development application, which consultation shall be undertaken in accordance with the policies in Section 18.16 of the Official Plan of the Township of West Lincoln.
- b) In order to be considered a complete application, a development application may be required to include detailed studies and reports in support of the proposed development, which may in some cases be scoped based upon or limited to confirmation of certain studies completed at the Block Plan stage, which may include any of the following:
  - i. Planning Justification Report;
  - ii. Conceptual Site Plan;
  - iii. Land Use / Market Needs Report;
  - iv. Archaeological Assessment;
  - v. Heritage Impact Assessment;
  - vi. Environmental Impact Study;
  - vii. Transportation Impact Study;
  - viii. Noise Study;
  - ix. Vibration Study;
  - x. Grading Plan;
  - xi. Detailed Road Design Study;
  - xii. Urban Design Brief;
  - xiii. Landscape Plan;
  - xiv. Tree Preservation Plan;
  - xv. Functional Servicing Report;
  - xvi. Environmental Assessment;
  - xvii. Geotechnical Report;
  - xviii. Hydrogeological Study;
  - xix. Detailed Stormwater Management Study;
  - xx. Karst Hazard Assessment;
  - xxi. Active Restoration Plan;



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- xxii. Master Environmental Servicing Plan (MESP); and
- xxiii. any other study, report, or assessment deemed necessary by the Township of West Lincoln, the Region of Niagara, the Niagara Peninsula Conservation Authority, or any other agency that may have an interest in the application, as determined by the Township.

#### 5. Parks Master Plan / Greening Plan

- a) The Township may undertake and adopt a Parks Master Plan / Greening Plan or similar initiative to further study and recommend policies, strategies and implementation plans to address community recreational and parkland needs, standards and targets as well as the overall sustainability, naturalization and greening of the Smithville Urban Area and the Township more broadly. Through the process of developing this Secondary Plan, the holding ponds located to the south Twenty Mile Creek, east of Shurie Road, to the south-east of Smithville, were identified as a potential opportunity for natural area enhancement, restoration, management and to accommodate future public recreational use, as well as ecological offsetting to compensate for any potential loss of natural cover associated with the urban expansion of Smithville. This Plan may be amended in the future to incorporate appropriate policies and other updates based on the recommendations of Parks Master Plan / Greening Plan for Smithville and surrounding areas."

- 2.2.6 Schedule "A" – Municipal Structure of the Township of West Lincoln Official Plan is hereby amended by adding Special Policy Area 1 and Special Policy Area 2 as shown on Schedule "A" hereto.
- 2.2.7 Schedule "B-4" – Land Use Smithville of the Township of West Lincoln Official Plan is hereby amended by:
  - a) Updating the Natural Heritage System designation as shown on Schedule "B" hereto; and,
  - b) Removing areas from the Natural Heritage System designation as shown on Schedule "B" hereto.
- 2.2.8 Schedule "B-5" – Urban Structure Smithville of the Township of West Lincoln Official Plan is hereby amended by adding area to the Designated Greenfield Area (P2G) as shown on Schedule "C" hereto.
- 2.2.9 Schedules "C-1", "C-2", "C-3" and "C-4" – Natural Heritage System are hereby amended by deleting the Natural Heritage System designations within the Smithville Urban Area and adding reference to a new map schedule showing the Natural Heritage System

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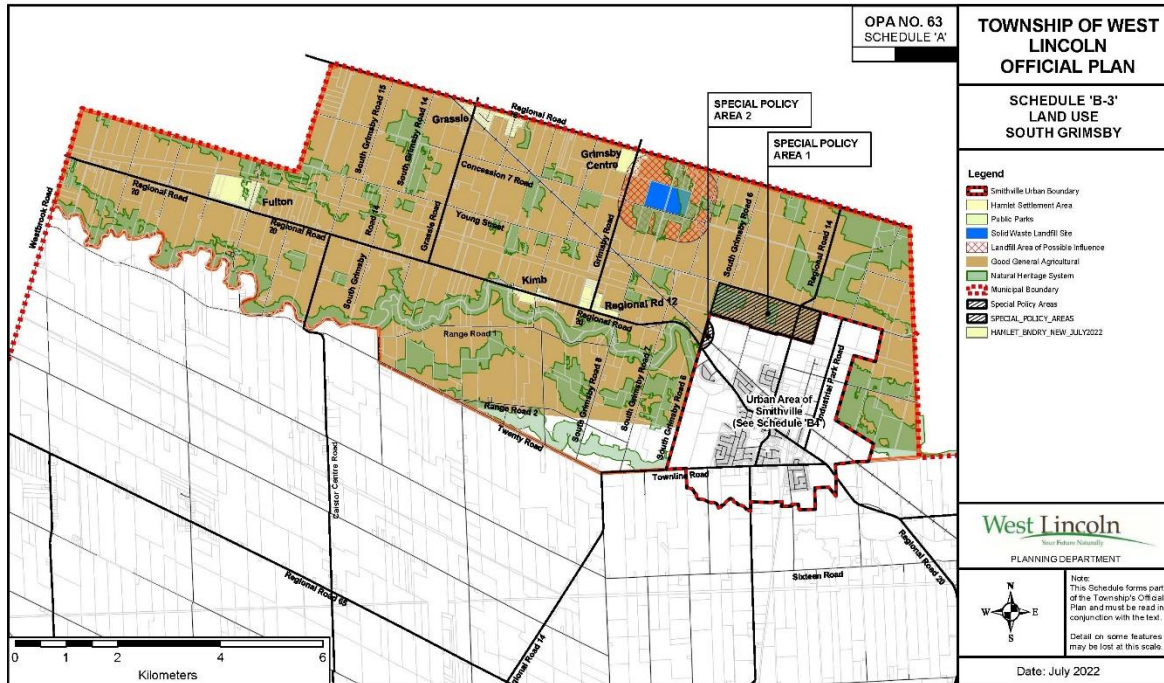
designations for the Smithville Urban Area, Schedule "E-12", as shown on Schedules "D", "E", "F" and "G" hereto, respectively.

2.2.10 The following new map schedules are hereby added to the Township of West Lincoln Official Plan:

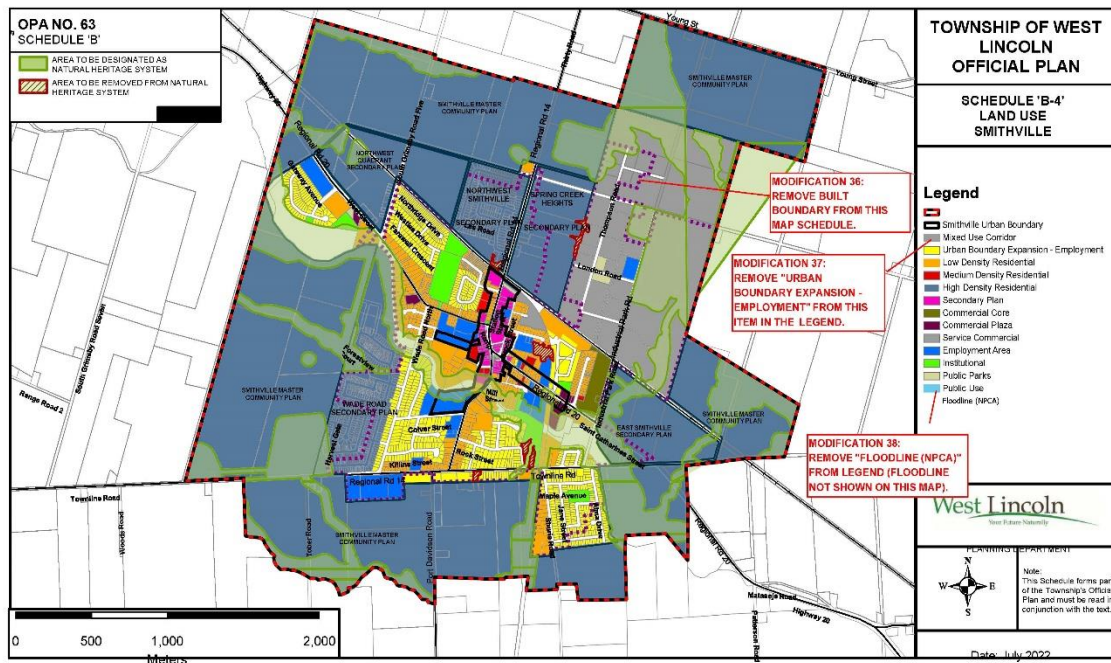
- a) Schedule "E-6" – Smithville MCP Block Plan Areas, being Schedule "H" hereto;
- b) Schedule "E-7" – Smithville MCP Overall Land Use Plan Index Map, being Schedule "I" hereto;
- c) Schedule "E-8" – Smithville MCP North Community Area Land Use Plan, being Schedule "J" hereto;
- d) Schedule "E-9" – Smithville MCP Employment Area Land Use Plan, being Schedule "K" hereto;
- e) Schedule "E-10" – Smithville MCP South Community Area Land Use Plan, being Schedule "L" hereto;
- f) \* Schedule "E-11" – Smithville MCP West Community Area Land Use Plan, being Schedule "M" hereto;
- g) \* Schedule "E-12" – Smithville Natural Heritage System, being Schedule "N" hereto;
- h) Schedule "E-13" – Smithville Transportation Plan, being Schedule "O" hereto;
- i) Schedule "E-14" – Smithville MCP Development Staging Plan, being Schedule "P" hereto.

2.2.11 Schedule "F" – Infrastructure and Transportation of the Township of West Lincoln Official Plan is hereby amended by adding reference to a new map schedule showing the Transportation Plan for the Smithville Urban Area, Schedule "E-13", as shown on Schedule "Q" hereto.

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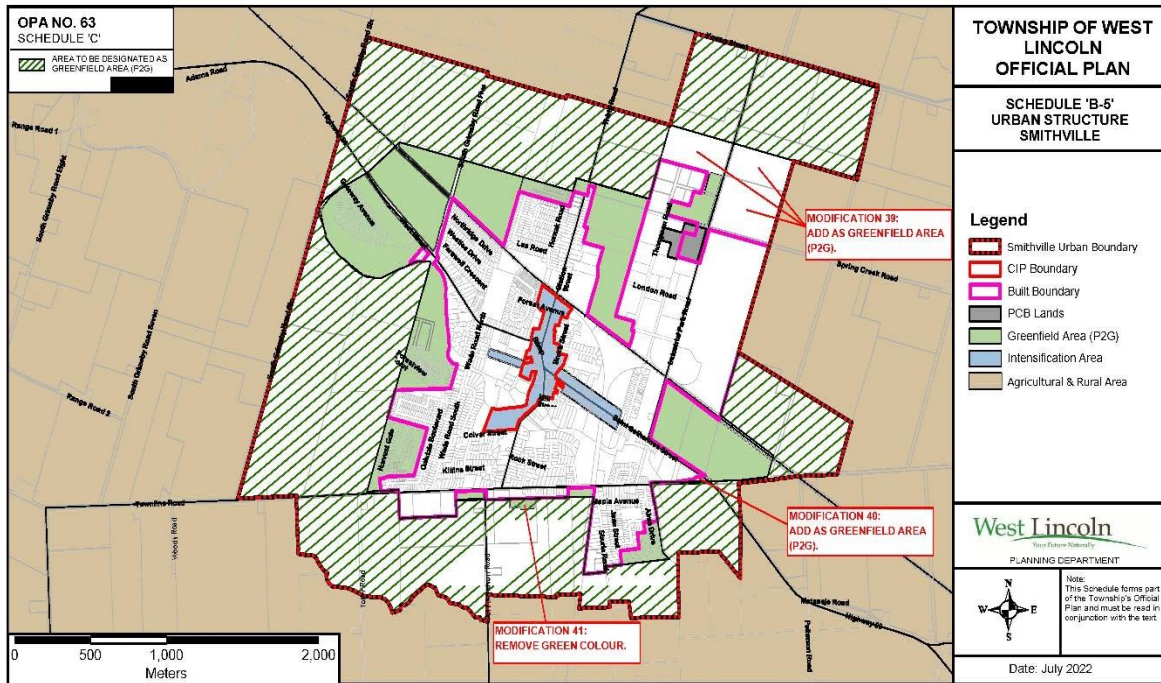


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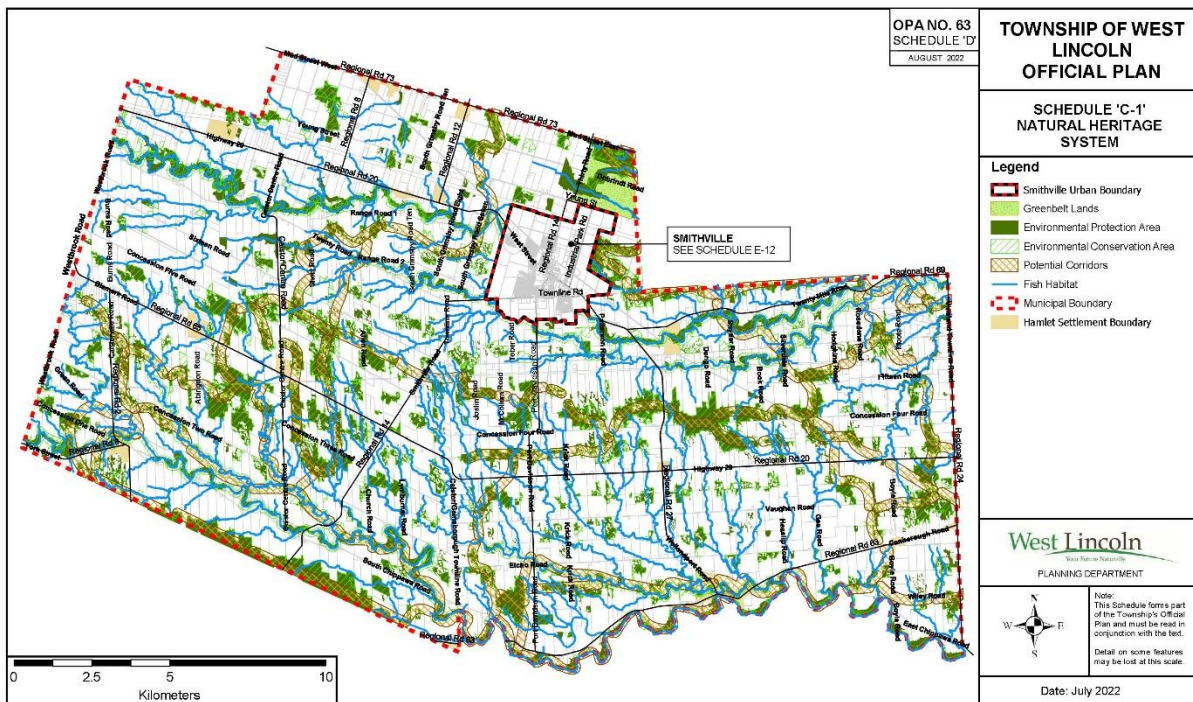




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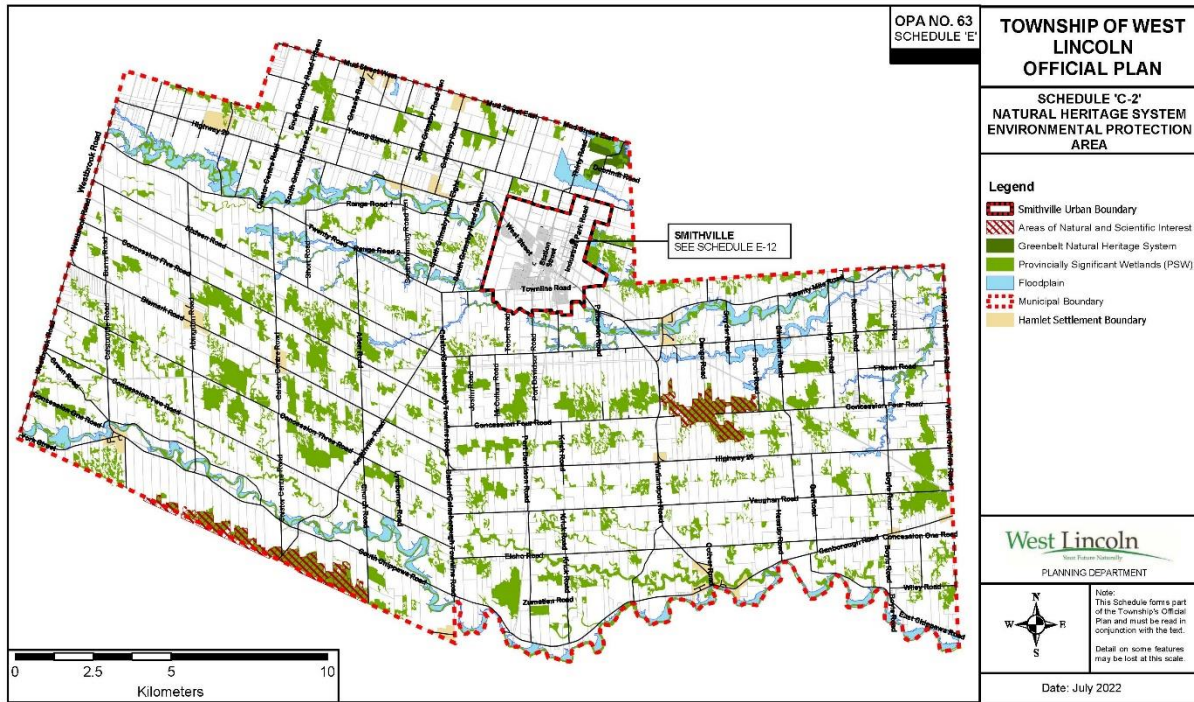


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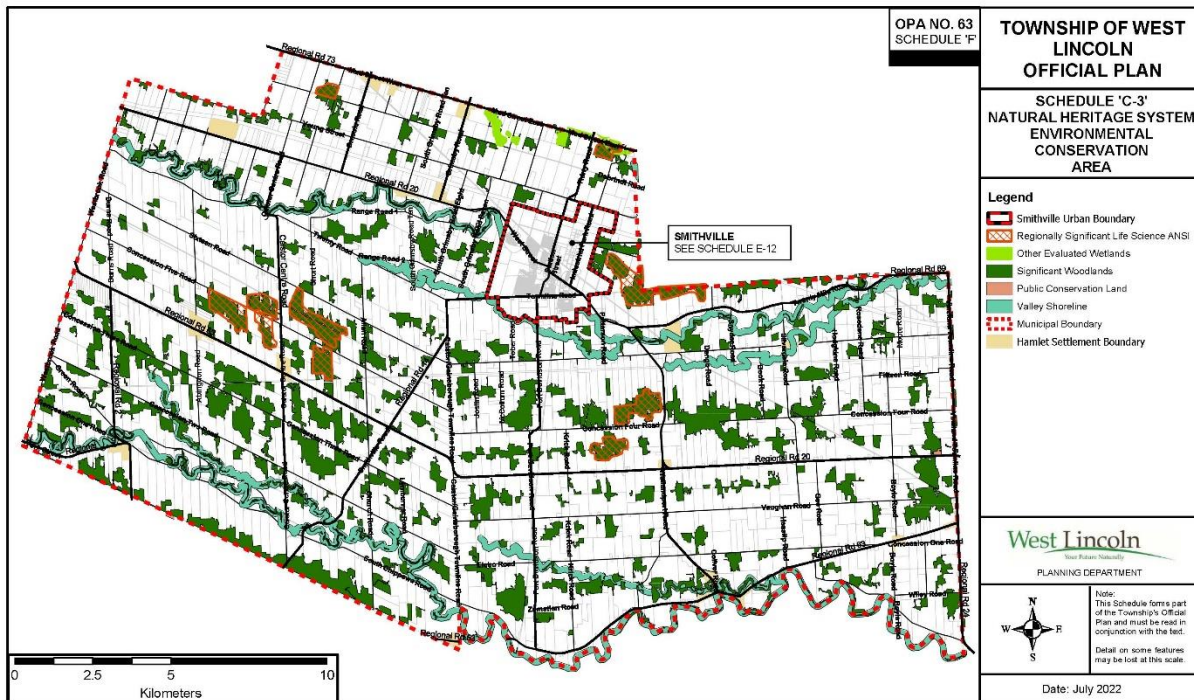




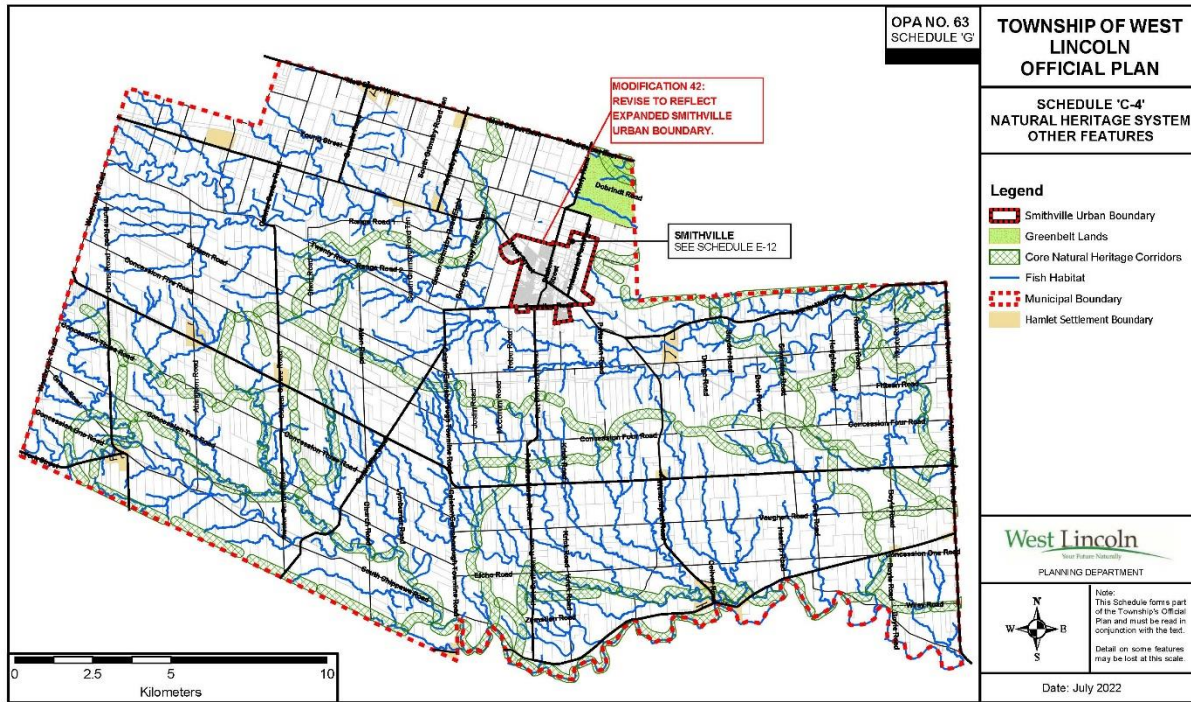
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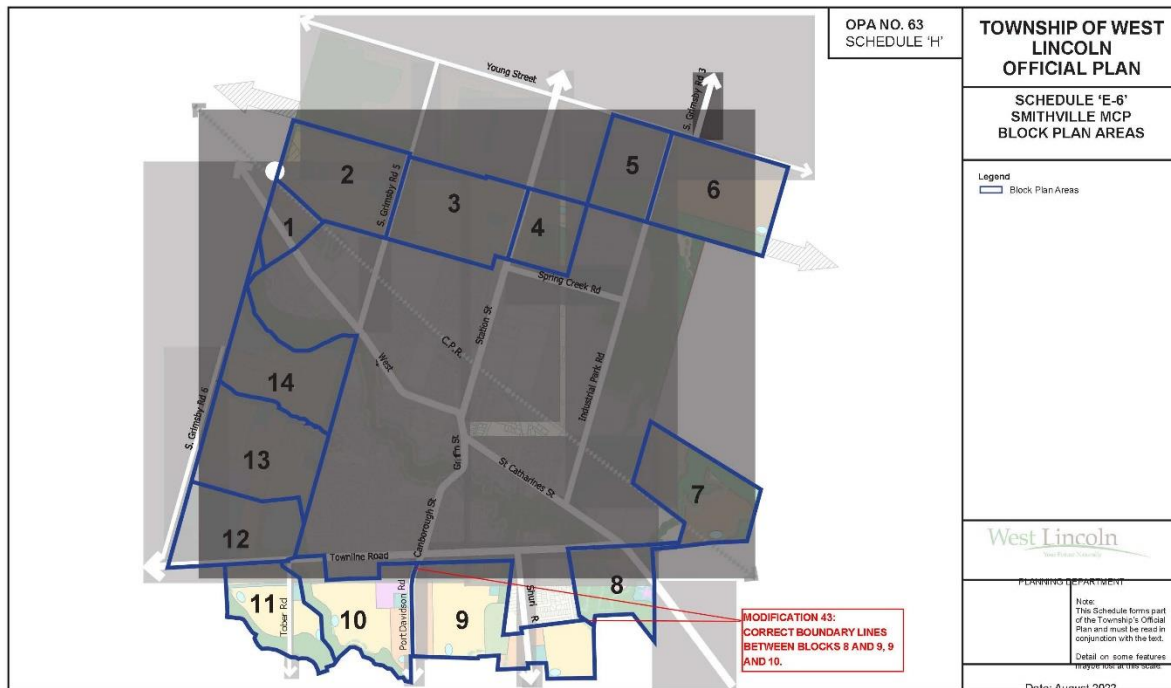
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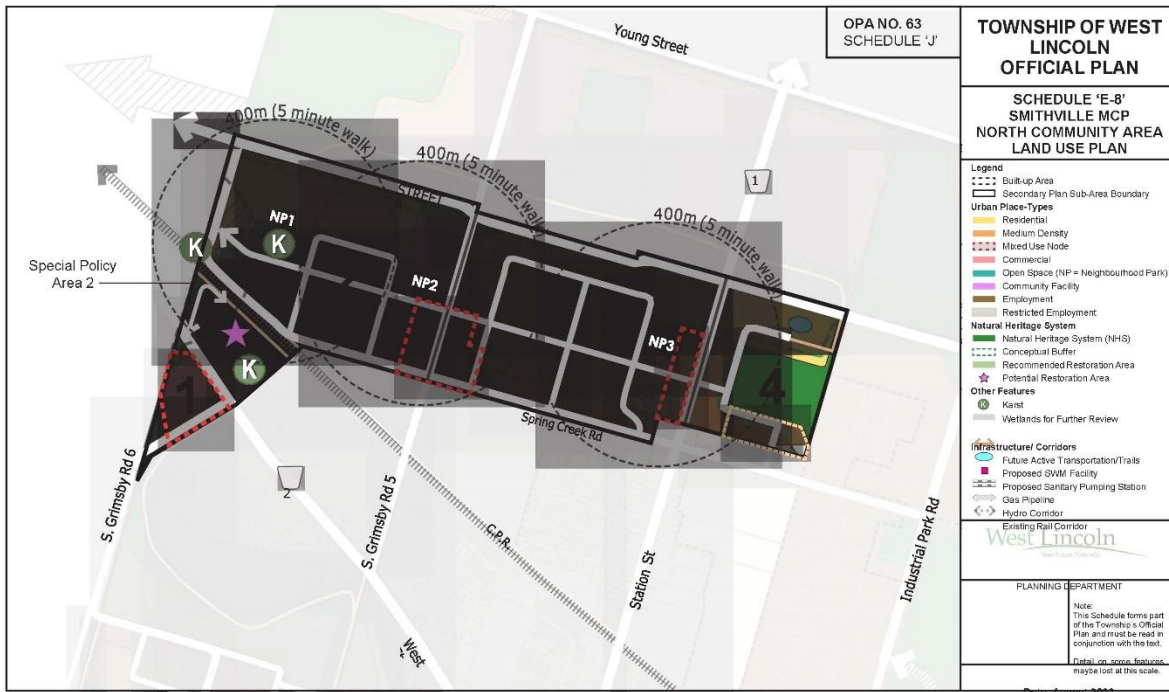




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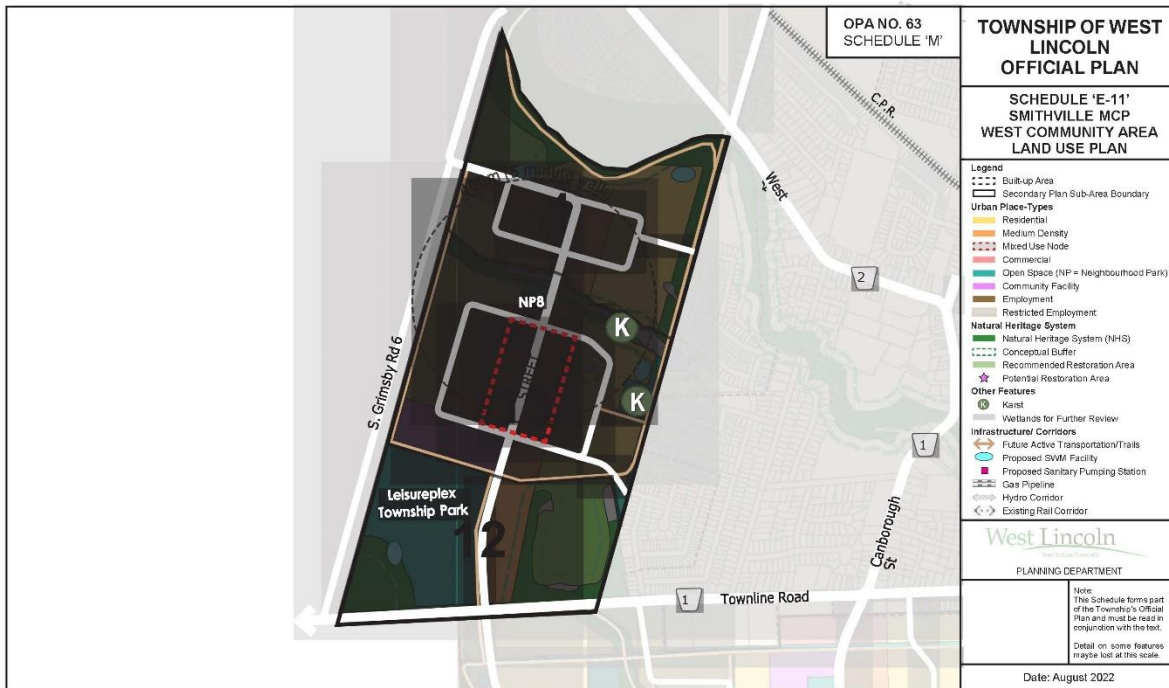
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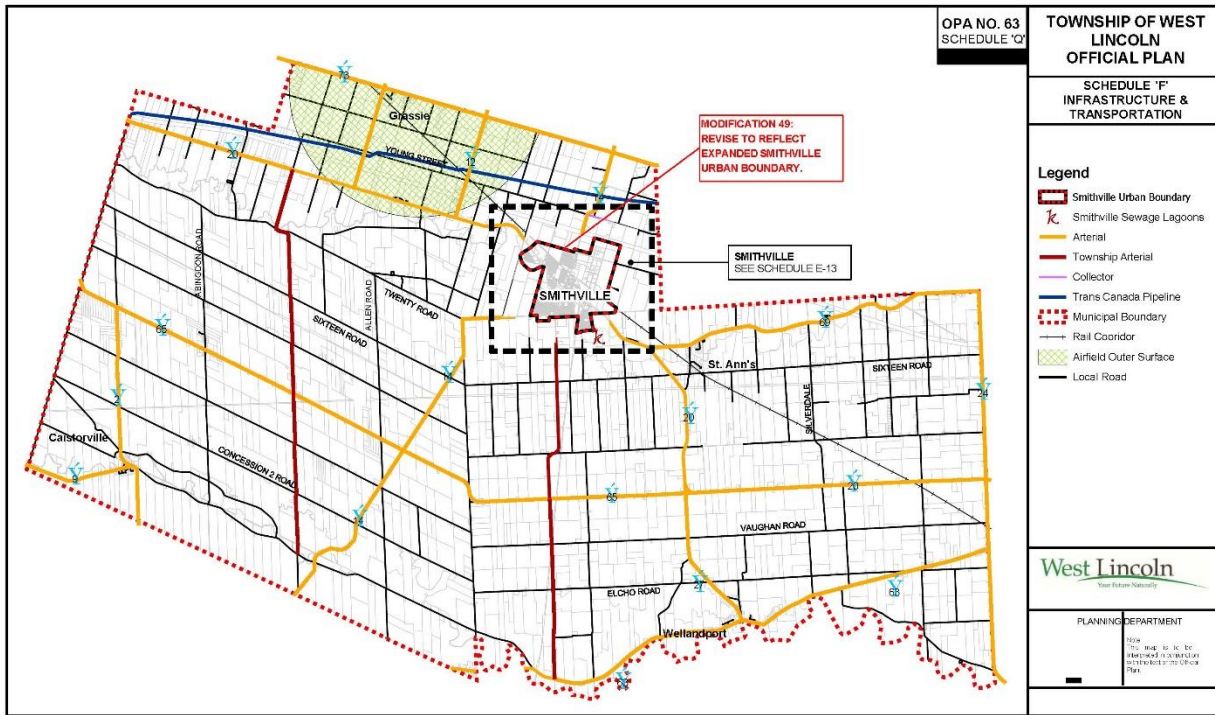
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**Schedule "C"****Unapproved Policies and Schedules**

Policy 6.11.7.3.1 preamble bullet 4

Policy 6.11.7.3.8.a)

Policy 6.11.7.3.15 preamble

Policy 6.11.7.3.15.j)

Policy 6.11.7.3.16 preamble

Policy 6.11.7.3.16 a)

Schedule E-11

Schedule E-12