

Section	Regional Comment
Special Policy Area 1	Special Policy Area 1 is identified on Schedule A at the north end of Smithville outside of the proposed settlement area boundary. However, there are no corresponding policies in OPA 63. Please provide the Region with the policies that will apply to Special Policy Area 1 and the intent of those policies.
Special Policy Area 2	Special Policy Area 2 is identified on Schedule A at the northwest quadrant of the proposed settlement area and encompasses the Minimum Distance Separation arc for poultry facilities west of the proposed boundary. However, there are no corresponding policies in OPA 63. Please provide the Region with the policies that will apply to Special Policy Area 2.
6.11.7.1 Introduction	<p>This section states, “The outer boundary of the Secondary Plan coincides with Smithville’s urban boundary while the inner boundary coincides with previous urban boundary limit prior to the approval of the MCP (Official Plan Amendment No. 63), encompassing a total land area of approximately 540 hectares.”</p> <p>Based on the review of OPA 62, the Region understands that the settlement area boundary is being expanded through the approval of OPA 62, not OPA 63. Please clarify.</p> <p>1. Area Context &amp; Integrated Planning Approach - 3<sup>rd</sup> paragraph</p> <p>Existing land use in the MCP Area is characterized primarily by land historically 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 are privately serviced on the basis of individual on-site sanitary systems and water supply wells <b><u>as well as private water cisterns</u></b>. 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.</p>
6.11.7.2.1 Land Use Plan	Some sections refer to the “Smithville MCP”, whereas other sections refer to the “Secondary Plan”. Please make consistent.
6.11.1.7.2 d)	Suggesting removing this policy – it will be difficult to police and it is always left to the last development to get the overall MCP area to 50ppj/ha
6.11.7.2.2	Land use designations are referred to as place-types, such as the “Residential” place-type. In the land use maps designations are classified as place-types. The mapping should clearly state that these are land use designations.

6.11.7.2.3 h)	Requiring an Official Plan amendment to permit an additional storey at maximum will entail a lengthy process for negligible height increases. Consider revising the approach to permit an additional storey, or consider allowing four storeys as of right.
6.11.7.2.5 c)	It does not appear that “small-scale retail commercial uses” or “small scale office commercial uses” are defined. Has the Township considered placing a size restriction to define these terms?  Has the Township considered creating a standalone mixed-use designation, rather than having a mixed-use overlay designation?
6.11.7.2.5 e) i	It is not clear what “commercial uses should comprise 80% of development” means. Consider revising to “commercial uses should comprise 80% of total planned ground floor area”.
6.11.7.2.5 h) i	It is not clear what “residential uses should comprise 80% of development,” means. Consider revising to “residential uses should comprise 80% of ground floor area,”.
6.11.7.2.8 a) ii, iii	The Employment designation located in the north east quadrant of the expansion area is identified as a Core Employment Area in the proposed Niagara Official Plan. Core Employment Areas are intended to accommodate clusters of traditional employment uses such as industrial, manufacturing, construction, transportation and warehousing. Major office uses and major institutional uses are prohibited. Office uses permitted should be ancillary to the core employment uses. The permitted uses in this section must be revised to align with the uses permitted in Core Employment Areas.
6.11.7.2.8 c)	Major retail and major commercial uses are not permitted in Regional Employment Areas. Please revise this policy to clarify that these uses are not permitted.
6.11.7.2.9 a)	The majority of these uses are not permitted in Regional Employment Areas as they are not traditional employment uses such as industrial, manufacturing, construction, transportation and warehousing. Please revise to permit only those uses permitted in Core Employment Areas.
6.11.7.3.4	Policy e) should be updated to clarify that a Terms of Reference (TOR) for all required EIS work must be submitted to the Township, Region and NPCA for review and approval.  An additional section should be added which reads “Any approved refinements to the NHS as illustrated on Schedule E-12 must be submitted to the Township and Region in georeferenced shape-file format in order to ensure appropriate updates to digital mapping resources.”
6.11.7.3.7 c)	This policy should be updated to ensure that that wetland assessment determines whether a feature meets the definition of wetland (as defined by the CA Act and/or the criteria of Other Wetland as defined by the Niagara Official Plan).

6.11.7.3.14 f)	This policy should be updated to clarify that that EIS may be required in order to support any development or site alteration within a Buffer.
6.11.7.6.1 e) Implementation	Block Plans being submitted should be required to conform to the Smithville Community Master Plan Secondary Plan when it is in effect.
6.11.7.6.1 f) Implementation	The Region should also be involved in the consultation regarding Block Plan development to ensure that Block Plan build out aligns with infrastructure timing, and that the Block Plan is in conformance with the Secondary Plan when in force. The Region must be included in the review of Block Plans located within a Regional Employment Area.
6.11.7.6.1 h) Implementation	If development is proposed in a Regional Employment Area, the Region must be consulted and involved in the planning process as the Region is the approval authority.
6.11.7.6.2a) ii)	Proposed sanitary and water servicing plans and review and confirmation of capacity of municipal servicing systems, including water <b><u>and wastewater</u></b> system modelling, based upon the MSP;
<b>6.11.7.6.2a) vi)</b>	A Traffic <b><u>Transportation</u></b> Impact Study (TIS) prepared in accordance with the recommendations and guidelines of the TMP and identifying and providing an assessment of connections to the existing road network, and the required timing and
6.11.7.6.2 vi	The Region encourages the Township to participate in the Regional Development Charge public engagement to help establish that required infrastructure is coming online at the correct time for the Smithville MCP area.
6.11.7.6.2 vii	Street and active transportation network design should integrate design principles from the Complete Streets Model Policy Handbook.
6.11.7.6.3 d) v	Spelling mistake – it should read The proposal changes to the Sub Phasing...



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

June 8, 2022

Via Email Only

Mr. Brian Treble, MCIP, RPP  
Director, Planning & Building  
Township of West Lincoln  
318 Canborough Street, Box 400  
Smithville, ON, L0R 2A0

Our File: PLOTH201800502

Dear Mr. Treble

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
OPA No. 62 – Smithville Urban Boundary Expansion  
OPA No. 63 – Smithville Master Community Plan  
Township of West Lincoln**

---

Thank you for the opportunity to review the above Official Plan Amendments (OPA). OPA No. 62 facilitates an urban boundary expansion for Smithville, which will help the Township achieve its growth targets while OPA No. 63 implements the Master Community Plan (MCP) for Smithville that provides the guiding land use policies for the urban boundary expansion. The NPCA has reviewed both amendments and offers the following comments.

**OPA No. 62:**

NPCA staff have no objections to OPA No. 62. The main component of the amendment is the expansion of the Smithville urban boundary. The area identified for inclusion into the urban boundary has undergone extensive review and is supported by technical studies such as the Smithville Subwatershed Study (SWS). The SWS has identified natural heritage features, natural hazards, restoration areas and a natural heritage system within Smithville and will be implemented as part of the MCP. NPCA staff are satisfied that the location of natural heritage features and natural hazards have been well documented for the Smithville urban boundary expansion.

OPA No. 62 includes several Hamlet boundary expansions. While the NPCA has no objection to any of the proposed Hamlet boundary expansions, several of the areas to be included in the various Hamlets contain potential NPCA-Regulated watercourses. These features would have to be reviewed at the time of future development/site alteration. Also, the lands identified for inclusion into the Fulton Hamlet boundary contain Provincially Significant Wetlands (PSW). Both NPCA

Policies and the Provincial Policy Statement (PPS) do not allow for development within PSWs. Any future development/site alteration adjacent to these PSWs will require review by the NPCA.

### **OPA No. 63**

In general, the NPCA is supportive policies in OPA No. 63. One area we want to bring to the Township's attention is the definition of wetland. In the draft policies, wetland is defined using the *Conservation Authorities Act* definition. That definition is:

*Wetland means land that,*

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,*
  - (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,*
  - (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and*
  - (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,*
- but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d).*

The PPS definition of wetland is:

*Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.*

*Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.*

The PPS definition has a lower threshold for what constitutes a wetland, whereas the *Conservation Authorities Act* definition requires each component to be present for a feature to be considered a wetland. This could result in a feature being excluded as a wetland that might have otherwise been included if wetlands were defined using the PPS definition. It is also unclear if using the *Conservation Authorities Act* definition for *Planning Act* decisions would be consistent with the PPS. This should be reviewed.

NPCA staff are pleased that the Township has taken the time to investigate the Smithville study area for the presence of karst through the SWS and included a comprehensive set of policies in OPA 63. Of note is Section 17 (d) which prohibits development within 50 metres of a high-constraint karst feature and one medium-constraint karst feature. While the NPCA has no objection to the Township's position to prohibit development within these karst features, the NPCA's natural hazard policies presently do not differentiate between levels of constraint for karst features and would allow consideration of development/site alteration within a karst feature subject to satisfying NPCA Policies. We note that the NPCA is currently reviewing its policies and this may change in the near future.

NPCA staff also support the use of Block Plans and Master Environmental Servicing Plans (MESPs) as the planning framework for Smithville. This approach has been used by many municipalities in the Greater Toronto Area and provides a mechanism to ensure coordinated build out of greenfield lands. It also allows for the completion of more detailed environmental and servicing work such as wetland water balances and the necessary pre-development monitoring to occur ahead of individual site applications.

Other minor comments for the policies of OPA No. 63 that we have include:

1. Section 2 (d) makes reference to “ecological buffers”. Since buffers can be provided for hydrologic function as well as ecological function of a feature, consideration should be given to simply using the term buffer.
2. Section 3 (c) and (d) – it may be simpler to define the acronym for each of these ministries e.g. MNDMNRF means the Ministry of Northern Development, Mining, Natural Resources and Forestry/MECP means the Ministry of Environment, Conservation and Parks.
3. Section 5 (e)(iv) allows for small-scale structures for recreational uses within the Smithville Natural Heritage System. Consideration should be given to specifying active vs. passive recreational uses.
4. Section 6 (b) requires the completion of a wetland water balance assessment for applications adjacent to wetlands. NPCA staff support this and note that the policy should require that the wetland water balance be completed at the block plan stage through the MESP, to the extent possible.
5. Section 6 (c) should specifically mention the Niagara Peninsula Conservation Authority.
6. Section 6 (f) pertains to Wetlands for Further Review that have been evaluated and determined not to be significant and potentially allows for development and site alteration subject to the applicable Official Plan policies and approval by the Township. Please note that such wetlands may be regulated by the NPCA.
7. Section 14 (b) makes referent an ecologically appropriate width for buffers. Consideration should be given to including the term “and hydrologically” after the word ecologically.

I trust this information is helpful. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP  
Senior Manager, Environmental Planning & Policy

cc: Mr. Richard Vandezande, MCIP, RPP, (email only)  
Ms. Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, NPCA (email only)  
Mr. Geoff Verkade, NPCA (email only)