

#### TOWNSHIP OF WEST LINCOLN PUBLIC MEETING UNDER THE PLANNING ACT MINUTES AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW & OFFICIAL PLAN AMENDMENT

May 8, 2023, 6:30 p.m. Township Administration Building 318 Canborough Street, Smithville, Ontario

Council:	Councillor William Reilly (Chair) Councillor Shelley Bradaric Mayor Cheryl Ganann Councillor Jason Trombetta Councillor Mike Rehner Councillor Terry Bell Councillor Joann Chechalk
Staff:	Bev Hendry, CAO Brian Treble, Director of Planning and Building Jessica Dyson, Deputy Clerk Gerrit Boerema, Senior Planner Dave Heyworth, Manager of Planning Shradha Arun, Senior Planner Kevin Geoghegan, IT Help Desk Analyst
Other Members:	Steven Rivers, South Coast Consulting Raf Cervo Malcolm and Vira High John Ganann Sidney Thompson WeeStreem

## 5623 TWENTY MILE ROAD (9109072 CANADA INC.) - ZONING BY-LAW AMENDMENT

#### 1. Application for Zoning By-law Amendment

The Chair advised that this public meeting for rezoning was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by Mr. Steven Rivers of South Coast Consulting (Agent) on behalf of the property owner, 9109072 Canada Inc. (Mr. Raf Cervo) (File No.1601-01-23).

#### EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

An application for Zoning Bylaw Amendment and Site Plan approval has been submitted by Mr. Steven Rivers of South Coast Consulting (Agent) on behalf of the property owner, 9109072 Canada Inc. (Mr. Raf Cervo) to rezone a 0.27hectare parcel of land located on the north side of Twenty Mile Road/Regional Road 69, west of the Hamlet of St. Anns, municipally known as, 5623 Twenty Mile Road.

The intent of this zoning bylaw amendment and site plan approval application is to permit an agriculture-related use to place an agricultural service establishment on the subject property to sell farm tractor tires. The purpose of the zoning bylaw amendment is to change the zoning from an Agriculture 'A' zone to Agriculture Related zone 'AR'.

#### 2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Zoning By-law submitted for the property municipally known as 5623 Twenty Mile Road (File No. 1601-01-23).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

#### 3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised the Chair that notice was given by way of email and mail circulation to agencies and neighboring properties on April 11th, 2023. Additionally, a notice sign was placed on the property on April 12th, 2023.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted for the property municipally known as 5623 Twenty Mile Road (File No. 1601-01-23).

The Chair asked the Planner, Shradha Arun, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner, Shradha Arun, provided an overview of the application and Technical Report PD-22-23.

The Chair asked if the applicant or their authorized agent has any comments for Council and the Public regarding their application.

Steven Rivers, South Coast Planning, reviewed a PowerPoint Presentation (attached as **Schedule A**) with respect to the proposed Zoning By-law Amendment application.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the public for the proposed zoning by-law amendment application.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to Councillor Rehner's question regarding why this application for agricultural business use is being considered when the Township's by-law does not permit agriculture uses within an agricultural zone, the Director of Planning & Building stated that the policy is in the Official Plan to guide where and when service type uses for agriculture can be permitted; adding that these types of uses have to come forward on a site-specific basis where the policy is applied in a specific application. The Director of Planning & Building also stated that there is policy with respect to how to apply the Zoning By-law to each property to allow what can be permitted.

Councillor Rehner inquired whether there were any environmental issues on this property prior to the process of the application. In response to Councillor Rehner's question, the Director of Planning & Building shared that should there be a change in use of the property, then an environmental assessment and clean-up would need to occur; however, should the uses remain the same a clean-up is not necessarily required. The Director of Planning & Building Inspector would have to be satisfied that environmental clean up is completed at the time of permit should it be required.

Mayor Ganann raised concerns with respect to the previous use of the property and the soil contamination resulting in this use and whether or not there are any requirement concerns should a building be placed on the property and require a septic bed. The Director of Planning & Building stated that these kinds of issues would be addressed as part of a site plan and soil testing would be required at that stage.

In response to Mayor Ganann's question regarding the property's proximity to the rail line and whether any correspondence needs to be had with CP, the Director of Planning & Building stated that Township staff would have circulated the application for rezoning notice to CP, however, at the time of a site plan CP would be involved noting that one of the concerns on the site plan is the location of the proposed entrance to the property due to setback requirements.

Mayor Ganann spoke about the third-party liability responsibilities outlined in Steven Rivers presentation, noting the municipality's role as the third-party and what it would look like for the Township. Mayor Ganann also raised concerns about the proposed use for the property, noting tire recycling and the issues that can arise with respect to tire storage on the property and that further investigation of the property needs to be completed by staff.

In response to Mayor Ganann's question regarding the tire storage and whether these tires are being stored on site or locally, the owner Raf Cervo, stated that the tires are not stored on site, noting that the tires are picked up on a daily basis and they go to a processing plant in Brantford. Mayor Ganann inquired about whether it is still the owners plan to work with the same company with respect to tire transportation and their ability to move the tires, Mr. Cervo stated that the facility will be used for agricultural related services through good used tires and wish to sell these tires at this location, noting that that tire transportation service is separate from what they are proposing to do. Mr. Cervo stated that there would not be a large volume of tires being stored on-site, specifying anywhere between 50 to 100 tractor tires due to the size of the tires adding that these tires would be good quality waiting to be sold. Mr. River's added that the number of tires that is stored on the property can be limited per the satisfaction of the Township's Fire Chief.

Councillor Bell raised concerns about the number of tires being stored on site and questioned how this will be monitored should the application be granted. The Director of Planning & Building stated that the property will be subject to site plan control which requires the entering into an agreement where staff could include requirements around control and penalties regarding how many tires are stored at one time. The Director of Planning & Building also stated that there is a provision limiting outdoor storage with respect to this type of zone, noting that with this provision it would restrict the ability for a large volume of tires stored.

Councillor Trombetta stated that he would like to see more of a business plan with respect to what will be done with the property, adding that he does not feel comfortable approving an application where this type of information has not been thoroughly shared with Council. The Director of Planning & Building stated that the Senior Planner and the Manager of Planning will be completing a thorough review before a recommendation comes back to Committee.

In response to Councillor Chechalk's question regarding the current environmental status of the property, Steven Rivers stated that the Region has not requested an environmental site assessment for the property. Councillor Chechalk inquired about the proposed business also changing oil in tractors and what the environmental piece with respect to the oil storage and disposition for this type of business would look like on the property. In response to Councillor Chechalk's question, Mr. Rivers stated that any business of that nature would require the appropriate certifications and approvals from the relevant authorities noting that a building permit would need to be granted for such installation of oil tank which would then trigger approvals from the appropriate agencies.

Councillor Reilly asked for clarification with respect to what the use of the property was prior to the new ownership. In response to Councillor Reilly, the Director of Planning & Building stated that it has always been zoning agricultural; however, noted that back in 2006 there was a number of scrap cars stored on the property adding that it was likely non-conforming.

In response to Councillor Bell's question regarding who would be responsible for an environmental clean up should the current owner sell in the future, the Director of Planning & Building stated that it would be the responsibility of the property owner to obtain record of site condition and environmental clean up should it be required. In response to Councillor Chechalk's question regarding the burden that the Township may face should, in the future, a power of sale be made on this property with an environmental condition and the municipality then inheriting a parcel of land that it contaminated, the Director of Planning & Building stated that his understanding of the process when it comes to power of sale is that there is some safeguard that is in place where the municipality does not have to assume the liability, however, noted that this would be a matter that would have to be discussed with legal counsel.

The Chair stated that a Technical Report was being considered by Committee later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

#### 4. Adjournment

The Chair advised that the public meeting with respect to the proposed Zoning By-law Amendment concluded at the hour of 7:27 p.m.

#### **OFFICIAL PLAN AMENDMENT NO. 65**

### 1. Application for Official Plan Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Official Plan and Zoning By-law under Sections 17 of the Planning Act as submitted by Township Staff (File No. 1701-001-23).

### EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

Staff and Council propose changes to the Implementation Section of the Township of West Lincoln Official Plan to address procedural changes that need to be implemented in order to address timelines and other changes resulting from Bill 109, Bill 23, and other related bills. This amendment is written to streamline planning approvals, address the limitation on the ability to impose urban design control, changes to appeal rights, and other related policy amendments. In addition, a new Cost Sharing Policy is proposed to be added to the implementation Section of the Township Official Plan, as required for the cost recovery of the Master Community Plan process in relation to the Urban Boundary Expansion area.

#### 2. Purpose of the Public Meeting

The Planning Act requires in Section 17(15) that before passing an Official Plan Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Official Plan application submitted by Township Staff (File No. 1701-001-23).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34 (13) and under Ontario Regulation 543/06 that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

#### 3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that Proper notice was circulated to applicable agencies as well as to local developers and their representatives on Friday April 14th, 2023. Notice was also published on the Township website and in local newspapers on Thursday April 13th, 2023.

The Chair advised that this was a public meeting to consider an Official Plan Amendment to implement Provincial changes (Bill 109, Bill 23 and others) (File No. 1701-001-23).

The Chair asked the Director of Planning & Building to explain the purpose and reason for the proposed Official Plan Amendment.

The Director of Planning & Building, Brian Treble, provided an overview of the application and Technical Report PD-27-2023.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the meeting that wished to provide comments at this time with respect to the Official Plan Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as OLT may not consider comments made during any other Council and/or Committee meetings.

Written comments were submitted by Mary Lou Tanner on behalf of NPG Planning Solutions Inc., which were read into public record and can be found attached as **Schedule B** to the minutes.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Official Plan Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to Councillor Chechalk's question regarding the Township's involvement in the cost sharing agreements and adjudicating on behalf of developers, the Director of Planning & Building stated that the Landowners Group is struggling at the moment, due to developers and land owners being in different phases, noting that even though there are different phases the developers and landowners need to operate as a committee. The Director of Planning & Building stated that as the Township pays back the collected development charge piece to offset costs of the study, it is not the responsibility of the municipality to determine the distributions of fees to the developers.

The Chair stated that a Technical Report was being considered by Committee later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Official Plan Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

#### 4. Adjournment

The Chair advised that this public meeting with respect to the proposed Official Plan Amendment is concluded at the hour of 7:53 p.m.

JESSICA DYSON, DEPUTY CLERK COUNCILLOR WILLIAM REILLY, CHAIR

## Proposed Zoning By-law Amendment 5623 Twenty Mile Road Township of West Lincoln

Date: 2023-05-08

Steven Rivers, MCIP, RPP President / Principal Planner South Coast Consulting Land Use Planning & Development Project Management

## SUMMARY

Rezone from Agricultural (A) to Agriculture Related (AR) permit an Agriculture Service and Supply Establishment with:

- 4 employees and a 223 sqm building
- Normal business hours
- 0.27 ha lot fronting on Twenty Mile Road adjacent to the rail line
- Selling new and used tractor tires
- Class 4 septic system and washrooms
- Reduced front yard setback and recognized existing lot area





## Noise

- Shop doors open to the east
- Distance to nearest dwellings

Direction	Separation Distance
Southwest	145 metres
West	220 metres
East	145 metres
Southeast	335 metres

## ISSUES

## Traffic

- 15 to 20 trips per day
- Straight, flat, paved road with no hills
- Reduce speed limit to 60 kph



## Lights

- Motion light for security
- Only evening work if an emergency on a local farm

# **EXISTING PARCEL**

- 0.27 hectares with about 80 metres frontage on Twenty Mile Road
- Former use for a scrap yard
- Designated Good General Agriculture in the OP
- Zoned Agriculture

## **EXISTING PARCEL**



## **SURROUNDING USE**

	Figure 2	
	Land Use Schematic	
Use-Agriculture	Use-Agriculture	Use-Agriculture
Official Plan-Good General Agricultural	Official Plan-Good General Agricultural	Official Plan-Good General Agricultural
Zone-A	Zone-A	Zone-A
Use- Agriculture		Use-Agriculture
Official Plan-Good General Agricultural	Subject Property	Official Plan-Good General Agricultural
Zone-A		Zone-A
Use- Agriculture	Use- Agriculture	Use- Agriculture
Official Plan-Good General Agricultural	Official Plan-Good General Agricultural	Official Plan-Good General Agricultural
Zone-A	Zone-A	Zone-A

## **PLANNING CONSIDERATIONS**

South Coast Planning and Town Planning Staff consider Legislation and Planning Policies in:

- Planning Act
- Provincial Policy Statement
- Growth Plan for the Greater Golden Horseshoe
- Niagara Region Official Plan
- Township of West Lincoln Official Plan
- Township of Wet Lincoln Zoning By-Law

## **PROVINCIAL POLICY STATEMENT**

The agriculture service and supply establishment use complies with Policy 1.1.4.1 by

- Supporting a healthy, integrated, and viable rural area
- Regenerating / redeveloping a brownfield
- Efficient use or existing rural infrastructure and public services
- Diversifying the economic base of the Township
- Providing economic activities in prime agricultural areas

## **GROWTH PLAN**

The agriculture service and supply establishment use is

- Compatible with the rural landscape and surrounding local land uses
- Sustainable by rural service levels
- Will not adversely affect the protection of agricultural uses

## **REGIONAL PLAN**

Objectives satisfied by the agriculture service and supply establishment use include

- Preserves agricultural lands by not removing land from agricultural production (Objective 5.A.1)
- Conserves natural resources of the *rural areas* by not encroaching on natural heritage features (Objective 5.A.3)
- Limited non-farm development in *rural areas*." (Objective 5.A.4)
- Efficient and orderly pattern of land uses in the rural areas, which.
  - o Has no land use conflicts
  - No municipal services (Objective 5.A.5)

## **REGIONAL PLAN**

- No conflicts between farm and non-farm uses (Objective 5.A.6)
- Agriculture-related use
  - in appropriate locations
  - at a scale suitable to the agricultural area
  - contributes to profitable and economically sustainable agriculture (Objective 5.A.8)

## **TOWNSHIP PLAN**

Directly related to agriculture and benefits from a rural location:

- Limited scale of operation
- No impact on, does not interfere with, and is compatible with agricultural uses
- No off-site impacts including impacts related to *infrastructure* or transportation
- Low water and low effluent-producing use, on a site where water and waste disposal systems can be provided

## **TOWNSHIP PLAN**

- No additional public infrastructure
- Does not hinder the agriculture operations on the site or on surrounding land
- No requirement for improvements to utilities or infrastructure such as roads or hydro services
- Complies with policies of the OP and the ROP

## **ZONING RELIEF**

- Permitted Use Add site specific agriculture service and supply establishment
- Reduced minimum lot size to recognize existing lot and reduced front yard

Devulation	Zone Requirements		Provided		
Regulation	A Zone	AR Zone		Comment	
				Existing lot / underutilized	
Minimum <i>lot area</i>	40 hectares	0.4 h hectares	0.27 hectares	Minor reduction in requirement adequate water and septic	
Minimum lot frontago	100 metres	50 metres	79 metres	No negative impact Satisfied	
Minimum lot frontage					
Minimum front yard	20 metres	30 metres	10 metres	No negative impact	
Minimum <i>interior side</i> yard	15 metres	7.5 metres	7.5 metres Satisfied		
Minimum rear yard	20 metres	7.5 metres	>7.5 metres	Satisfied	
Maximum <i>lot coverage</i>	10 percent	40 percent	8.3 percent Satisfied		
Maximum height	15 m	etres	TBD	Will comply	
Minimum landscaped	No minimum			Satisfied	
open space				Culonicu	
Maximum outside	5 percent of <i>lot</i> area	10 percent of lot area	TBD	Will comply	
storage					



- Conforms with the provisions of the *Planning Act*, PPS; Growth Plan; ROP; and OP
- **Permits** the agriculture service and supply establishment use
- Is good planning
- Council can be confident the Zoning By-law Amendment is consistent with the Township's Official Plan and Regional and Provincial policies

# QUESTIONS?

# THANK YOU

## **Provincial Policy Statement 2020**

2.0 Wise Use and Management of Resources

2.3 Agriculture

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

## Niagara Regional Plan

4.1 The Agricultural System

4.1.2.3 In . . . *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* . . . shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.

## West Lincoln Official Plan SECTION 4 AGRICULTURAL LAND USE POLICIES

4.2 Objectives for all Agricultural Areas

c) To **promote** small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.

4.4 Good General Agriculture Areas . . . Lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

Uses	Zoncs where Permitted					
Principal Uses						
Agricultural use	A	APO				
Agriculture-related use			AR(2)			
Agricultural service and supply establishment.			AR <sup>(2)</sup>			
Commercial kennel (see s. 3.8)			AR <sup>(2)</sup>			
Contractors establishment			AR(?)			
Garden centre			AR(2)			
Pet care establishment (see s. 3.8)			AR <sup>(2)</sup>			
Private kennel (see s. 3.8)			AR <sup>(2)</sup>			
Service shop			AR <sup>(2)</sup>			
Single detached dwelling	A					
Veterinary clinic			AR(2)			
Wayside pit or quarry (see s. 3.27)	A	APO	AR			
Accessory Uses (1)						
Accessory buildings or structures and accessory uses (see s. 3.1)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(i)</sup>			
Accessory dwelling unit (see s. 3.2)	A(1)					
Accessory farm dwelling (see s. 3.2)	A <sup>(1)</sup>					
Garden suite (see s. 3.2)	A <sup>(1)</sup>					
Group bome (see s. 3.6)	A <sup>(1)</sup>					
Home occupation (see s. 3.7)	A <sup>(1)</sup>					
On-farm diversified uses (see s. 3.11), including:	A <sup>(1)</sup>					
Agriculture-related use (see s. 3.11)	A <sup>(1)</sup>					

**AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT** means *premises* used for the supply of goods, materials, equipment and/or services that support *agricultural uses*.



May 5, 2023

Joanne Scime, Clerk Township of West Lincoln

VIA EMAIL

Dear Ms. Scime,

#### RE: Township of West Lincoln OPA 65 – Implementation of Bill 109 Public Meeting of May 8, 2023

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 65 and the proposed modifications to be brought to Township Council. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes and JTG Holdings regarding their lands within the OPA 63 Secondary Plan Area (Smithville Urban Boundary Expansion). Phelps Homes and JTG Holdings are also participants in the landowners group for OPA 63. The Phelps lands are in Phases 4A, 4B, while the JTG Holdings lands are in Phase 4C of the OPA 63 lands.

We are sending this letter to you to provide commentary on the proposed OPA 65. Our comments are relative to the matters outlined in this letter.

#### <u>Site Plan Control:</u>

OPA 65 proposes to include certain design matters as being included in the Township's review of Site Plans (Policy 18.6 d)). Please note that exterior design is no longer subject to site plan control. This policy requires further revision based on the requirements of the *Planning Act*.

#### Pre-Consultation:

OPA 65 proposes a three stage process for pre-consultation which would consist of:

- 1. Pre-consultation to determine submission requirements.
- 2. Review of completed studies.
- 3. Commencement of the timelines under Bill 109.

This process moves the current process of review of applications and the studies to a process outside the *Planning Act* timeline. The work of the current Provincial Government is to build homes more expeditiously. The proposed process appears to be at odds with the Province's commitment to building more housing. This is evidenced by moving reviews outside of the *Planning Act* timelines and by the lack of commitment to timely decision making (and timelines) to respond to submissions. For example:

- 1. There is no commitment to hold a pre-consultation in a timely manner nor is there a commitment to a certain timeline to hold the preconsultation (e.g. 30 days).
- 2. There is no commitment to a response time for applicants to receive the documentation from the pre-consultation.
- 3. There is no commitment to a timeline for review of completed studies.
- 4. There is no commitment to a timeline for when a decision on completeness will be communicated.

Taken with the proposed policies and the lack of a commitment to timely decision making, the policies are not aligned to the legislation. Further, applicants have rights under the *Planning Act* regarding an application submission and completeness. The policies in OPA 65, in effect, remove the rights of applicants in the *Planning Act*. Revision to these policies is required.

### <u>Cost Sharing:</u>

Proposed Policy 18.25 addresses cost sharing in the Smithville Urban Boundary Expansion Lands. The policies confer authority on the Trustee of the Landowners Group for confirmation. These policies in essence create the Trustee of the Landowners Group as an authority with decision making power as part of conditions of development approval. We submit to you that this type of authority is outside the scope of the *Planning Act* as there are specified agencies and authorities in the *Act*, none of which are Landowners Group Trustees. These policies must be removed from OPA 65.

NPG) PLANNING SOLUTIONS NPG Planning Solutions Inc. 4999 Victoria Ave | Niagara Falls, ON L2E 4C9 npgsolutions.ca

⊠ (289) 321 6743 ⊕ info@npgsolutions.ca Cost sharing policies, however, are necessary for the Township to implement OPA 63 and the planned growth in Smithville. The Township must commit to a fulsome financial strategy and the implementation tools to achieve financially viable and sustainable development in the Smithville Urban Boundary Expansion Lands. The Township's policies need to include:

- 1. A fair and equitable sharing of the costs of providing the required infrastructure and community facilities.
- 2. A sharing of costs on a pro-rata basis among all landowners to ensure the cost of studies and infrastructure is shared fairly and equitably.
- 3. A commitment to an acceptable financial strategy for the costs of infrastructure and community facilities. The financial strategy must include the Township and the Region as participants, identifying the contributions to the infrastructure and community facilities by both organizations and landowners.
- 4. The implementation of the financial strategy must include, but not be limited to, the following:
  - a. An update to the Development Charges By-law for the Township and the Region;
  - b. A commitment to preparing Front Ending Agreements and Cost Sharing Agreements for infrastructure and community facilities;
  - c. Policies that include best efforts cost recovery requirements as well as detailed financial implementation policies to ensure that costs are paid fairly and equitably and repayment made to any landowner who front ends infrastructure and/or community facilities.

There are multiple examples of municipalities who have successfully implemented financial planning and a fair and equitable cost sharing strategy for greenfield communities. We would be pleased to provide examples from these communities. The Cost Sharing policies as proposed must be removed and rewritten for the reasons above.

#### Conclusion:

Thank you for the opportunity to provide comments on OPA 65. It is our view that there is more work to be done on the policies and the amendment should be returned to staff for further work. We would be pleased to meet with Township staff to review our feedback and discuss new options for the policies.

NPG) PLANNING SOLUTIONS NPG Planning Solutions Inc. 4999 Victoria Ave | Niagara Falls, ON L2E 4C9 npgsolutions.ca Please provide the undersigned with notice of all meetings, open houses, staff reports, and decisions regarding OPA 65. Thank you.

Sincerely,

Warrel N

Mary Lou Tanner, FCIP, RPP Principal Planner NPG Planning Solutions Inc. mtanner@npgsolutions.ca

cc: D. Samis and J. Whyte, Phelps Homes J. Georgakakos B. Treble, Township of West Lincoln D. Morreale and M. Sergi, Niagara Region J. Meader, Turkstra Mazza

