



**TOWNSHIP OF WEST LINCOLN
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE MINUTES**

MEETING NO. THREE

March 21, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly (Chair)
 Councillor Shelley Bradaric
 Mayor Dave Bylsma
 Councillor Cheryl Ganann
 Councillor Harold Jonker
 Councillor Jason Trombetta
 Councillor Mike Rehner - Left meeting at 8:00 p.m.

Staff: Bev Hendry, CAO
 Brian Treble, Director of Planning and Building
 Jessica Dyson, Deputy Clerk
 Gerrit Boerema, Planner II
 Meghan Birbeck, Planner I
 Kevin Geoghegan, IT Help Desk Analyst

Other Members:	David Samis*	Brianne McIntosh*
	Jenn Boverhof*	John Ariens*
	Joan Miller*	Cole Stephenson*
	Ron Boverhof*	Vanessa Stephenson*
	Terry Bell*	Judy Fewer*
	Tony Miele*	WeeStream
	Matthew Cory*	

***IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/ Environmental Committee meeting agenda, Chair Reilly provided the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public may submit comments for matters that are on the agenda to jdyson@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed and recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

Councillor Reilly read the following Land Acknowledgement Statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no- SHOW-ee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no disclosures of pecuniary interest and/or conflicts of interest by any Member of the Committee in attendance.

4. PUBLIC MEETING(S)

The Public Meeting(s) will commence at 6:30 p.m.

4.1 Zoning By-law Amendment - 6882 Vaughan Road (Stephenson & Givens)

Re: Zoning By-law Amendment for Temporary Use By-law submitted by IBI Group on behalf of Cole & Vanessa Stephenson and Patrick Givens for the property municipally known as 6882 Vaughan Road (File No. 1601-001-22).

4.2 Zoning By-law Amendment - Silverdale Sports Centre

Re: Zoning By-law Amendment submitted by IBI Group on behalf of Silverdale Sports Centre for the property legally described as Concession 4, Part Lot 16 in the Township of West Lincoln., located on the south side

of Concession 4 Road west of Silverdale Road, and is located directly east of the current gun club establishment.

4.3 Zoning By-law Amendment - 2723 South Grimsby Road (Boverhof)

Re: Zoning By-law Amendment submitted by Ronald and Jennifer Boverhof for the property municipally known as 2723 South Grimsby Road (File No. 1601-004-22).

4.4 Amendment to the Building Fee By-law

Re: Proposed fee adjustments to the Building By-law - Schedule of Fees & Swimming Pool Schedule of Fees

5. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no requests to change the order of items on the agenda.

6. APPOINTMENTS

There were no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Section 10.13 (5) & (6) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

1. David Samis, Smithville Landowners Group

Re: Item P31-22 - Staff Reports - Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

Mr. Samis stated that he was in attendance on behalf of the Smithville Landowners Group, noting that the group is supportive of the work Township Staff and the consultants have completed regarding the Ministry Zoning Order (MZO) and thanked Members of Committee for their consideration of this matter.

8. CONSENT AGENDA ITEMS

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

8.1 ITEM P27-22

CONSENT AGENDA ITEMS

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That the Planning/Building/Environmental Committee hereby approve the following Consent Agenda items:

1. Items 1, 2, 3, 4, 5, 6 and 7 be and are hereby received for information with the exception of Item no.(s) 1.

Carried

SUMMARY OF CONSENT AGENDA ITEMS APPROVED:

2. Technical Report No. 2 No. PD-26-2022 – Silverdale Sports Centre Ltd. – 4944 Concession 4 Road Zoning Bylaw Amendment and Site Plan Authorization (File No. 1601-019-19 & 2100-018-19)
3. Technical Report No. PD-28-2022 - 2022 Building Fees By-law Review in accordance with Comprehensive User Fee Report
4. Technical Report No. PD-29-2022 – Zoning Bylaw Amendment – Van Andel and Boverhof (File No. 1601-004-22)
5. Information Report No. PD-31-2022 - Ontario Housing Affordability Task Force Report
6. Information Report No. PD-33-2022 - Hiring of NPG Consultants (Mary Lou Tanner) to Assist in the Review of an Application for Brownfield Property Tax Assistance, an Application for a Rehabilitation Grant and Building Permit Fee Grant Program
7. Information Report No. PD-35-2022 - Regional Planning Staff Reports PDS-06-2022 and PDS-07-2022 are provided for Information Purposes
1. **Technical Report No. PD-25-2022 - 6882 Vaughan Road – Stephenson & Givens Temporary Use Bylaw (File No. 1601-01-22)**

The Director of Planning & Building stated that from a planning review perspective staff have to give a fair and unbiased evaluation of the application, regardless of how the application came before staff noting that the policy set has to be applied fairly across the board. The Director of Planning & Building also stated that staff will look further into the

ownership of the boundaries and how the proposals are aligning with property boundaries.

In response to Councillor Bradaric's question regarding whether this Garden Suite temporary by-law would be transferable should the property be sold, or would the garden suite have to be taken down and the security deposit returned, the Planner II stated that zoning typically stays with the property, noting however, that this is a unique situation since the Township requires a separate agreement with the occupants of the unit stating that if the owners were considering a sale, the unit would either have to be terminated or the new owners would need to seek approval for new occupancy and agreement through the Township.

Moved By Mayor Dave Bylsma

Seconded By Councillor Shelley Bradaric

1. That, Technical Report PD-25-2022, regarding "6882 Vaughan Road – Stephenson & Givens Temporary Use Bylaw File No. 1601-001-22", dated March 21st 2022, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting following receipt of additional justification to how the proposed use and development conforms to the Township's Official Plan and the Planning Act.

Carried

9. COMMUNICATIONS

There are no communications.

10. STAFF REPORTS

10.1 ITEM P28-22

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-30-2022 - Permanently Close and Sell a Portion of Road Allowance Known Municipally as being Pt Lot 1 and 2, Concession 1, Southern Boundary of former Caistor Township adjacent to Haldimand County (Attercliffe), now in the Township of West Lincoln

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

1. That Recommendation Report PD-30-2022, regarding "Permanently Close and Sell a Portion of Road Allowance Known Municipally as being Pt Lot 1 and 2, Concession 1, Southern Boundary of former Caistor Township adjacent to Haldimand County (Attercliffe), now in

the Township of West Lincoln – Applicant Benny and Alice Van Ravenswaay”, dated March 21, 2022 be RECEIVED’ and,

2. That, Planning staff be authorized to contact the affected property owners along the entire stretch of road allowance between Regional Road 63 and the eastern boundary in Attercliffe who would have the ability to benefit by gaining more lands as a result of this process; and,
3. That staff be authorized to contact all required agencies as per the road closing and conveyance policy and;
4. That staff be authorized to obtain quotes for an appraisal of the entire stretch of road allowance affecting Pt Lot 1 and 2 Concession 1, former Township of Caistor, now in the Township of West Lincoln or in the alternative determine reasons why an appraisal is not necessary, and report back to a future committee and or Council meeting; and,
5. That staff be authorized to obtain quotes for a legal survey for the subject lands, and report back to a future committee and or Council meeting; and;
6. That staff be authorized to use the applicants initial deposit and administration fee as needed as per the road closing and conveyance policy, and that total costs shall be divided among all affected and benefitting properties such that full reimbursement to the Township of West Lincoln ultimately occurs, and
7. That, Report No. PD-30-22, be provided to the applicant and adjacent owner(s) in order to advise Mr. and Mrs. Van Ravenswaay and others of the larger road closing process that is most appropriate.

Carried

10.2 ITEM P29-22

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-32-2022 - Change to Planning Fees to take effect July 1, 2022

Moved By Councillor Jason Trombetta

Seconded By Mayor Dave Bylsma

1. That, Report No. PD-32-2022, relating to “Recommendation Report - Change to Planning Fees to take effect July 1, 2022”, dated March 21, 2022, BE RECEIVED; and,
2. That By-law 2002-112, (Committee of Adjustment Tariff of Fees), be amended by replacing Schedule “D”, Tariff of Fees, with a new Schedule “D” as attached to this report; and,

3. That, By-law 2011-28 (Tariff of Fees for Planning Matters) be amended by replacing Appendix “A” (Schedule of Fees) with a new Appendix “A” as attached to this report; and,
4. That the new planning fees take effect on July 1, 2022.

Carried

10.3 ITEM P30-22

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-34-2022 - Review of Consultation Draft of Niagara Official Plan on behalf of the Township of West Lincoln

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report No. PD-34-2022, relating to “Review of Consultation Draft of Niagara Official Plan on behalf of the Township of West Lincoln”, dated March 21, 2022, BE RECEIVED; and,
2. That, staff be and are hereby authorized to forward the attached memo dated March 3, 2022 from GSP Group to Regional Planning Staff as official comments from the Township of West Lincoln in respect to the Region’s new Official Plan request for comments.

Carried

10.4 ITEM P31-22

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister’s Zoning Order (MZO)

The Director of Planning & Building provided some clarification with respect to the report stating that this is a complicated request noting that a Ministry Zoning Order is not something to take lightly and it is a very powerful tool available through the *Planning Act*. The Director of Planning & Building stated that there needs to be a correction done to the map found on page 214 of the agenda, noting that there is an error as it is showing all of the Township's existing employment park as being subject to the MZO and that the existing employment park within the existing boundary should not be subject to the MZO. The revised map can be found as **Schedule A** to these minutes.

Following much discussion, Recommendation Report No. PD-36-2022, was deferred to the March 28th Council meeting as the Niagara Region is set to have their Regional Council Meeting on Thursday March 24th which would discuss the Regional Comprehensive Plan and could leave an

effect on the outcome of Township's Council's decision with respect to this report.

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Recommendation Report No. PD-36-2022, relating to “Smithville Landowners Group request for support of Minister’s Zoning Order (MZO)”, dated March 21, 2022, BE RECEIVED; and,
2. That, Township Committee and Council hereby **requests/does not request** that the Minister of Municipal Affairs issues a Minister’s Zoning Order (MZO) in a form as found at Attachment 3 to this report, as a response to the request from the Land Owners Group dated January 31, 2022; and,
3. That, should support be granted in clause 2 above, such support is conditional on all Land Owners inside the approved MZO area complying with all terms and conditions of future Subdivision, Condominium, and Site Plan approvals including details on compliance with all Master Servicing plans and Secondary plans of the Township of West Lincoln and financial obligations including front ending agreements as required. An agreement to this affect is to be prepared and signed by the end of June 2022. In the alternative, should an MZO not be supported in clause 2 above, such standard conditions shall continue to apply in the normal course of planning approvals.
4. Should an MZO be approved by the Minister, but the Developers/Land Owners fail to agree to normal planning procedures going forward, Council will reserve the right to request that the MZO, if approved, be repealed.

Deferred (see below)

Moved By Mayor Dave Bylsma

Seconded By Councillor Jason Trombetta

That, Recommendation Report No. PD-36-2022, relating to “Smithville Landowners Group request for support of Minister’s Zoning Order (MZO)”, dated March 21, 2022, be deferred to the March 28th, 2022 Council Meeting

Carried

11. OTHER BUSINESS

11.1 ITEM P32-22

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Councillor Jason Trombetta

Re: Dave Vander Velde - World Butchers' Challenge

Councillor Trombetta shared that Dave Vander Velde, a long-time resident of Smithville, will be heading to the World Butchers' Challenge in Sacramento come September and wished Dave the best of luck for this competition.

11.2 ITEM P33-22

Director of Planning & Building (Brian Treble)

Re: Gypsy Moth 2022

FOR INFORMATION

The Director of Planning & Building shared that he has been in contact with Trees Unlimited and they have advised that spots have already filled up for the 2022 gypsy moth spray program, noting that 2022 is the biggest spray to date with over 1,200 acres of land being sprayed locally. The Director of Planning & Building stated that he wanted to share this information to ensure Members of the Committee and Public are aware that the spray is already happening or will happen soon.

In response to Councillor Trombetta's question regarding if the program is fully closed, the Director of Planning & Building shared that it is his understanding that the program is closed, however, if someone required this service or is looking for more information to reach out to the Township. Director of Planning & Building also stated that the Township does have a dedicated page with information regarding the Gypsy Moth program, different spraying techniques and contact information is provided there as well.

12. NEW BUSINESS

There were no items for new business brought forward by any Member of Committee.

13. CONFIDENTIAL MATTERS

All Members of Committee, with the exception of Councillor Mike Rehner, were noted as present as well as the CAO, Deputy Clerk, Director of Planning &

Building, and Planner II (Gerrit Boerema) were in attendance for discussion of all confidential matters.

Prior to the closed session, all Members of Committee were reminded that any discussions in closed are to remain confidential as per the Township's Code of Conduct and the Procedural By-law.

All those in attendance electronically for closed session deliberations confirmed and acknowledged that they understood and confirmed to all of the following statements:

- That all confidential matters and discussions are to remain confidential;
- No one else was present with them during the electronic confidential discussions;
- No one else could hear the electronic closed session deliberations;
- No one was using any electronic devices other than their tablet or computer; for the purpose of the video conferencing; and,
- No one was recording any portion of the confidential portion of the meeting.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

13.1 Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Crossings on the Twenty

VERBAL UPDATE

Applicable closed session exemption(s):

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

13.2 Director of Planning & Building (Brian Treble)

Re: Re: Legal/Solicitor-Client Privilege - Legal & By-law Enforcement Matter

VERBAL UPDATE

Applicable closed session exemption(s):

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

Carried

Moved By Councillor Harold Jonker

Seconded By Councillor Shelley Bradaric

That, this Committee meeting does now resume in open session at the hour of 9:50 p.m.

Carried

13.1 ITEM P33-22

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Crossings on the Twenty

VERBAL UPDATE

Committee rose without reporting.

13.2 ITEM P34-22

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Legal & By-law Enforcement Matter

VERBAL UPDATE

Committee rose without reporting.

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:50 p.m.

JESSICA DYSON, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR