



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. FIVE

Monday, April 25, 2022, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

*****NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Additionally, for your information, please be advised that we are Audio/Video Recording this meeting.

Pages

1. **SINGING OF "O CANADA"**

Prior to commencing with the Council meeting, Mayor Bylsma will provide 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 jscime@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record.
3. Any Members of the Public can watch this evening's Council meeting by using the livestream link found on the Township's website as this meeting is being livestreamed and is also being audio/video recorded and will be posted on the Township's website and can be viewed anytime following the meeting.

2. **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. **OPENING PETITION - Councillor Mike Rehner**

4. **CHANGE IN ORDER OF ITEMS ON AGENDA**

5. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

6. **REQUEST TO ADDRESS ITEMS ON THE AGENDA**

NOTE: Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:

6.7 Public Comment at Council

There shall be no comments from the public permitted at Council unless:

- (a) a specific appointment has been scheduled; or,
- (b) an item is included under the “Other Business” or “Communications” or “Appointments” section of the agenda and relates to a matter which would normally be dealt with at Committee.

1. Chair to inquire if the IT Manager was aware if there was anyone on the ZOOM meeting that was indicating they wished to provide comment to provide permitted under Section 6.7 of the Procedural By-law.

2. Chair to inquire if the Clerk had received any comments by email from any members of the public prior to 4:30 pm today with respect to a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

7. **APPOINTMENTS/PRESENTATIONS**

- 7.1. Sheryl Matthews - FACS Niagara Foundation 8
Re: PowerPoint Presentation - Fundraising & Community Event -
Mountainview LemonAid Day - Sunday, June 12, 2022

Moved By Councillor Shelley Bradaric

THAT, the Council of the Township of West Lincoln hereby support Family and Children’s Services (FACS) Niagara including their fundraising and community events; AND

WHEREAS Family and Children’s Services (FACS) Niagara has been dedicated to protecting and supporting children and improving the lives of vulnerable children, youth, and families across the Niagara Peninsula since 1898; AND

WHEREAS Mountainview Building Group and other generous sponsors are supporting FACS Niagara Foundation in these efforts by encouraging children and families to give back to their community by registering online and setting up a lemonade stands across the Township of West Lincoln and the Niagara Peninsula on Sunday, June 12th; AND

WHEREAS Mountainview Building Group and other great community sponsors have generously provided 100 LemonAID Day Kits, so every

family and child have the resources needed to successfully participate, and so that ALL the funds raised by children go directly to sending vulnerable children supported by FACS Niagara to summer camps; AND

WHEREAS by instilling the values of community, generosity and goodwill in the next generation, Mountainview Building Group and other generous sponsors are helping build a brighter future for Niagara; AND

WHEREAS The Township of West Lincoln commends the hundreds of young citrus-squeezing children for their philanthropy and hard work, generosity, goodwill, and for making our community a much better place to live.

THEREFORE, BE IT RESOLVED THAT the Council of the Township of West Lincoln hereby encourages children of the Township of West Lincoln to participate in the annual Mountainview LemonAID Day; AND Encourages all citizens of the Township of West Lincoln to support these children in their efforts by generously donating in person or online to the Mountainview LemonAID Day stands, AND help send 450 children from Niagara Peninsula to experience summer camp in 2022; AND

THAT the Council of the Township of West Lincoln hereby supports Family and Children's Services (FACS) Niagara and their upcoming fundraising and community event being Mountainview LemonAID Day to be held on Sunday, June 12, 2022 and encourage children, parents and families within our community to support and participate Mountainview LemonAID Day in the Township of West Lincoln.

8. REGIONAL COUNCILLOR'S REMARKS

9. CONFIRMATION OF MINUTES

- 9.1. Council Minutes - Regular 19
Re: March 28, 2022

Moved By Councillor Cheryl Ganann
That, the minutes of the March 28, 2022 regular Council meeting be accepted.

- 9.2. Public Meetings Under the Planning Act 36
Re: April 11, 2022

Moved By Councillor Harold Jonker
That, the minutes of the public meetings held on April 11, 2022 under Section 34 of the Planning Act, with respect to:

- a. Zoning By-law Amendment - 197 Griffin Street (C A Real Estate

Holdings) (File No. 1601-005-22)

b. Zoning By-law Amendment - 2990 South Grimsby Road 18 (Neil Carter) (File No. 1601-002-22)

be accepted.

- 9.3. Public Meeting - Site Alteration Application
P. Budd Developments Inc. (File No. 3000-002-22)
Re: Minutes - April 11, 2022

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Moved By Councillor Mike Rehner

That, the minutes of the public meeting held on April 11, 2022 with respect to a Site Alteration Permit Application for the following applicant:

(1) P. Budd Developments Inc. - Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line (File No. 3000-002-22)
be accepted.

10. COMMUNICATIONS

There are no communications.

11. MAYOR'S REMARKS

12. REPORT OF COMMITTEE

- 12.1. Planning/Building/Environmental Committee
Re: Minutes April 11, 2022

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Moved By Councillor William Reilly

1. That, the minutes of the open session portion of the April 11, 2022 Planning/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item #(s)_____; and,

2. That, the confidential minutes relating to the closed session portion of the April 11, 2022 Planning/Building/Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with section 239 of the Municipal Act.

- 12.2. Administration/Finance/Fire Committee
Re: Minutes of April 19, 2022

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Moved By Councillor Jason Trombetta

That, the minutes of the April 19, 2022 Administration/Finance/Fire Committee meeting, be accepted, and the recommendations contained therein, be approved with the exception of Item #(s)_____.

- 12.3. Public Works/Recreation/Arena Committee
Re: Minutes of April 19, 2022

Moved By Councillor Harold Jonker

That, the minutes of the April 19, 2022 Public Works/Recreation/Arena Committee meeting, be accepted, and the recommendations contained therein, be approved with the exception of Item # (s) _____.

13. RECONSIDERATION

(“Definition”) This section is for a Member of Council to introduce a motion to reconsider action taken at this Council Meeting or the previous regular Council meeting. A motion to reconsider must be made by a Council Member who voted in the majority on the matter to be reconsidered. The Chair may rule that a motion to reconsider will be dealt with at the next following Council Meeting if for some reason it cannot be dealt with at this meeting.

14. NOTICE OF MOTION TO RESCIND

(“Definition”) This section is for Council Members to serve notice of intent to introduce a motion to rescind action taken previously by Council. Notice served at this meeting will be for a motion to rescind at the next regular meeting.

15. OTHER BUSINESS

- 15.1. TABLED ITEM (March 28, 2022 Council Meeting)
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)

- 15.2. Members of Council
Re: Council Remarks

16. NEW ITEMS OF BUSINESS

NOTE: Only for items that require immediate attention/direction from Council and must first approve a motion to introduce a new item of business.

17. BY-LAWS

Moved By Councillor William Reilly

1. That, leave be granted to introduce By-laws # 2022-25, 2022-26, 2022-27, 2022-28, 2022-29, 2022-30, 2022-31, 2022-32, 2022-33, 2022-34, 2022-35, 2022-36, 2022-37, 2022-38 and 2022-39 and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

- 17.1. BY-LAW 2022-25

	A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 28 th day of March, 2022.	
17.2.	BY-LAW 2022-26 Being a By-law to adopt the estimates for the year 2022 and to set the rates of taxation for the year 2022.	95
17.3.	BY-LAW 2022-27 A By-law to authorize an amending site plan agreement between the Corporation of the Township of West Lincoln, 2284658 Ontario Inc., and any Mortgagees for lands described as Concession 9, Part Lot 19, in the former Township of South Grimsby, now in the Township of West Lincoln (Municipally known as 7484 Regional Road 20).	98
17.4.	BY-LAW 2022-28 A By-law to authorize an amending site plan agreement between the Corporation of the Township of West Lincoln and 1794733 Ontario Inc. and any other Mortgagees for lands described as Concession 8, Part Lot 5, RP30R-15101 Part 2, in the former Township of South Grimsby, now in the Township of West Lincoln.	99
17.5.	BY-LAW 2022-29 A By-law to authorize a site plan agreement between the Corporation of the Township of West Lincoln, Marz Homes (Smithville West) Inc., and any Mortgagees, for lands describes as Lot 9, Plan M96, in the former Township of South Grimsby, now in the Township of West Lincoln.	100
17.6.	BY-LAW 2022-30 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln.	103
17.7.	BY-LAW 2022-31 A By-law to regulate driveways, new and altered entrances, the Maintenance and Protection of Boulevards and Township Right of Ways within the Township of West Lincoln (Entrance and Boulevard By-law)	106
17.8.	BY-LAW 2022-32 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln.	116
17.9.	BY-LAW 2022-33 A By-law to amend By-law 2019-83, as amended, under the Building Code Act respecting Construction, Demolition, Change of Use, Occupancy Permits, Transfer of Permits, Inspections of Permits, Inspections Associated Fees.	119
17.10.	BY-LAW 2022-34 A By-law to amend By-law 2017-48, as amended, which regulates	132

Private Outdoor Swimming Pools and Associated Fees.

- 17.11. BY-LAW 2022-35 135
A By-law to provide for the use of Voting Machines, Voting Recorders, Elector Management System, Optical Scanning Vote Tabulators, Internet Voting Technology or other Voting Devices at Elections.
- 17.12. BY-LAW 2022-36 136
A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Walkers Construction Limited for the 2022 Road Rehabilitation Work Project.
- 17.13. BY-LAW 2022-37 137
A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and George Lane Landscaping for Wellandport Grass Cutting.
- 17.14. BY-LAW 2022-38 138
A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Toromont CAT for the supply and delivery of the 2022 Motor Grader.
- 17.15. BY-LAW 2022-39 139
A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Voatz Canada Limited for Online Voting for the Township of West Lincoln 2022 Municipal Election.

18. CONFIDENTIAL MATTERS

There are no Confidential Matters.

19. ADJOURNMENT

The Mayor to declare this meeting adjourned at the hour of _____.

Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

Full Name: *

Sheryl Matthews

Who are you representing? *

- ☐ Self
- ☒ Group/Organization

Group or Organization Name: *

FACS Niagara Foundation

Street Address: *

82 Hannover Drive

Town/City: *

St. Catharines

Postal Code: *

L2W 1A4

How would you like us to contact you? *

- ☒ Email
- ☐ Telephone

Email Address: *

[REDACTED]

Presentation Details

Which meeting would you like to present at? * ?

Council

Requested Meeting Date: *

4/25/2022



What is the presentation topic? *

Mountainview LemonAID day - Sunday June 12

Do you have a presentation (slide deck)? *

☒ Yes ☐ No

Please upload your presentation materials.

File Name



LemonAID Day Presentation - WLCouncil -
1.7 MB

Have you presented before on this topic? *

☐ Yes ☒ No

Please provide details on your presentation. Include questions or requests of the Committee or Council. *

FACS Niagara wants to inform you of an amazing upcoming fundraising opportunity and community event. We are working with Mountainview Building Group to encourage kids across the Niagara region to raise money to send kids to camp by hosting a lemonade stands on Sunday June 12th. We will have a resolution for your consideration.

Collection of Personal Information

Personal information on this form is collected under the authority of Section 6 of the Township of West Lincoln's Procedural By-Law for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Committee or Council.

Any questions about the collection, use and disclosure of personal information should be addressed to the Township Clerk:

- Email: clerk2@westlincoln.ca
- Telephone: 905-957-3346

Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.

Mountainview LemonAID Day



Sunday, June 12, 2022



Kids Helping Kids

Mountainview LemonAID Day is a community driven event, encouraging kids to help kids by raising funds to send children to summer camps.

On Sunday, June 12, teams of kids will set up lemonade stands across Niagara to ask for donations.



MOUNTAINVIEW
LEMONAID

FAMILY AND CHILDREN'S SERVICES NIAGARA

Mountainview LemonAID Day

Video



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Video Link: https://youtu.be/9gfTLEy_7nM

Give “Summer Smiles”

Because of generous sponsors, all funds raised will send vulnerable children and youth to summer camps this July and August.

After two-pandemic years, these kids need the positive experiences that camps offer more than ever!



100 Stands & 100%

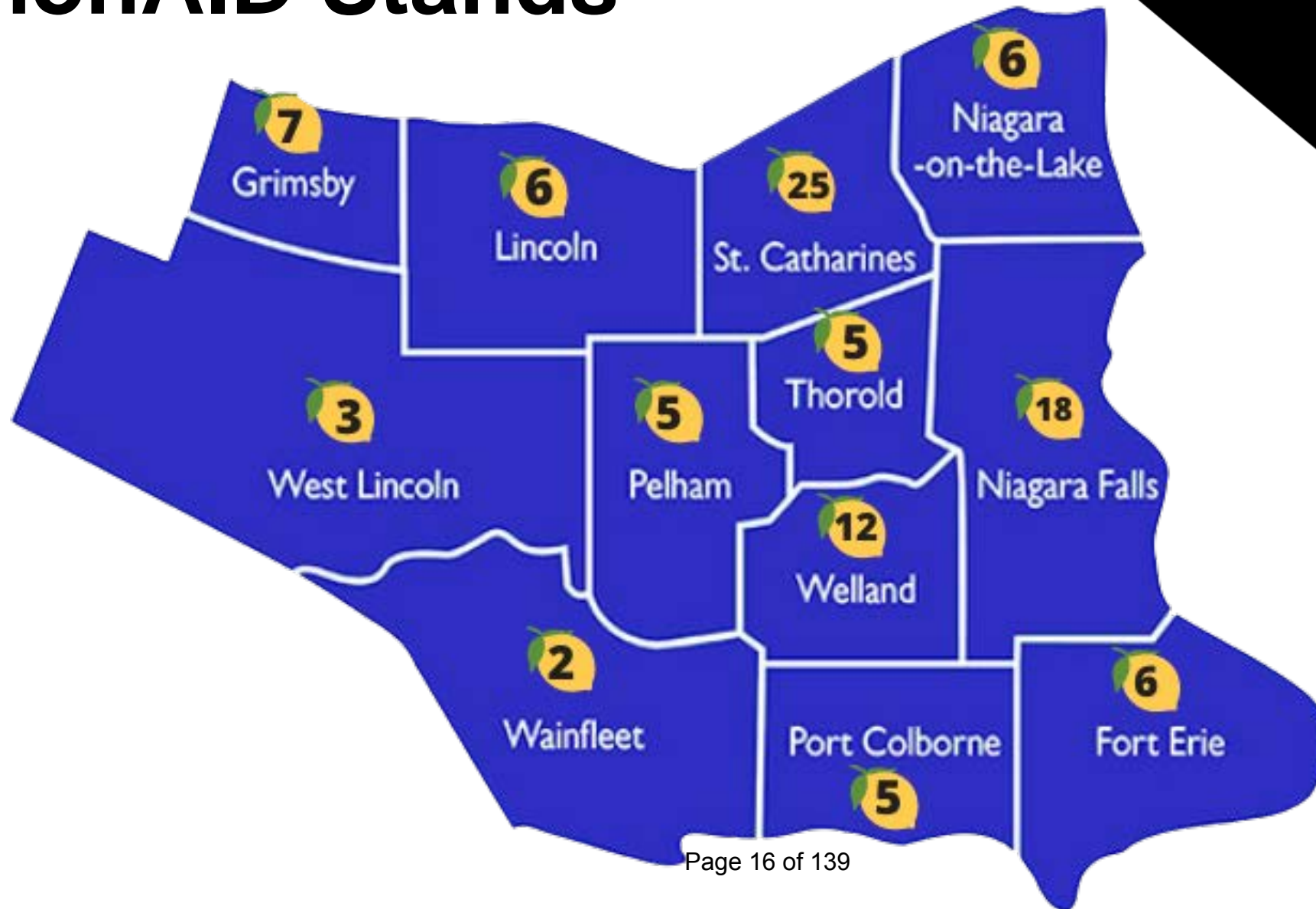
Each of 100 “Teams” across Niagara Region will receive:

- ✓ LemonAID Stand & Banner
- ✓ Four (4) T-Shirts & Hats
- ✓ Lemonade Concentrate
- ✓ Pitchers & Stickers
- ✓ 100 cups & more

**Every dollar (100%) raised by
kids will send other
kids to camp!**



LemonAID Stands





Promote
SUNDAY, JUNE 12



We Need Your Support!

- ✓ Promote Sunday, June 12 as *Mountainview LemonAID Day*
- ✓ Encourage the community
- ✓ Participate on Sunday, June 12

Register today at
www.facsniagarafoundation.org

For more information, please contact
905-937-7731 or
foundation@facsniagara.on.ca



MOUNTAINVIEW
LEMONAID
FAMILY AND CHILDREN'S SERVICES NIAGARA



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COUNCIL MINUTES**

MEETING NO. FOUR

March 28, 2022, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Dave Bylsma
Councillor Shelley Bradaric
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner* (refer to page 4)
Councillor William Reilly
Councillor Jason Trombetta

Staff: Joanne Scime, Clerk
Bev Hendry, CAO
Dennis Fisher, Fire Chief
Brian Treble, Director of Planning and Building
Kevin Geoghegan, IT Help Desk Analyst

Others: Brandon Schram, WeeStreem
Regional Councillor Albert Witteveen
Bryan MacColloch – NRPS Chief of Police*
Brett Flynn, NRPS Deputy Chief of Police*
Marco Giannico, NRPS Superintendent of District Operations*
Patrick McCauley, Inspector – NRPS*
Shaun Parrent, NRPS Staff Sergeant of District 8 (Grimsby)*
Stephanie Sabourin, NRPS Corporate Communications*
Jen Lawson, NRPS Police Services Board Member*

*** IN ATTENDANCE PART-TIME**

1. SINGING OF "O CANADA"

Mayor Bylsma called the Council meeting to order at approximately 7:00 p.m.

(1) Mayor Bylsma made the following announcements prior to the singing of O' Canada:

Due to efforts to contain the spread of COVID-19 and to protect all individuals, and to comply with the Province's State of Emergency Order, the Council Chambers will not be open to the public to attend Standing Committee and/or Council Meetings until further notice.

- (2) As noted on this evening's agenda, any Members of the Public who wished to provide comments, could do so either by attending the meeting and requesting to speak under the "Request to Address Items in the Agenda", which could be done by contacting the Clerk prior to 4:30 p.m. today (day of the meeting) or they could email their comments to the Clerk by 4:30 p.m. today (day of the meeting). It was noted that any comments emailed will be considered to be public information and will be read into public record later in the agenda.
- (3) Members of the Public can watch this evening's Council meeting by using the livestream link which can be found on the Township's website as this meeting was being livestreamed as well as being audio/video recorded and will be posted on the Township's website for viewing following the meeting.

2. LAND ACKNOWLEDGEMENT STATEMENT

Mayor Bylsma 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-rong), 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. OPENING PETITION - Councillor Harold Jonker

4. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no changes in order of items on the agenda.

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

There were no Members of Council that declared a pecuniary interest and/or conflict of interest.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Mayor inquired if the IT Help Desk Analyst was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Help Desk Analyst confirmed there were not.

Additionally, the Mayor asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk confirmed she had not.

7. APPOINTMENTS/PRESENTATIONS

7.1 Niagara Regional Police

Re: Overview of Police Services in Niagara and West Lincoln

Mayor Bylsma welcomed the following individuals from Niagara Regional Police who were in attendance this evening:

Bryan MacColloch - Chief of Police

Brett Flynn, Deputy Chief of Police

Marco Giannico, Superintendent of District Operations

Patrick McCauley, Inspector

Shaun Parrent, Staff Sergeant of District 8 (Grimsby)

Stephanie Sabourin, Corporate Communications

Jen Lawson, PSB Member

Police Chief Bryan MacColloch provided opening remarks and advised that the Command Team for the Niagara Regional Police address three overarching guiding principles, these being (1) assisting victims of crime; (2) member wellness; and (3) community engagement. Chief MacColloch stated that community engagement was critical for building positive relationships and provided an opportunity for NRP to hear directly from the community regarding what was occurring in the community, which they may not otherwise be aware of. Chief MacColloch stated that as they see COVID-19 restrictions lifting, the NRP are looking forward to being able to resume attendance at community events and connecting with members of the community. Chief MacColloch introduced Staff Sergeant, Shaun Parrent, of the Local District Detachment (Grimsby) and advised that when he refers to the Local District Commander he often refers to them as the Local Chief of Police, as they are most often connected more so than anyone else of the NRPS with the local Council Members, the CAO,

Business Owners and the Community from whom they receive direct information regarding issues that are impacting the community that the NRP may not otherwise be aware of. Chief MacColloch stated that he would strongly encourage Council Members and the CAO to reach out and connect with the District Commander to address any issues within the community. Chief MacColloch then turned the presentation over to Staff Sergeant Parrent.

Councillor Rehner joined the meeting at approximately 7:08 p.m.

Staff Sergeant Parrent thanked Mayor Bylsma and Members of Council for the invitation to attend this evening's meeting and reviewed the PowerPoint Presentation that was attached to the agenda.

Staff Sergeant Parrent address a number of questions and concerns from Members of Committee including but not limited to the following:

- (1) Clarification of the change in the tracking of NRPS Calls for Service which resulted in a call for service increase in 2021 of 16.7% when compared to 2020.
- (2) Provided thank you to the Niagara Regional Police, understand the challenges are due to the large land area within the Township of West Lincoln, the open door policy and quick response in addressing issues that have been raised by the community.
- (3) West Lincoln has seen a rise of auto thefts. What are the NRP doing to try and prevent these thefts? (Response - actively promote on social media proactive crime prevention initiatives such as advising residents not to leave their vehicles unattended when warming them up, using remote vehicle starts, do not leave valuables inside/in view)
- (4) The need for more police presence in West Lincoln.
- (5) How does West Lincoln compare to the local area municipalities (Grimsby, Lincoln, Pelham and Wainfleet) as it relates to NRPS Service Calls.
- (6) The current response times for NRPS calls from residents in West Lincoln.
- (7) The hiring of new police officers to address police presence gaps.
- (8) In a 24 hour period when can West Lincoln expect to have a patrol officer in the community (Response = Do not know but can investigate and report back).
- (9) West Lincoln experiences a lot of speeding in the rural areas of the municipalities and what can be told to residents to try and address this matter. (Response = Call District 8 directly, call NRPS traffic hotline (number on NRPS website), more officers have been added to the traffic

enforcement unit, visit NRPS website (www.nrps.ca) under traffic complaints (online form or call ext. 5555).

(10) Would like to have representatives from NRPS attend Council Meetings more often to provide updates and address any questions or concerns from the community.

(11) With the amount of growth occurring and expected in West Lincoln and other areas, has there been any discussion with respect to the construction of a new detachment being constructed perhaps between Pelham, Lincoln and West Lincoln?

(12) Are RIDE Programs set up in West Lincoln?

Mayor Bylsma thanked all Members of the NRPS that were in attendance this evening and for the informative presentation as well as providing an opportunity to address questions and concerns from Members of Council.

Police Chief MacColloch advised that Staff Sergeant Parrent will be receiving a promotion as of May 1st, 2022 to Inspector and a new District Commander for District 8, being Staff Sergeant Chris Lemaich will be replacing Staff Sergeant Parrent.

8. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Albert Witteveen read from a prepared statement which is attached as **Schedule "A"** to the minutes. Regional Councillor Witteveen provided an update on various issues over the past month as it relates to Niagara Region.

9. CONFIRMATION OF MINUTES

9.1 Council Minutes – Regular
Re: February 28, 2022

Moved By Councillor Shelley Bradaric

Seconded By Councillor Harold Jonker

That, the minutes of the February 28, 2022 regular Council meeting be accepted.

Carried

9.2 Public Meetings Under the Planning Act
Re: March 21, 2022

In response to Councillor Rehner's inquiry regarding whether there were any penalties that the Township could evoke specifically with respect to ZBA File Nos. 1601-001-22 and 1601-019-19, the Director of Planning &

Building advised that the Township must ensure that a fair and thorough review is undertaken against policies and regulations and with having applicants that may be asking for forgiveness was not a Planning rational and cannot become part of the evaluation process.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

- a. That, the minutes of the public meeting held on March 21, 2022 under Section 34 of the Planning Act, with respect to:
Zoning By-law Amendment - 6882 Vaughan Road (Stephenson & Givens) - (File No. 1601-001-22)
- b. Zoning By-law Amendment - Silverdale Sports Centre - (File No. 1601-019-19)
- c. Zoning By-law Amendment - 2723 South Grimsby Road (Boverhof) - (File No. 1601-004-22)
be accepted.

Carried

9.3 Public Meetings - Building and Permit Fees
Re: March 21, 2022

Moved By Councillor Harold Jonker

Seconded By Councillor William Reilly

That, the minutes of a public meeting held on March 21, 2022 under the Ontario Building Code Act relating to amendments to the Township's Building By-law (Increase Building Fees) be accepted.

Carried

10. COMMUNICATIONS

There were no communications.

11. MAYOR'S REMARKS

On March 25, 2022, Mayor Bylsma stated that he was pleased to join Councillor Rehner, Councillor Trombetta, MPP Sam Oosterhoff, and Lincoln Regional Councillor Rob Foster (Member of the SWIFT Board) at the Caistor Community Centre for an announcement from SWIFT with respect to the expansion of high-speed broadband internet service in West Lincoln. Mayor Bylsma stated that SWIFT was a non-profit regional broadband project that was initiated to subsidize the construction of high-speed broadband networks across Southwestern Ontario, Caledon, and the Niagara Region, which was a joint federal and

provincial infrastructure funding program that leverages additional investment from municipal and private sector partners. The SWIFT project has been designed to bring broadband connectivity to underserved areas of Ontario. Mayor Bylsma stated that the new fibre-optic network will bring improved broadband access to the small communities of Grimsby Centre, Grassie, Allen's Corners, Kimbo, Fulton, Abingdon, Caistor Centre, and Caistorville, with the work being done by Cogeco.

Mayor Bylsma stated that he attended a ribbon cutting ceremony this morning at Highland Packers who opened a new sausage factory which was located in the West Lincoln Industrial Park.

12. REPORT OF COMMITTEE

- 12.1 Administration/Finance/Fire Committee
Re: Minutes of March 14, 2022

Moved By Councillor Jason Trombetta
Seconded By Councillor Harold Jonker

That, the minutes of the March 14, 2022 Administration/Finance/Fire Committee meeting, be accepted, and the recommendations contained therein, be approved.

Carried

- 12.2 Planning/Building/Environmental Committee
Re: March 21, 2022 Minutes

Moved By Councillor William Reilly
Seconded By Councillor Cheryl Ganann

1. That, the minutes of the open session portion of the March 21, 2022 Planning/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; and,

2. That, the confidential minutes relating to the closed session portion of the March 21, 2022 Planning/Building/Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with section 239 of the Municipal Act.

Carried

- 12.3 Public Works/Recreation/Arena Committee
Re: Minutes of March 14, 2022

NOTE: The March 14, 2022 Public Works/Recreation/Arena Committee meeting was cancelled.

13. RECONSIDERATION

There were no items put forward for reconsideration.

14. NOTICE OF MOTION TO RESCIND

There were no motions to rescind put forward by any Member of Council.

15. OTHER BUSINESS

15.1 Director of Planning and Building (Brian Treble)

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

DEFERRED FROM THE MARCH 21, 2022 PLANNING/BUILDING/ ENVIRONMENTAL COMMITTEE MEETING

The Director of Planning & Building explained at the March 21, 2022 Planning/Building/Environmental Committee meeting, Report No. PD-36-2022 was deferred to this evening's Council Meeting in order to allow for an opportunity to see how the Region would address two key reports that they had on their Council agenda last Thursday evening. The Director of Planning & Building noted that as Regional Councillor Witteveen had already indicated both Niagara Region Report PDS-6 and PDS-7 were both supported by the Region at their Planning Committee meeting. The Director of Planning & Building advised that both staff and the Landowner's Group felt that it may be appropriate for the Township's Report (Report No. PD-36-2022) to be tabled in order to provide an opportunity to see what will happen at the Region and determine, at a later date, if this report should be considered.

Moved By Councillor Mike Rehner

Seconded By Councillor Harold Jonker

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.

TABLED (see below)

Moved By Councillor William Reilly

Seconded By Councillor Jason Trombetta

That, Report PD-36-2022 (Smithville Landowners Group Request for Support of Minister's Zoning Order (MZO)) and recommendation contained therein, be tabled until staff feels it would be appropriate for Council to lift and deal with this matter.

(TABLED RECOMMENDATION:

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.)

Carried

- 15.2 Director of Planning and Building (Brian Treble)
Re: Memorandum - Renewal No. 2 of Bylaw to Remove Part Lot Control from Block 47 of Plan 30M-446 (Old Towne Gateway Estates Plan of Subdivision - Rosemont Homes Condominium)

RECEIVED FOR INFORMATION

- 15.3 Members of Council
Re: Council Remarks

(1) Councillor William Reilly
Re: Various Matters

- i. 50 Million Tree Program
Councillor Reilly provided an update on the 50 Million Tree Program, which was supported by Township Council last year, and advised that he, Planning Department staff, representatives from the Smithville Christian High School and Land Care Niagara met on site and it was hoped that the trees will be delivered in mid April with the trees being planted shortly thereafter.
- ii. Team Canada Men's Soccer Victory
Councillor Reilly recognized that on March 27 Canada's Men's Soccer team won against Jamaica at BMO Field in Toronto which has qualified them for its first men's World Cup since 1986.
- iii. Community ZOOM Chat - Monday, April 4, 2022
Councillor Reilly advised that he and a couple of other fellow Councillors will be hosting a Community ZOOM Chat on Monday April 4, 2022 for residents to attend to ask questions and/or voice concerns.

(2) Councillor Cheryl Ganann
Re: Various Matters

- i. Attendance at Age-Friendly Conference
Councillor Ganann stated that last week from March 22nd to March 24th, she and two other members of the Age-Friendly Advisory Committee, Sue Langdon and Linda Sivyer, took part in the Age-Friendly Advisory Committee "Inspiring Inclusive Community" Conference, which was held mainly in the morning and included a

number of informative workshops. Councillor Ganann stated that the overarching theme for most of the sessions was age friendliness and its association with quality of life as it relates to aging in place. Councillor Ganann stated that there will be lots more coming forward from the Township's Age-Friendly Committee once things open up. Councillor Ganann stated that the aim of the Township's Age-Friendly Advisory Committee would be to have a community that supports inclusive programs and services, systemic inclusive and visibility, and a community that was diverse and intergenerational, encompassing and compassionate.

ii. Meals on Wheels

Councillor Ganann stated that this past Wednesday, during the noon hour, she had filled in for Councillor Reilly and rode along with a volunteer from the Meals on Wheels program delivering food. Councillor Ganann stated that along with delivering nutritional meals to people she also witnessed first hand the interactions of compassion between the client(s) and the Meals on Wheels volunteer(s).

iii. West Lincoln Memorial Hospital Community Council Meeting

Councillor Ganann stated on the same evening she attended the West Lincoln Memorial Hospital Community Council Meeting at which it was affirmed that active negotiations with each group in the consortium of EllisDon Construction are taking place with all aspects of the commercial and financial proposals/quotes to be completed by April 29, 2022. Councillor Ganann stated that there was also hope that there will be some type of ongoing celebration, even if it was a local one.

iv. Kiwanis Annual General Meeting

Councillor Ganann stated that the Kiwanis Annual General Meeting will take place tomorrow evening. Councillor Ganann stated that in spite of COVID and the limited opportunities to fundraise, Kiwanis was able through their TV Bingo events in conjunction with St. Catharines Kiwanis, raise funds which resulted in Kiwanis being able to give \$5,000 over the past calendar year to various groups in the community including \$2,000 to FORT, \$1500 to 4H, \$500 to Gillian's Place and \$1,000 to Community Care's Toonies for Toys. Councillor Ganann stated that so far this year Kiwanis has given \$1900 towards the Senior Dinner and another \$100 to FORT. Councillor Ganann advised Kiwanis will also be hosting two more

fundraising activities shortly including a bake table at the Farmer's Easter Market on April 16 and a "Bottle Drive" on April 23, 2022, in the morning, with drop off depots being placed at Caistor Community Centre, Wellandport Community Hall and Smithville Garage.

- v. West Lincoln Chamber of Commerce
Councillor Ganann stated that tomorrow morning the West Lincoln Chamber of Commerce will be returning to an in-person "Wake Up with West Lincoln" Breakfast which will be held at the Smithville Legion at 7:30 am.

16. NEW ITEMS OF BUSINESS

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

17. BY-LAWS

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, leave be granted to introduce By-laws # 2022-21, 2022-22, 2022-23 and 2022-24 and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

Carried

17.1 BY-LAW 2022-21

A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 28th day of February, 2022.

17.2 BY-LAW 2022-22

Being a By-law to amend By-law 2011-28 which prescribes a tariff of fees for the processing of applications made with respect to planning matters, as amended.

17.3 BY-LAW 2022-23

Being a By-law to amend By-law 2018-108 which appoints a committee of adjustment, delegates the authority for considering applications for minor variances and consents, provides for compensation for the members of the committee of adjustment, adopts policies, procedures and conditions

for the operation of the committee of adjustment, and establishes a tariff of fees under the Planning Act.

17.4 BY-LAW 2022-24

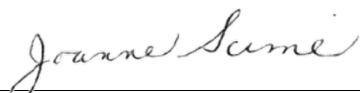
A By-law to exempt certain land from Part Lot control pursuant to Section 50 of the Planning Act, R.S.O. 1990 (Block 47 of Plan 30M-446 Rosemont Homes)

18. CONFIDENTIAL MATTERS

There were no confidential matters.

19. ADJOURNMENT

The Mayor to declare the meeting adjourned at the hour of 8:37 p.m.



JOANNE SCIME, CLERK

MAYOR DAVE BYLSMA

Regional Councillors Report: March 28, 2022

Good evening Mayor, members of council, staff and members of the public

I would like to start by highlighting the Regions committee activities of this past month, at our Public Works meeting the Transportation Services

Division presented the updated information on the Municipal 511, which gives travellers updated information on road closures, detours,

construction, floods, traffic and other road details in Niagara Region. This

system provides the opportunity to have all the relevant information for

travellers in one place. The Niagara Region maintains 762 km of roads,

133 bridges, 92 culverts and 283 traffic signals. These are fundamental

components of the transportation system and when they are not

available due to planned or unplanned events our residents are effected.

Secondly the Region has renewed the Niagara Specialized Transit service

agreement with our existing service provider. This agreement operates

from January 1, 2022- December 31, 2022. This timeframes aligns with

the establishment of the new transit commission which will assume

operational responsibility on January 1, 2023.

A report that I extracted from the Waste Management Steering Committee

that would be of interest to the council was the 2021 Illegal Dumping

summary. Within the entire Region there were a total of 748 illegal

dumping reports were received. 144 were found through regional staff proactively monitoring, 9 were reported through Crime Stoppers, 11 were reported by local area municipal staff, 444 were received by the Waste info line, 140 were received via the Online reporting tool, 60 warning letters were issued and 12 provincial offences notices were issued as a result of illegal dumping. As for West Lincolns summary their were 21 investigations throughout the year. The report did not go into detail on the type of reporting as per Municipality.

At our Public Health and Social Services Committee we had a presentation by Elizabeth Zimmerman the director of the YMCA Niagara Region. She explained the work being done by the Y to help victims that look to break out of this cycle. The Y has a 6 bed home to support survivors with their unique needs. From 2020-2021 after the 1st year of operations, 18 women came into the program and 23 were turned away. This shows that the need is great for this program. Discussions were how to lobby for greater support in this area of social services.

Secondly we received a report on the Child Care and Early Years Work force Funding and Plan. For Niagara, the investment from the Province translated into an allotment of \$3.6 m over two years, (\$2.9m for 2022 and approximately \$730,000 for 2023). The funding will be invested for two

components: 1st to development of professional learning to retain, support and recognize the existing child care and early year workforce and, 2nd to development of innovative recruitment and retention strategies to recruit new individuals into the profession. Because the funding is one-time the Children's Services will develop and implement initiatives that will be sustainable beyond the funding period. No news as to date whether our Provincial government has signed the child care agreement with the Federal government to assist in making child care affordable to working families.

At our Planning meeting this month we were presented with the update on the 10 year Economic Development Strategy. Extensive stakeholders engagement had taken place since last September. The workplan and strategy is nearing completion and by June the entire plan will be completed and ready to be put into action.

Planning also presented to us the Settlement Area Boundary Recommendations that the into the Niagara Region Official Plan. Much discussion took place on how to manage the allocated growth targets set out by the Province. As we know this is a balance of intensification of homes and growth of employment areas to support and balance the future tax base of the municipalities. I strongly suggest that all councillors

read the report of the Ontario Housing Affordability Task Force that was released earlier this year. It has some very interesting recommendations that we should all be aware of.

And councillors this is my report for March, if any members have questions on my report I will gladly answer them for you,

Thank-you,

Albert Witteveen

**TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

MEETING NO. FOUR

April 11, 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

Absent: Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Madyson Etzl, Planner II
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Mike DiPaola, Director of Public Works & Recreation*
Kevin Geoghegan, IT Help Desk Analyst

Other Members:	Tom Richardson, Township Solicitor*	Peter Budd*
	Neil Carter*	Jared Marcus*
	Sidney Thompson*	Jill Anthony*
	Lianne Timbers-Sharp*	Kenneth Kranendonk*
	Jesse Auspitz*	Matt Wichmann*
	WeeStreem	Andrea Wichmann*
		Shawn Ryan*

***IN ATTENDANCE PART-TIME**

197 Griffin Street (C A Real Estate Holdings) - 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 NPG Planning Solutions on behalf of C A Real Estate Holdings for an Application for the property municipally known as 197 Griffin Street (File No. 1601-005-22).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

An application for Zoning Bylaw Amendment has been submitted for the property located at 197 Griffin Street (Regional Road 20/14) (Lot 17, Plan M92). The Zoning Bylaw Amendment has been submitted to address a number of zoning deficiencies generated as part of a redevelopment of the site which would result in office space and four accessory dwelling units. A number of zoning deficiencies have been identified and a full list can be found within the Planning Justification Report on the Township's website.

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 by NPG Planning Solutions on behalf of C A Real Estate Holdings for an Application for the property municipally known as 197 Griffin Street (File No. 1601-005-22).

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.

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 given by way of mail distribution to property owners within 120 metres of the subject property on March 8th, 2022 as well as a yellow sign posted on the subject property.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted by NPG Planning Solutions on behalf of C A Real Estate Holdings for the property municipally known as 197 Griffin Street (File No.: 1601-005-22).

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

The Planner, Gerrit Boerema, provided an overview of the application and Technical Report PD-37-2022.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Jesse Auspitz and Shawn Ryan (Authorized Agents) provided a PowerPoint presentation (attached as **Schedule A**) related to the proposed application and noted that they were available to answer any questions from the public and Members of the Committee.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom 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 the OLT may not consider comments made during any other Council and/or Committee meetings.

1. Kenneth Kranendonk
West St, Smithville

Mr. Kranendonk raised concerns with respect to the two-storey garage that they are adding to the existing one storey garage as the proposed addition will directly look into their back yard and would shade the property. Mr. Kranendonk also raised concerns regarding the modern look of the proposal as it does not suit the urban and heritage look of the surrounding buildings in Smithville.

2. Matt Wichmann & Andrea Wichmann
Griffin St North, Smithville

Raised multiple concerns regarding the proposed amendment such as the proposal stating that there is a shared drive, which the driveway is not shared

noting that the subject property does not have a right away or easement onto their backyard area, noting that their property cannot and should not be utilized as regular access for the subject property required parking. Another concern raised by Mr. Wichmann is the location of the accessibility parking spot as it encourages pedestrian traffic into Mr. Wichmann driveway posing a safety concern. Mr. Wichmann also raised concerns regarding the storage and water runoff plan as well as the height of the proposed building as it will block sunlight from neighbouring properties and eliminate privacy. Ms. Wichmann addressed concerns regarding the scale of the project and the impacts it will have to their business which is beside the subject property.

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.

Councillor Ganann raised multiple concerns regarding the proposed amendment and stated that this application will require a lot of work and consideration to address many concerns around this proposed amendment. The comments and concerns raised by Councillor Ganann are as follows:

- (1) Site is being dismissed as unimportant, as the report indicated that the building is not to be considered a landmark as it is felt that it is not a prominent location nor does it have any historical value. Councillor Ganann disagreed with this statement as the property is close to a corner lot and is a prominent location on the main street of Griffin St.
- (2) The proposed architectural details and design does not meet the guidelines for private development in Downtown Smithville as stated in the document Smithville Urban Design Manual (2016).
- (3) Size of the proposed development and the impacts the height will have on the neighbouring properties.
- (4) Parking issues and the accessibility parking suggestion. Lack of parking spaces for the use of the development, noting that counting on on-street parking to supplement parking is not feasible. Councillor Ganann also questioned how the suggested accessible parking spot would be an appropriate and logical location.

Mr. Auspitz addressed the comments raised regarding the accessible parking space noting that currently the subject lands do not have any accessible parking spaces and therefore the consultants are looking for ways to accommodate an

accessible parking space noting that although the location of the accessible parking spot is not ideal, it is required under AODA that an accessible parking space be available for a commercial property. Mr. Ryan addressed concerns regarding accessibility in the building noting that the intention is that there will be an accessible lift located in the front lobby of the commercial unit, instead of outside of the building.

Councillor Trombetta expressed his concerns with respect to the design of the proposed building noting that he would like to keep the existing façade and landscape that is present in the downtown core of Smithville. Councillor Trombetta also raised concerns regarding the amount of zoning modifications requested to Council with respect to this project noting that there are a number of requests that need to go back to the consultant for review and further consideration.

In response to Mayor Bylsma's question regarding the number of modifications that are being requested for this proposal and whether the existing property would need to be dismantled in order to achieve these modifications and the line between a redevelopment and extensive renovation, the Director of Planning & Building stated that redevelopment vs. new development should not matter as much as the goal to complete a development that blends in with the character of the core. The Director of Planning & Building stated that staff have not yet provided an opinion, however, suggests that more needs to be done with this proposal in order to keep the character of downtown Smithville.

The Chair stated that a Technical Report was being considered by Council 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 this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 8:50 p.m.

2990 South Grimsby Road 18 (Neil Cater) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting 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 Neil Carter for the property located at 2990 South Grimsby Road 18 (File No. 1601-002-22).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

An application for a Zoning Bylaw Amendment has been made to rezone the property legally described as Concession 8, Part of Lot 34, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2990 South Grimsby Road 18.

The intent of this rezoning application is to rezone the property that is currently zoned Residential Low Density (R1A) to a Residential Low Density zone with a site specific provision (R1A-###) to allow for a Home Industry on the property. Home industries are not permitted within the R1A zone, except by rezoning, the applicants are proposing to operate a private data processing center from the existing 157 square meter accessory building. The business use would take up approximately 78 square meters of the garage. The applicants wish to operate computer servers engaged in various data processing tasks.

6. 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 by Neil Carter for the property located at 2990 South Grimsby Road 18 (File No. 1601-002-22).

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.

7. 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 all relevant agencies on March 22nd, 2022 as well as a yellow sign posted on the subject property and posted on the Township's website on March 23rd, 2022.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted by Neil Carter for the property located at 2990 South Grimsby Road 18. (File No.: 1601-002-22).

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

The Planner, Madyson Etzl, provided an overview of the application and Technical Report PD-46-2022.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

The applicant, Neil Carter, was present for the Public Meeting and advised that the Planner had summarized the application well and that he was available to answer any additional questions that may arise.

The Chair asked if the applicant or their authorized agent were present to speak to the application. There were no comments from the applicants.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the proposed 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 comments or written submissions from any members of the public.

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 have 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.

There were no comments or written submissions from any Members of Committee

The Chair stated that a Technical Report was being considered by Council 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.

8. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 8:58 p.m.

JESSICA DYSON, DEPUTY CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR

197 Griffin Street

Public Meeting

Zoning By-law Amendment Application

April 11th, 2022

Prepared by NPG Planning Solutions Inc.



Description of Subject Lands

Lot Area: 838.5 m²

Frontage: 4.37 metres

Lot Depth: 57 metres

Existing Use: Mixed-Use –
Commercial/Residential

Surrounding Uses: Low Density
Residential, Commercial, West Lincoln
Ambulance Station, Vacant and Commercial

Zoning: Commercial (C1)



Proposed Development

- **The main building:** mix of 94.9 m² (1,022 ft²) of office leasable space with three (3) accessory dwelling units.



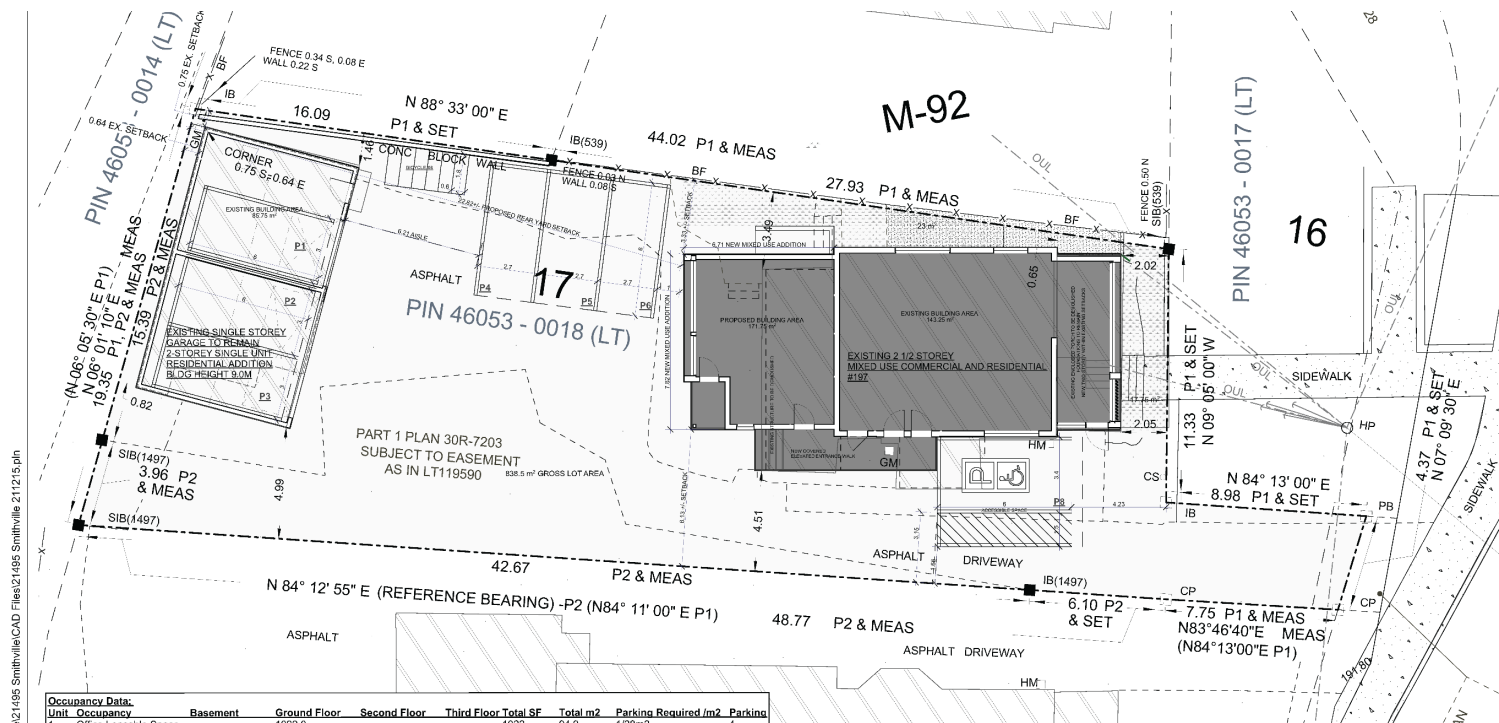
Proposed Development

- **Three (3) port garage (at rear):**
- Two (2) additional storeys to provide for one (1) additional dwelling unit.
- Height of 9.2 metres
- 10.2% Coverage for accessory building (as existing)
- 0.64 metres rear yard setback



Proposed Development

- **Parking Spaces:** Seven (7) parking spaces are proposed. Relief is being sought with respect to number of parking spaces & parking/aisle dimensions.



Proposed Development

- **Use-Based Provisions**

- **Permit:** accessory dwelling unit without a commercial use in an accessory building.
- **Permit:** 47 m² of the ground floor of the main building to be used as an accessory dwelling unit.

Supporting Information

- **Planning Justification Report** with an **urban design section** addressing guidelines within the **Smithville Urban Design Manual**.
- **Conceptual site plan**; and
- **Architectural Elevations**.

Comments

Agency:

- **Region:** No comments. Will review future Site Plan Application.
- **CP Rail:** General comments are provided regarding 2013 Proximity Guidelines. The proposed development is outside a noise influence area of the rail line.

Public:

- **108 West Street:** Shadowing & privacy from accessory building; Character of main building.
- **195 Griffin Street:** Safety regarding accessible parking space; Parking space length; concerns regarding snow storage and stormwater management; shadowing; and construction impacts.
- **59 Alma Drive:** Concerns pertain to design, heritage and compatibility.

Conclusion

- **Consistent with** the PPS
- **Conforms with** the Growth Plan, NROP, and Township of West Lincoln Official Plan
- **Conforms with** the Smithville Urban Design Manual
- **Compatible with** the surrounding neighborhood
- **Contributes to** complete communities and a full range of housing options.

3D Video

- <https://youtu.be/5o43LRLSdC4>

**TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING FOR PLANNING MATTERS
SITE ALTERATION APPLICATION**

April 11, 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

Absent: Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Madyson Etzl, Planner II
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Mike DiPaola, Director of Public Works and Recreation*
Kevin Geoghegan, IT Help Desk Analyst

Other Members: Tom Richardson, Township Solicitor* Peter Budd*
Neil Carter* Jared Marcus*
Sidney Thompson* Jill Anthony*
Lianne Timbers-Sharp* Kenneth Kranendonk*
Jesse Auspitz* Matt Wichmann*
Shawn Ryan* Andrea Wichmann*
WeeStream*

***IN ATTENDANCE PART-TIME**

Site Alteration Application - P. Budd Developments Inc. (File No. 3000-002-22)

1. PUBLIC MEETING

The Chair stated that the purpose of this meeting is to give an opportunity for the public and Members of Council to provide comments and/or ask questions regarding the importing of fill on lands owned by P. Budd Developments on the property legally described as Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

Site Alteration application has been submitted by Rankin Construction Inc. (Contractor) on behalf of P. Budd Developments Inc. (Owner) to import 35,000m³ (roughly 3500 truckloads) of fill to the property legally described as Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line. This is currently a vacant lot owned by P. Budd Developments Inc. The applicant has expressed that an estimated 35,000m³ (roughly 3500 truckloads) of fill will be imported to the site to grade the land to the proposed pre-grading plan in preparation for a future subdivision plan (currently draft plan approved).

2. Purpose of the Meeting

The Chair stated that the purpose of this meeting is to give an opportunity for the public and Members of Council to provide comments and/or ask questions regarding the importing of fill on lands owned by P. Budd Developments on the property legally described as Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line.

The Chair advised that public notice was circulated to applicable agencies and neighbouring properties within a 120-metre radius of the proposed project site on March 22nd, 2022.

The Chair asked the Director of Planning and Building, Mr. Brian Treble, to explain the issues relating to the proposed application. The Director of Planning & Building provided an overview of Technical Report PD-47-2022.

The Chair asked if there was anyone from the public that would like to ask questions and/or provide oral and/or written comments with respect to this application. The Chair advised that this may be the only public meeting being held with respect to this issue; therefore, noted that if any members of the public had any comments they should state them now.

Public Meeting for Planning Matters Minutes – P. Budd Developments – Site Alteration Application – April 11, 2022

1. Amy Smith
Las Road, Smithville

Amy Smith stated that their property butts up against the subject property and commented on the need for advance notice and a timeline for when contractors will be entering the property as there has been a temporary fence erected on their property. The Director of Planning & Building stated that the Township is not involved in any access to private properties, nor is this something that the Township would authorize. Mr. Budd stated that the company has a contractual obligation with the property in question and has come to an agreement with 4 property owners stating that P Budd Developments Inc. will take down the sound fence that is on top of the existing berm to regrade and complete additional work, which will be one of the first steps completed when pouring the fill. Mr. Budd stated that once the fill is brought in, the replacement of the fence can occur which, weather permitted, should be completed in 2-4 weeks' time.

The Chair asked if any Members of Committee had any oral or written submissions regarding the application. The Chair advised that this may be the only public meeting being held with respect to this issue; therefore, noted that if any Members of the Council had any comments they should state them now.

In response to Mayor Bylsma's question regarding the reuse of the existing top soil on the property, the Director of Planning & Building stated that the developer is working on installing siltation fencing. The first step following siltation fencing, will be to relocate the top soil and use that top soil on top of the fill to complete the project.

In response to Councillor Ganann's question regarding when the project will begin noting the concerns from residents with respect to the dirt and dust during the course of the summer months, the developer, Peter Budd, stated that the siltation fencing has started for the stripping of the top soil adding that the top soil will be stockpiled on the phase 2 lands and stored there until the land is graded and then the top soil can be placed back down. Mr. Budd stated that weather permitting, they are hoping to be in a position to start trucking the new fill in phase 1 within 2-3 weeks with the total amount of time to place all of the fill being a 6-8-week process.

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 have made a decision with respect to the proposed site alteration application 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 that 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 Website at 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.

3. Adjournment

The Chair advised that this public meeting with respect to the proposed Site Alteration Application is concluded at the hour of 7:47 p.m.

JESSICA DYSON, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR

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

MEETING NO. 4

April 11, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Jason Trombetta

Absent: Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Madyson Etzl, Planner II
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Mike DiPaola, Director of Public Works and Recreation*
Kevin Geoghegan, IT Help Desk Analyst

Other Members:	Tom Richardson, Township Solicitor*	Peter Budd*
	Neil Carter*	Jared Marcus*
	Sidney Thompson*	Jill Anthony*
	Lianne Timbers-Sharp*	Kenneth Kranendonk*
	Jesse Auspitz*	Matt Wichmann*
	Shawn Ryan*	Andrea Wichmann*
	WeeStream*	

***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 p.m. 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. 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 Tom Richardson, Township Legal Counsel, were in attendance for discussion of all confidential matters. The Director of Public Works and Recreation was in attendance for Item P36-22 and left prior to discussions of Item P37-22.

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 Shelley Bradaric

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:

4.1 Township Solicitor (Tom Richardson) and 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

4.2 Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Woodland Tree Cutting

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

Carried

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

That, this Committee meeting does now resume in open session at the hour of 7:29 p.m.

Carried

4.1 ITEM P36-22

Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

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

VERBAL UPDATE

Moved By Mayor Dave Bylsma

Seconded By Councillor Jason Trombetta

That, Township Staff and Legal Counsel be and are hereby authorized to proceed as directed in closed session through the implementation of the original Draft Plan of Condominium approval from 2009.

Carried

4.2 ITEM P37-22

Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Woodlot Tree Cutting

VERBAL UPDATE

Members of Committee rose without reporting.

5. PUBLIC MEETING(S)

Public Meeting(s) commenced at 7:30 p.m. following Confidential Matters.

PUBLIC MEETING(S) FOR PLANNING MATTERS

5.1 Site Alteration - P. Budd Developments Inc. (File No. 3000-002-22)

Re: Site Alteration application has been submitted by Rankin Construction Inc. (Contractor) on behalf of P. Budd Developments Inc. (Owner) to import fill to the property legally described as Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line (File No. 3000-002-22).

PUBLIC MEETING(S) UNDER THE PLANNING ACT

5.2 Zoning By-law Amendment - 197 Griffin Street (C A Real Estate Holdings)

Re: Zoning Bylaw Amendment has been submitted by NPG Planning Solutions (Agent) on behalf of C A Real Estate Holdings (Owner) for the property located at 197 Griffin Street (File No. 1601-005-22).

5.3 Zoning By-law Amendment - 2990 South Grimsby Road 18 (Neil Carter)

Re: Zoning Bylaw Amendment has been submitted by Neil Carter for the property municipally known as 2990 South Grimsby Road 18 (File No. 1601-002-22).

6. CHANGE IN ORDER OF ITEMS ON AGENDA

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

7. APPOINTMENTS

7.1 ITEM P38-22

Lianne Timbers-Sharp, Resident (Carter Drive)

Re: Crossings on the Twenty, Condo Development and Registration
FOR INFORMATION

Ms. Timbers-Sharp reviewed a PowerPoint Presentation (attached as **Schedule A**) regarding the Crossings on the Twenty South Condominium Development and Registration concerns.

The Director of Planning & Building discussed the process of the condominium registration and the Township's role with respect to the issues. The Director of Planning & Building stated that this condominium development dates back to 2009 when Draft Plan Approval was granted which only included the units of the west side of the road and was a condominium development that went right to the creek. The Director of Planning & Building stated that the lands between the end of the road and the creek have always been intended to be included as part of the plan of condominium and that was the approval that was granted by the Township, noting that the concept of making the land something other than land owned by the condominium is a situation created by the Developer. The Director of Planning & Building also stated that the Township has tried to work with the Developer to consider their concepts, however, the situation at hand is not a result of the Township and that Township staff are simply reacting to proposals being brought forward.

The Director of Planning & Building stated that at this time the Township has not received a letter that shows how the conditions of draft plan of condominium approval have been satisfied, nor has the draft plan of condominium been submitted to the Township for review and approval and for it to be sent to the registry office. Also, the draft declarations that have not yet been provided. The Director of Planning & Building stated that Township Staff cannot move forward until all of the appropriate documents are submitted, once they are submitted, staff will work as efficiently as possible to move forward with the approval.

Township Solicitor, Tom Richardson, stated that Township legal and staff have been working with the developers' lawyer and consultants in attempting to find a solution to a problem that does not stem from the Township.

The CAO provided some key points with respect to this issue, stating that (1) West Lincoln Council has concluded that its need for the lands the developer wishes to give to the Township are not required at this point in time. The costs associated with remediating the land and/or developing something like a trail are not planned for in our current or future capital budget plans; (2) it was never a condition of the condominium approval for the Township to take the lands; and (3) this situation now is completely within the purview of the developer to conclude the planning processes including the finalization of the condominium approval so that ownership can be transferred to the purchasers.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

That, the correspondence received from Lianne Timbers-Sharp regarding "Crossings on the Twenty, Condo Development and Registration", dated April 11, 2022, be received.

Carried

8. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items that were on the agenda.

9. 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.

9.1 ITEM P39-22

CONSENT AGENDA ITEMS

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

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

1. Items 1, 2, 3, and 4 be and are hereby received for information; and,
2. Items 5, 6, 7 and 8 be and are hereby received and that the recommendations contained therein be adopted with exception of Item No.(s) 1 &4.

Carried

2. Technical Report No. PD-37-2022 - 197 Griffin Street Application for Zoning Amendment - Christoph Arnold, Owner & NPG Planning Solutions, Agent (File No. 1601-005-22)
3. Technical Report No. PD-46-2022 – Zoning Bylaw Amendment – Neil Carter 2990 South Grimsby Road 18 (File No. 1601-002-22)
5. Recommendation Report No. PD-40-2022 - Marz Homes (Smithville West) Inc. Temporary Site Plan Authoring By-law for Sales Trailer (File No. 2100-02-22)
6. Recommendation Report No. PD-18-2022 - Site Plan Amendment Authorization 7484 Regional Road 20 – John Cadman Bristol Motors (File No. 2100-019-21)
7. Recommendation Report No. PD-38-2022 - Industrial Park Road (Part 2 of Plan 30R-15914) 1794733 Ontario Inc. AJ Clarke and Associates (Tristar Contracting) Authorizing By-law (File No. 2100-003-22)
8. Recommendation Report No. PD-43-2022 – Driveway and Entrance Review (File No. 1601-007-20)
1. Technical Report No. PD-47-2022 – P. Budd Developments Inc. Site Alteration Application for “Station Meadows West – Phase 1,” No. 3000-002-22

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

1. That, report PD-47-22, regarding “Technical Report – P. Budd Developments Inc. Site Alteration Application for “Station Meadows West – Phase 1,” No. 3000-002-22”, dated April 11, 2022 be RECEIVED; and,
2. That, a future recommendation report be presented to Committee and Council after all public and agency consultation have been reviewed.

Carried

4. Information Report No. PD-41-2022 - Marz Homes – Smithville Station Tree Planting (File No. 2000-65-05)

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That Report PD-41-2022, regarding “Information Report Marz Homes – Smithville Station Tree Planting, File No. 2000-65-05, dated April 11, 2022” be received for information purposes.

Carried

10. COMMUNICATIONS

There were no communications.

11. STAFF REPORTS

11.1 ITEM P40-22

Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-42-2022 – Zoning Bylaw Amendment – Van Andel and Boverhof (File No. 1601-004-22)

Moved By Councillor Harold Jonker

Seconded By Councillor Jason Trombetta

1. That, Report PD-42-2022, regarding “Recommendation Report - Zoning By-law Amendment– Van Andel and Boverhof (File No. 1601-004-22)”, dated April 11th 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-004-22 submitted by Van Andel and Boverhof - and a corresponding Zoning By-law be APPROVED and passed; and
3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

Carried

11.2 ITEM P41-22

Director of Planning & Building (Brain Treble)

Re: Recommendation Report PD-45-2022 - Building Fees By-law Review in accordance with Comprehensive User Fee Report

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

1. That, Report PD-45-2022 regarding "Recommendation Report - 2022 Building Fees By-law Review in accordance with Comprehensive User Fee Report" dated April 11, 2022, be RECEIVED, and;
2. That, a by-law be passed similar to the draft by-law found at attachment 1 to this report to establish new Building Permit Fees effective May 1, 2022.
3. That, a by-law be passed similar to the draft by-law found at attachment 2 to this report to establish new Swimming Pool Permit Fees to take effect on May 1, 2022.

Carried

12. OTHER BUSINESS

12.1 ITEM P42-22

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Mayor Bylsma

Re: Cairn Christian School - Breaking Ground

Mayor Bylsma stated that on Friday, April 8th, he was invited to a breaking ground event for a new addition to Cairn Christian School. Mayor Bylsma noted he was joined with some other dignitaries and that this addition shows the growth within the community and the Christian school community.

Councillor Trombetta questioned why other members of Council have not been made aware of the ground breaking ceremonies that have taken place within the last couple of weeks and if staff are also getting the Correspondence. In response to Councillor Trombetta's question, Mayor Bylsma stated that the invitation for Cairn school was sent directly from the school to the Mayor, nothing that there was nothing in the correspondence asking him to forward the invite. Councillor Reilly noted that there were communications on Cairn Christian School's social media page regarding the event.

2. Councillor Harold Jonker

Re: Live After Five Business Meeting at Domaine Queylus Winery

Councillor Jonker announced that the Chamber of Commerce is holding the first Live After Five Business event on Thursday April 14th, at Domaine Queylus Winery.

3. Counillor William Reilly

Re: Master Community Plan Open House

Councilor Reilly reminded the public of the virtual Open House for the Master Community Plan and requested that the Planner provide more information. Planner II, Gerrit Boerema, stated that there is an online virtual open house which is running on the Plan Smithville Website from April 13th - April 20th noting that members of the public can participate through providing comments and viewing of additional information in addition to a Special Council being held on April 27 at 6:30 p.m. with respect to the Smithville Master Community Plan.

13. NEW BUSINESS

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

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:44 p.m.

JESSICA DYSON, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR



Crossings on the Twenty South, Carter Drive, Smithville

LIANNE TIMBERS-SHARP

APRIL 11, 2022



OBJECTIVE:

- *Create awareness regarding the costs, risks and frustrations of the home “owners” of Crossings on the Twenty South, due to the ONGOING delay in registration of the condominium development.*
- **GOAL: IMMEDIATE HOME OWNERSHIP FOR THE RESIDENTS OF CARTER DRIVE**





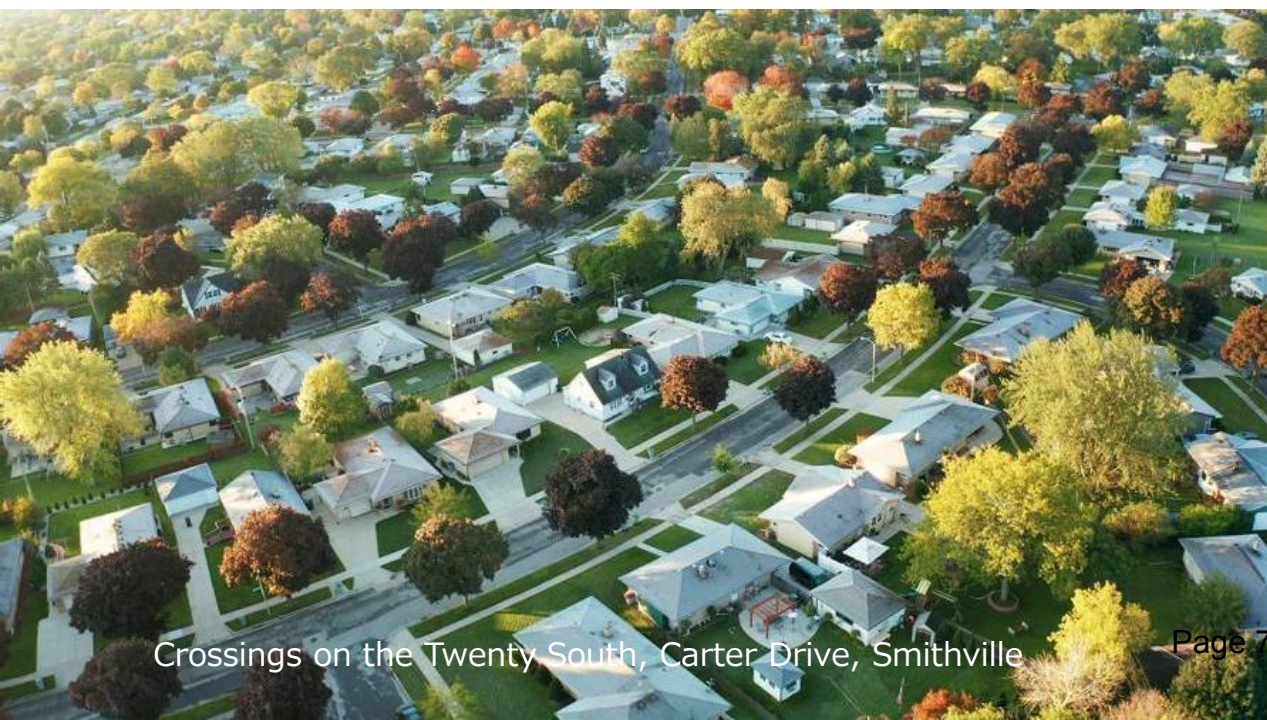
OUTLINE:

Owner Situation and Interim Occupancy

Termination Clause...The Clock is Running Out!

Letter from Developer

Expectations for the Future



It's been almost 2 years since the first owner moved in...we are being held hostage in a situation that doesn't involve us!

"We can't sleep, we are stressed, we are frustrated...all the while we pay out money and don't own our homes!"

TIMELINE OF INTERIM OCCUPANCY August 2020-April 2022

August 2020

First “owner” moves into unit, given **INTERIM OCCUPANCY STATUS**.

Pays monthly “rent” to builder incl. interest on amount owing, condo fees, property taxes.

August 2021

Last “owner” moves in”, paying **INTERIM OCCUPANCY FEES**.

24 unit owners now paying monthly fees of approx. **\$1600-\$1800 /month**

This does not apply to purchase cost. Comes directly out of our savings.

October 23, 2021

Residents receive the following email from the listing agent:

Dear Residents of Carter Drive

On behalf of the builder I would like to give an update on the progress of the development as we get closer to registering the condominium. The builder's consultants are dealing with the Township of West Lincoln to convey the additional lands to the north of the development to be parkland. Construction of decks, tree planting, driveway paving and a second coat of asphalt on the street is ongoing. Registration of the condominium will take place as soon as possible after the above items are complete. We appreciate your patience as we finish up this project.

April 2022

Residents remain stuck in INTERIM OCCUPANCY

Paid \$10000-\$25000 without owning their homes.

Contract time is running out.

Bank accounts are running low.

Mortgage rates are rapidly increasing.

BEING HELD HOSTAGE IN THE MIDDLE

Termination Clause

As per the Agreement of Purchase and Sale signed by the owners of Carter Drive, we are subject to a 24 month termination clause.



This clause states “If notwithstanding all reasonable steps taken by the Vendor, the condominium is not registered within 24 months after the occupancy date, unless otherwise agreed to, the agreement shall be terminated”



This means that starting August of 2022 (24 months from when the first owner was given interim occupancy), “owners” can essentially be evicted, if the condominium isn’t registered, putting us all at HIGH RISK of losing our homes and being HOMELESS. We have lost purchase power, while the homes we don’t “own” have gained substantial value.



Letter from DeHaan Homes (received April 4, 2022)

April 4, 2022

To all the residents of Carter Drive,

Further to our letter from February 21, 2022, I wish to update you on the situation regarding the registration of the condominium and the last condition of approval to satisfy the Township so they can accept the additional lands as described in my previous letter.

As you may or may not know, in late February planning staff was prepared to accept a proposed trail to intersect the additional lands and when it was brought to Council, Council decided it would be a better idea to propose a pedestrian bridge across the creek to connect the additional lands with the lands we own to the north. Council took a few weeks to realize that the cost to do that would be astronomical and has since decided at their last meeting that it would not be feasible.

Needles to say this has delayed the process again for another month, and so we are back at square one. Planning staff have now requested us to build a pedestrian trail from Ellis Street travelling east through the north part of Rock Street Park to the additional lands and end at the creek. We have provided the Township with a cost and a proposal, which they are discussing now and plan to bring to Council on April 11 for approval.

We trust that this will be accepted by the Township and Council and clear the condition of approval, so we can finally register the condominium.

We thank you for your patience as we deal with this. For further information, please contact your lawyer.



Arie DeHaan
President


What does our future hold?

We deserve ANSWERS!



We deserve RESOLUTION!

- *Now that there is a proposal from DeHaan Homes, can this issue get resolved tonight?*
- WE DESERVE:
- **to FINALLY OWN OUR HOMES**
- **to STOP PAYING unnecessary fees**
- **To STOP being the VICTIMS of a situation we were never made aware of, nor should be caught in the middle of.**



**The way to get
started is to quit
talking and
begin doing.**

W A L T D I S N E Y

Summary

Tonight, I have represented the home “owners” of Crossings on the Twenty South, Carter Drive.

I have passionately presented our case, our costs, risks and frustrations.

We do not care who is ultimately at fault here, but do know that WE ARE NOT.

It is now in your hands.....

Thank-you,

Lianne Timbers-Sharp, and the residents of Carter Drive.



**TOWNSHIP OF WEST LINCOLN
ADMINISTRATION/FINANCE/FIRE COMMITTEE
MINUTES**

MEETING NO. FOUR

April 19, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Jason Trombetta
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Mike Rehner
Councillor William Reilly

Staff: Bev Hendry, CAO
Joanne Scime, Clerk
Mike DiPaola, Director of Public Works and Recreation
Jessica Dyson, Deputy Clerk*
Kevin Geoghegan, IT Help Desk Analyst
Donna DeFilippis, Treasurer/Director of Finance
Dennis Fisher, Fire Chief
Cindy Weir, CEO - West Lincoln Public Library
Justin Paylove, Election Assistant*

Others: Stephen Barker, Joint Accessibility Advisory Committee*
Dylan Pilot, Beaver Scout*
Mr. Pilot*
Jesse Andrews, Account Manager, Voatz*
Nimit Sawhney, Cybersecurity Expert and CEO, Voatz*
Richard Catahan, General Manager, Voatz*
Ernest Niesto, Senior Project Manager, Voatz*
WeeStreem

* = IN ATTENDANCE PART-TIME

1. CHAIR - Councillor Jason Trombetta

Chair Trombetta called the meeting to order at approximately 6:30 p.m.
Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Trombetta made 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 had the opportunity to submit comments for matters that are on the agenda to jscime@westlincoln.ca prior to 4:30 pm on the day of the meeting, being today April 19, 2022. Any comments submitted are considered as public information and will be read into public record at a later point in the agenda.
3. This meeting was being livestreamed as well as recorded and will be available on the Township's website following the meeting.

2. LAND ACKNOWLEDGEMENT STATEMENT

Chair Trombetta 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 Hattiwendaronk (Hat-i-wen- DA-runk), 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. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

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

5. APPOINTMENTS

5.1 ITEM A25-22

Dylan Pilot, Beaver Scout

Re: Creation of a West Lincoln Citizen of the Year Award and Youth Citizen of the Year Award

Dylan Pilot, Beavers Scouts, reviewed his PowerPoint Presentation which was attached to the agenda, and advised that he was working to obtain his North Star Award for Beaver Scouts, which was an aware to complete a meaningful service project. Dylan stated that he was looking for

Township Council to support having a Citizen of the Year and Youth Citizen of the Year Program for West Lincoln as an opportunity to motivate and recognize people in the community to be nice and make a difference.

Following Dylan's presentation, most Members of Committee spoke and thanked Dylan for his informative presentation as well as recognizing his courage and being well spoken.

Councillor Ganann stated that many years ago the Township, as sponsored by the West Lincoln Chamber of Commerce, had a Citizen of the Year award which included a number of categories; however, she noted that the municipality had never had a Youth Citizen of the Year, which was a great idea and equally important to recognize youth in the community.

Moved By Councillor William Reilly

Seconded By Councillor Cheryl Ganann

1. That, the Township of West Lincoln Council support, in principle, a Citizen of the Year (COY) and Youth Citizen of the Year (YCOY) Program; and,
2. That, Dylan Pilot's COY & YCOY program presentation be referred to staff; and,
3. That, staff be hereby directed to investigate a West Lincoln Citizen of the Year (COY) & Youth Citizen of the Year (YCOY) program commencing in the Fall of 2022; and,
4. That, staff provide a recommendation at a future Standing Committee or Council meeting prior to the Fall of 2022.

Carried

5.2 ITEM A26-22

Nimit Sawhney, Cybersecurity Expert and CEO, Jesse Andrews, Account Manager, Richard Catahan, General Manager, Ernest Nieto, Senior Project Manager - Voatz Canada,

Re: Internet Voting as an Alternative Voting Methods for the Township's 2022 Municipal and School Board Election

POWERPOINT PRESENTATION ATTACHED

(Refer to Item A28-22 - Recommendation Report No. C-01-2022)

Members of Voatz Canada were in attendance, at the request of Township Staff and Council, to provide an overview of providing the Township with a secure voting alternative voting solution for the upcoming 2022 Municipal

and School Board Election to be held this Fall. Mr. Jesse Andrews, Accounts Manager, commenced the PowerPoint Presentation, which was attached the agenda.

Following the PowerPoint Presentation, Chair Trombetta asked the representatives from Voatz Canada to stay in attendance, if they could to address any questions or concerns from Members of Committee with respect to Clerk's Staff Report No. C-01-2022 (2022 Municipal and School Board Election - Alternative Voting Methods).

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Help Desk Analyst was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Help Desk Analyst confirmed he did not.

Additionally, the Chair asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk confirmed she had not.

7. CONSENT AGENDA ITEMS

7.1 ITEM A27-22

CONSENT AGENDA ITEMS

Moved By Mayor Dave Bylsma

Seconded By Councillor Harold Jonker

That the Administration/Finance/Fire Committee hereby approves the following Consent Agenda Items:

1. Items 1 and 2 be and are hereby received for information; and,
2. Item 3 be and is hereby received and the recommendations contained therein be adopted.

Carried

SUMMARY OF CONSENT AGENDA ITEMS APPROVED:

1. Information Report WLFD-05-2022 - Monthly Update March 2022
2. Information Report T-10-2022 - Financial Update as of March 31, 2022
3. Recommendation Report T-09-2022 - 2022 Tax Rate By-Law

8. COMMUNICATIONS

There were no communications.

9. STAFF REPORTS

9.1 ITEM A28-22

Deputy Clerk (Jessica Dyson) & Clerk (Joanne Scime)

Re: Recommendation Report C-01-2022 - 2022 Municipal and School Board Election – Alternative Voting Methods

**DEFERRED FROM THE MARCH 14, 2022 ADMINISTRATION/
FINANCE/FIRE COMMITTEE MEETING**

A number of questions and concerns were raised by Members of Committee which were addressed by representatives that were in attendance from Voatz Canada and staff.

In response to Councillor Ganann's inquiry and as noted in the agenda, the Deputy Clerk confirmed that the cost for the Township to provide internet voting, during the advance voting period, was included as part of the 2022 Budget allocation for election expenditures which was approved by Council in March 2022.

A recorded vote was requested by Councillor Reilly.

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report No. C-01-2022 regarding 2022 Municipal and School Board Election – Alternative Voting Methods, dated March 14, 2022, be received for information; and,
2. That, the Clerk be directed to proceed with the conduct of 2022 Municipal and School Board Elections including the use of optical scan vote tabulators and, during the advance voting period, internet voting; and,
3. That, Council accept the proposal from Voatz Canada Ltd. for the provision of internet voting services as outlined in this report; and,
4. That, a by-law authorizing the use of alternative voting methods and advance voting period in the 2022 Municipal and School Board Elections be presented to Council for ratification.

	For	Against
Councillor Jason Trombetta	X	
Councillor Shelley Bradaric	X	
Mayor Dave Bylsma		X
Councillor Cheryl Ganann	X	
Councillor Harold Jonker	X	
Councillor Mike Rehner	X	
Councillor William Reilly	X	
Results	6	1

Carried (6 to 1)

10. OTHER BUSINESS

10.1 ITEM A29-22

Councillor Harold Jonker

Re: Township of West Lincoln COVID-19 Vaccination Policy

Councillor Harold Jonker suggested that the Township repeal it's COVID Vaccination Policy as, it was his opinion, that most of the population were doubled vaccinated in Niagara Region and that currently, the Township's vaccination policy precludes someone that has not been doubled vaccinated to be hired for any new job opportunities within the Township. Councillor Jonker also questioned why the Emergency Operation Command was still meeting as it was his understanding that the Township's had recently terminated the Emergency Order that was put in place in early April 2020.

The CAO advised that the Township was committed to providing a safe and healthy work environment, including minimizing the risk of infection and transmission of COVID-19 to others in the workplace and to ensure business and operational continuity. The CAO advised that she receives information weekly from Niagara Public Health and noted that vaccination rates in West Lincoln lag quite substantially behind the regional average by approximately 12% for first dose and 11% for second dose; therefore, it would be reasonable to conclude that there was a higher risk of exposure and potential infection. The CAO stated that in light of the 6th wave and the prevalence of the Omicron B.2 variant, Administration feels that it need to continue its efforts to minimize the risk of infection and transmission to others in the workplace. The CAO advised that the Township has 100% compliance of its staff. The CAO advised that while the Township has terminated the Emergency Order there was no correlation between the EOC and an Emergency Order and the EOC can meet without the requirement of an emergency declaration.

The Fire Chief and CEMC, Dennis Fisher, stated that under the *Emergency Act*, if an Emergency had been terminated this does not mean the EOC cannot meet, and in fact, there are many things that need to be done once an emergency has been terminated which requires the group to meet (i.e. debriefing on what we did, what we could have done better). The Fire Chief/CEMC stated currently the EOC was meeting every other week; however, there was still a need for the Committee to meet to address ongoing matters including business operations and continuity as the Township was experiencing a number of staff over the past few days who have become ill with COVID and were in isolation for 5 days.

Mayor Bylsma stated that he did not support that Council had not endorsed/approved the Township's COVID Vaccination Policy and that it was the EOC that had written and implemented the policy for all Township employees including Members of Council, Boards and Committees.

The CAO advised that she was concerned that there was a chain of command issue between staff speaking to Members of Council as was alluded to by Mayor Bylsma. The CAO advised that Members of Council were included in the policy due to the fact that they are paid and receive group benefits. The CAO further noted that Council had unanimously endorsed a resolution supporting the work of the EOC by resolution on September 27, 2021, which she read into the record. Additionally, the CAO stated that Council had also supported a report that went to Council in late February 2022 regarding the possible termination of the Emergency Declaration and included the history of the emergency as well as Council's endorsement of the resolution from late September 2021.

Mayor Bylsma thanked the CAO for reading the resolution endorsement by Council in late September 2021; however, he noted that the resolution did not speak to Council's support for a COVID Vaccination Policy and that his reservation still stands as it relates to the EOC implementing policies.

Councillor Ganann advised that she had listened to a webinar today that was put on by the Chamber of Commerce who had invited Niagara's Acting Medical Officer, Dr. Hirji, who spoke to the current issues relating to COVID which he was still addressing as a pandemic (not an endemic). Councillor Ganann stated that with the increase of infections and hospitalizations, Dr. Hirji suggested businesses may want to consider putting the requirement of masking, distancing and screening in place as well as updating their vaccination policy to include the requirement of a third dose as well as looking and improving their ventilation system and

allowing windows to be open when weather permits. Councillor Ganann stated that Dr. Hirji also suggested that businesses allow for their staff to stay at home when they are sick, self screening, allowing for paid sick time and providing safeguards when staff return after a holiday (serge protocol protection).

In response to Councillor Jonker's inquiry, the Clerk confirmed that the Emergency Declaration was terminated at 12:01 a.m. on March 15, 2022.

The Fire Chief/CEMC reiterated the EOC does not require an Emergency Declaration in order to operate and the Township continues to have staff off due to COVID resulting in the need to address business operations and how we can meet service levels as well as addressing the other requirements that must be completed as part of the Emergency Act.

10.2 ITEM A30-22

Members of Committee

Re: Verbal Updates from Members of Boards and Committees - If required

There were no Members of Committee that had any verbal updates as it relates to their participation on other Boards and Committees.

10.3 ITEM A31-22

Members of Council

Re: Other Business Items of an Informative Nature

(1) Councillor William Reilly

Re: Easter Farmers' Market & Easter Egg Hunt

Councillor Reilly thanked staff for the work that they undertook to provide a successful Easter Farmers' Market and provided an opportunity for the community to come together.

Councillor Reilly stated that the Easter Egg Hunt held on Good Friday was also well received by the community and a huge success and that enjoyed the addition of the fire trucks, petting zoo and face painting.

(2) Mayor Dave Bylsma

Re: Big Brothers/Big Sisters

Mayor Bylsma stated that this afternoon he and the CAO had a meeting with Directors from Big Brothers/Big Sisters of Niagara North and West, which includes NOTL, St. Catharines, Grimsby, Lincoln and West Lincoln. Mayor Bylsma stated that Big Brothers/Big Sisters was one of the many organizations that were affected by COVID and they are now trying to

regroup and make adjustments and that we will see some positive events emerge.

(3) Councillor Cheryl Ganann

Re: Not-for-Profit Groups Participation in the Easter Farmers' Market & West Lincoln Chamber of Commerce Business After 5 Event

Councillor Ganann stated that she was pleased that not-for-profit groups, such as Kiwanis and West Lincoln Community Care, were invited to participate at the Easter Farmers' Market and she felt it was important that this provided opportunity for these groups to speak with the community regarding the need for volunteers and becoming involved, as well as providing a means to fundraise in order to give back to the community

Councillor Ganann stated that she also attended the West Lincoln Chamber of Commerce Business After 5 Event which was held at the only winery in West Lincoln, Queylus Winery, who were very welcoming and a lovely place to go for a glass of wine and food.

(4) Councillor William Reilly

Re: Blood Donor Clinic

Councillor Reilly noted that this Friday, April 22, 2022, John Calvin School will be hosting the Canadian Blood Services Blood Donor Clinic from 3 to 8 pm.

(5) Councillor Jason Trombetta

Re: Easter Farmers' Market & Upcoming Farmers' Market

Councillor Trombetta echoed the comments from Councillors Reilly and Ganann regarding the Easter Farmers' Market that was held this past Saturday from 9 am to 1 pm and that he was looking forward to the Farmers' Market that will be starting up very shortly. Councillor Trombetta added that he spoke to the Farmers' Market Coordinator on Saturday, noting that he was excited to hear that there are some new vendors that will be coming including food vendors.

11. NEW BUSINESS

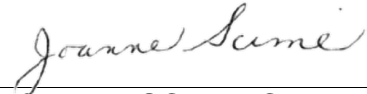
There were no new items of business raised by any Member of Committee in attendance.

12. CONFIDENTIAL MATTERS

There were no confidential matters.

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:43 p.m.



JOANNE SCIME, CLERK

COUNCILLOR JASON TROMBETTA,
CHAIR

TOWNSHIP OF WEST LINCOLN
PUBLIC WORKS/RECREATION/ARENA COMMITTEE
MINUTES

MEETING NO. THREE

April 19, 2022, 7:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor Harold Jonker
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Staff: Bev Hendry, CAO
Joanne Scime, Clerk
Mike DiPaola, Director of Public Works and Recreation
Steve McGean, Manager of Operations
Bob Denison, Manager of Parks, Recreation & Facilities
Cindy Weir, Interim Library CEO

1. CHAIR - Councillor Harold Jonker

Councillor Jonker called the meeting to order at 8:47 p.m.

Prior to commencing with the Public Works/Recreation/Arena Committee meeting agenda, Chair Jonker made 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 could have submitted comments for matters that were on the agenda to jscime@westlincoln.ca before 4:30 pm. today and any comments submitted would be considered public information and read into the public record at a later point in the agenda this evening.
3. The meeting was being recorded and would be available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

Chair Jonker 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 Hattiwendaronk (Hat-i-wen- DA-runk), 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. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

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

5. APPOINTMENTS

There were no appointments/presentations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if the IT Help Desk Analyst was aware if there were any members of the public who were in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Help Desk Analyst confirmed there was not.

Additionally, the Chair asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today, for which the Clerk confirmed she had not.

7. CONSENT AGENDA ITEMS

7.1 ITEM PW09-22

CONSENT AGENDA ITEMS

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That the Public Works/Recreation/Arena Committee hereby approves the following Consent Agenda Items:

1. Item 1 be and is hereby received for information; and,
2. Item 2 be and is hereby received and the recommendations contained therein be adopted.

Carried

SUMMARY OF CONSENT AGENDA ITEMS:

1. Information Report PW 08-22 - 2021 MECP Annual Water Inspection Report
2. Recommendation Report REC-04-2022 - 2022 Year of the Garden

8. COMMUNICATIONS

8.1 ITEM PW10-22

Ann-Marie Norio, Niagara Regional Clerk

Re: Report PW 15-2022 - Moving Transit Forward - Initial Transition Activities and Next Steps

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

1. That, the Township of West Lincoln recommends Niagara Regional Council to appoint Councillor William Reilly as a representative on the transitional Niagara Transit Commissioner Board, based on the criteria outlined in Niagara Region Report PW 15-2022 (Moving Transit Forward - Initial Transition Activities and Next Steps); and,
2. That, the Regional Clerk be notified of the appointment recommendation by no later than April 29, 2022.

Carried

9. STAFF REPORTS

9.1 ITEM PW11-22

Manager Parks, Recreations, and Facilities (Bob Denison) & Direct of Public Works & Recreation (Mike DiPaola)

Re: Recommendation Report REC-03-2022 - Funeral, Burial and Cremation Services Act, 2002 and Ontario Regulation 30/11

Councillor Reilly suggested that the Township make a request to meet with the Minister of Government & Consumer Services at the AMO Conference in June to bring forth the Township's concerns regarding the current legislations and regulations surrounding municipal requirements to take over and maintain abandoned cemeteries.

The Committee concurred with Councillor Reilly's above noted suggestion.

Moved By Mayor Dave Bylsma

Seconded By Councillor William Reilly

1. That, Recommendation Report REC-03-2022, "Funeral, Burial and Cremation Services Act, 2002 and Ontario Regulation 30/11", dated April 19, 2022 be received for information; AND
2. That, the Council of the Township of West Lincoln hereby supports Prince Edward County's call for Government action concerning the current legislation and regulations surrounding municipal requirements to take over and maintain abandoned operating cemeteries; AND
3. That, a copy of this resolution be sent to the Minister of Government & Consumer Services, ROMA, and all Ontario municipalities.

Carried

9.2 ITEM PW12-22

ADMENDMENT TO BUDGET

Manager of Operations (Steve McGean) & Director of Public Works and Recreation (Mike DiPaolo)

Re: Amendment to Budget – 2022 Motor Grader Purchase Authorization

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Recommendation Report PW-07-2022, "Amendment to Budget – 2022 Motor Grader Purchase Authorization", dated April 19, 2022, be received; and,
2. That, Council accept the RFP submission by Toromont CAT for the supply and delivery of the 2022 Motor Grader in the amount of \$596,500 (plus HST); and,
3. That Council approve a Budget Amendment (BA2022-02) in the amount of \$63,000 from the Equipment Reserve; and

4. That, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with Toromont CAT.

Carried

9.3 ITEM PW13-22

ADMENDMENT TO BUDGET

Project Manager (Ray Vachon) & Director of Public Works & Recreation (Mike DiPaola)

Re: Recommendation Report PW-06-2022 - 2022 Road Rehabilitation Project Tender Award (PW 2022-01) - Budget Amendment (BA2022-03)

Moved By Councillor William Reilly

Seconded By Councillor Mike Rehner

1. THAT, Recommendation Report PW-06-2022, re: "2022 Road Rehabilitation Project Tender Award (PW 2022-01) – Budget Amendment (BA2022-03)", dated April 19, 2022, be received; and,
2. THAT, Council awards the Tender submission to Walkers Construction Limited for the road rehabilitation work, in the amount of \$876,971.00 (excluding HST); and,
3. THAT a project contingency allowance in the amount of \$87,594.31 be provided for this project; and,
4. THAT, Budget Amendment BA2022-03 to re-allocate the financing for the four road projects included within this tender, as outlined in Appendix C, be approved; and,
5. THAT, a by-law be passed to authorize the Mayor and Clerk to enter into an agreement with Walkers Construction Limited.

Carried

9.4 ITEM PW14-2022

Manager of Parks, Recreation & Facilities (Bob Denison) & Director of Public Works & Recreation (Mike DiPaolo)

Re: Recommendation Report REC-05-2022 - 2022 Wellandport Grass Cutting Contract Request for Quotation (RFQ) Authorization, 3 Year Term

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

1. THAT, Recommendation Report REC-05-2022, re: "2022 Wellandport Grass Cutting Contract Request for Quotation (RFQ) Authorization, 3 Year Term", dated April 19, 2022 be received; and,

2. THAT, Council accept the quotation submission by George Lane Landscaping for a three-year contract, in the total amount of \$27,600.00 (plus HST); and,
3. THAT, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with George Lane landscaping.

Carried

10. OTHER BUSINESS

10.1 ITEM PW15-22

Members of Council

Re: Other Business Items of an Informative Nature

There were no Members of Committee that brought forth any other business items of an informative nature.

11. NEW BUSINESS


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

12. CONFIDENTIAL MATTERS

There were no confidential matters.

13. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:28 p.m.



JOANNE SCIME, CLERK

**COUNCILLOR HAROLD
JONKER, CHAIR**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-25

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL
OF THE CORPORATION OF THE TOWNSHIP OF WEST
LINCOLN AT ITS REGULAR MEETING HELD ON THE 28th DAY
OF MARCH, 2022.**

WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(1), provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(3) provides that except where otherwise provided, the powers of any Council shall be exercised by by-law;

AND WHEREAS in many cases, action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, the minutes of the fourth meeting, regular, held on the 28th day of March, 2022, of the Municipal Council of the Corporation of the Township of West Lincoln, be and the same are hereby adopted.
2. That, where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That, the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-26

**BEING A BY-LAW TO ADOPT THE ESTIMATES FOR THE
YEAR 2022 AND TO SET THE RATES OF TAXATION FOR
THE YEAR 2022.**

WHEREAS it is necessary for the Council of the Corporation of the Township of West Lincoln, pursuant to the Municipal Act 2001, ch. 25 to adopt the tax ratios and tax rate reductions for prescribed property classes set by the Regional Municipality of Niagara By-law No. 2022-13;

AND WHEREAS the tax ratios establish the relative amount of taxation to be borne by each property class;

AND WHEREAS the property classes have been prescribed by the Minister of Finance and the Assessment Act R.S.O. 1990, ch. A.31, s.7 and s.8 as amended and Regulations thereto;

AND WHEREAS it is necessary for the Council of the Corporation of the Township of West Lincoln, pursuant to the Municipal Act to levy on the whole of rateable property according to the last revised assessment roll for the Corporation of the Township of West Lincoln the sum set forth in Schedule “A”, and hereto attached for the current year;

AND WHEREAS it is necessary for the Council of the Corporation of the Township of West Lincoln, pursuant to the Municipal Act to levy on rateable property in the urban area of Smithville to pay for the costs of street lighting and sidewalk construction, repair and maintenance and the removal of snow from sidewalks according to the last revised assessment roll for the Corporation of the Township of West Lincoln the sums set forth in Schedule “A” hereto attached for the current year;

AND WHEREAS pursuant to the Regional Municipality of Niagara By-law 2022-13, the Regional Municipality of Niagara adopted estimates for all sums required by the Regional Municipality of Niagara for the purposes of the Regional Corporation and to provide a levy on Area Municipalities, as set forth in Schedule “A”;

AND WHEREAS pursuant to the Regional Municipality of Niagara By-law 2022-13 and Ontario Regulation 400/98 as amended, the Regional Municipality of Niagara directed the Council of the Corporation of the Township of West Lincoln to levy specified tax rates on the assessment for education, as set forth in Schedule “A”;

NOW THEREFORE the Council of the Corporation of the Township of West Lincoln enacts as follows:

1. The tax ratios and tax rate reductions for prescribed property classes set by the Regional Municipality of Niagara By-laws 2022-13 and 2022-14 are hereby adopted.
2. The estimates for the current year shall be as set forth in Schedule “A” attached to this by-law.
3. The rates of taxation per current value assessment for Township, West Lincoln Memorial Hospital (WLMH), Regional and Education shall be as set out in Schedule “A” attached to this by-law.
4. The rates of taxation per current value assessment for the urban service area of Smithville to pay for the costs of street lighting and sidewalk construction, repair and maintenance and the removal of snow from sidewalks shall be as set out in Schedule “A” attached to this by-law.

5. The levy provided for in Schedule "A" attached to this by-law shall be reduced by the amount of the interim levy for 2022.
6. For payments in lieu of taxes due to the Corporation of the Township of West Lincoln, the actual amount due to the Corporation shall be based on the assessment roll and the tax rates for the year 2022, unless otherwise amended by the Municipal Act or any regulations as established by the Minister of Finance.
7. For the railway rights of way taxes due to the Corporation of the Township of West Lincoln in accordance with the Regulations as established by the Minister of Finance, pursuant to the Municipal Act 2001, ch. 25, Section 315, the actual amount due to the Corporation shall be based on the assessment roll and the tax rates for the year 2022.
8. If any section or portion of this by-law or of the Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of the Council for the Corporation of the Township of West Lincoln that all remaining sections and portions of this by-law and schedules continue in force and effect.
9. For the year 2022 a pre-levy of taxes was authorized by by-law and that the levy provided for in Schedule "A" attached to this by-law shall be reduced by the amount of the interim levy for 2022 and the balance shall be due in two installments on July 29, 2021 and September 29, 2021.
10. The said final tax levy shall become due and payable in two (2) installments as follows: Fifty percent (50%) of the final tax levy shall become due and payable on the 29th day of July; fifty percent (50%) of the final tax levy shall become due and payable on the 29th day of September and nonpayment of the amount on the dates stated in accordance with this section shall constitute default.
11.
 - (a) "Default" in this section shall mean "the first day following the date taxes are due".
 - (b) There shall be imposed on all taxes a penalty for non-payment or late payment of taxes. Penalty and interest is fixed at a rate of 1.25%. Penalty and interest will accrue on unpaid taxes commencing the first day of default and also on the first day of each calendar month thereafter.
12.
 - (a) On all taxes of the final tax levy in default on January 1, 2022, interest will be added at the rate of 1.25 percent per month for each month or fraction thereof of default.
 - (b) On all other taxes in default on January 1, 2022, interest shall be added at the rate of 1.25 percent per month or fraction thereof, and all by-laws and parts of by-laws inconsistent with this policy are hereby rescinded.
13. If any section of the by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of the Council for the Corporation of the Township of West Lincoln that all remaining sections of this by-law continue in force and effect.
14. Penalties and interest added on all taxes of the final tax levy in default shall become due and payable and shall be collected forthwith as if the same had originally been imposed and formed part of such unpaid final tax levy.
15. The Treasurer shall cause to be mailed to the residence or place of business of such person indicated on the last revised assessment roll, a notice specifying the amount of taxes payable.
16. A failure to receive the aforesaid notice in advance of the date for payment of the interim levy or any installment, does not affect the timing of default or the date from which interest shall be imposed.
17. All taxes shall be paid into the office of the Treasurer or to such financial institutions authorized by the Municipal Act and approved by the Treasurer.

18. This by-law shall come into force and effect upon the date of the final reading thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
DAY OF APRIL 25th, 2022**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-27

A BY-LAW TO AUTHORIZE AN AMENDING SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, 2284658 ONTARIO INC., AND ANY MORTGAGEES FOR LANDS DESCRIBED AS CONCESSION 9, PART LOT 19, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN (MUNICIPALLY KNOWN AS 7484 REGIONAL ROAD 20).

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into an amending Site Plan Agreement with 2284658 Ontario Inc. & any Mortgagees, for lands legally described as Concession 9, Part Lot 19, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 7484 Regional Road 20);

AND WHEREAS approval and authority for such amending agreement is required;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT the Council of the Corporation of the Township of West Lincoln enter into an amending Site Plan Agreement with 2284658 Ontario Inc. & any Mortgagees, for lands legally described as Concession 9, Part Lot 19, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 7484 Regional Road 20);
2. THAT the Mayor and Clerk be and each of them is hereby authorized to sign the said amending Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said amending Site Plan Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. THAT a copy of the said amending Site Plan Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF APRIL 2022.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-28

A BY-LAW TO AUTHORIZE AN AMENDING SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND 1794733 ONTARIO INC. AND ANY MORTGAGEES FOR LANDS DESCRIBED AS CONCESSION 8, PART LOT 5, RP30R-15101 PART 2, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with 1794733 Ontario Inc. and any Mortgagees for lands legally described as Concession 8, Part Lot 5, RP30R-15101 Part 2, in the former Township of South Grimsby, now in the Township of West Lincoln;

AND WHEREAS approval and authority for such Agreement is required;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

- 1. THAT the Council of the Corporation of the Township of West Lincoln enter into a site plan agreement with 1794733 Ontario Inc. and any Mortgagees for lands legally described as a lot 5, RP30R-15101, Part 2, in the former Township of South Grimsby, now in the Township of West Lincoln.
- 2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Plan Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
- 3. That a copy of the said Site Plan Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25TH DAY OF APRIL, 2022.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

**THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN BY-LAW NO. 2022-30**

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT Schedule 'A' Map 'B2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 9, Part Lot 33, RP 30R6289; PART 1, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2723 South Grimsby Road 18, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'B2' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to a Rural Residential 'RuR'.
3. THAT Schedule 'A' Map 'B2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 9, Part Lot 33, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2645 South Grimsby Road 18, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
4. THAT Map 'B2' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to an Agricultural zone with a site specific provision 'A-213' zone.
5. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
 1. A-213
Permitted Uses:
As per the parent zone
Regulations:
As per the parent zone, except a minimum lot area of 20.7 hectares whereas 40 hectares is required.
6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND
THIRD TIME AND FINALLY PASSED
THIS 25TH DAY OF APRIL 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-30

Location:

This By-law involves a parcel of land located on the east side of South Grimsby Road 18, legally known as Concession 9, Part Lot 33, RP 30R6289; PART 1, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2723 South Grimsby Road 18.

As well as a property that is located on the north and east side of South Grimsby Road 18, legally known as Concession 9, Part Lot 33, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2645 South Grimsby Road 18.

Purpose & Effect:

Parcel 1 of the subject lands were zoned Agricultural 'A' and Environmental Protection 'EP'. The rezoning for Parcel 1 zoned the subject lands that were Agricultural 'A' to Rural Residential 'RuR' and maintained the Environmental Protection 'EP' zones.

Parcel 2 of the subject lands were zoned Agricultural 'A' and Environmental Protection 'EP'. The rezoning for Parcel 2 zoned the subject lands that were Agricultural 'A' to Rural Residential 'RuR' and maintained the Environmental Protection 'EP' zones.

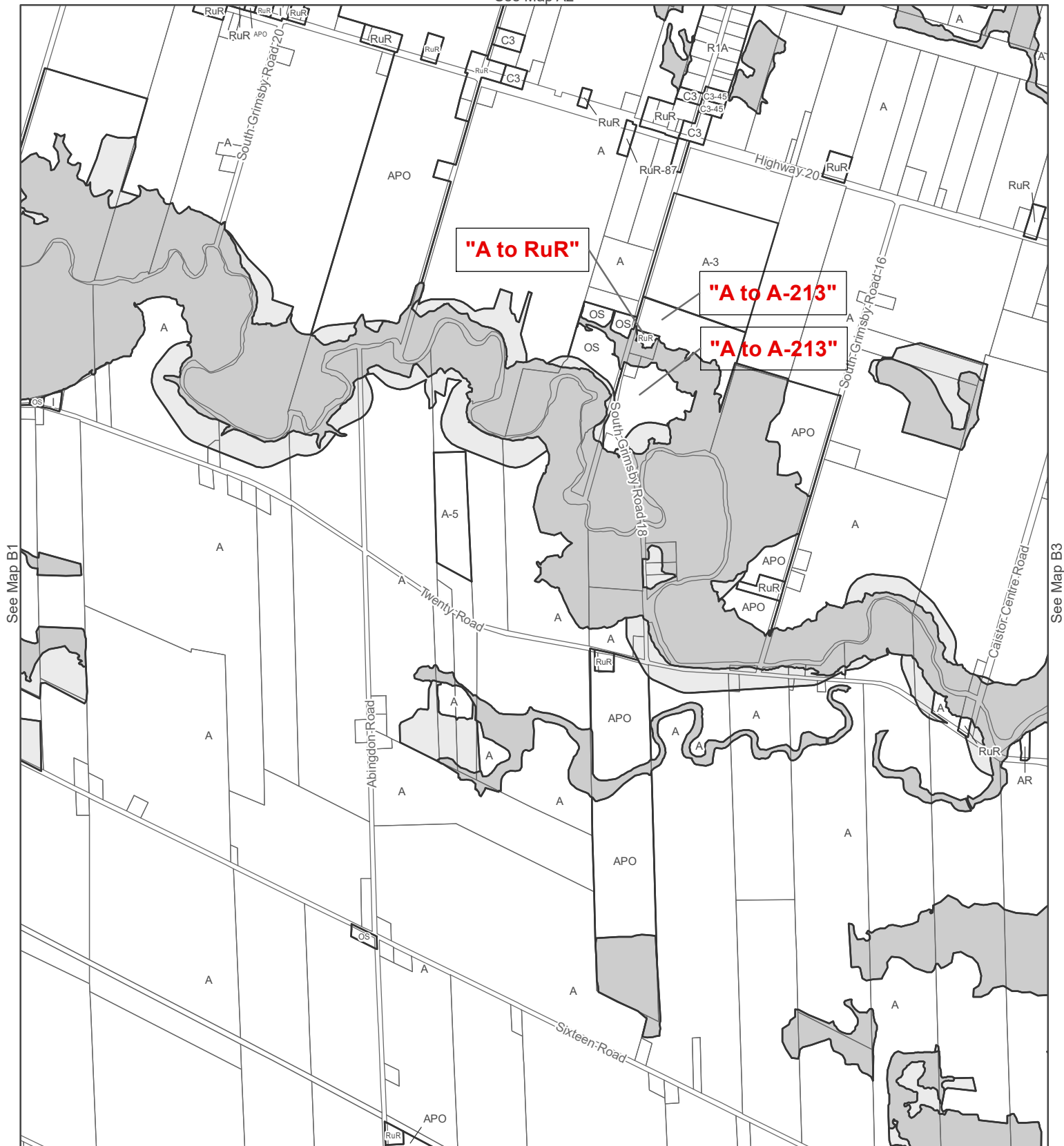
Parcel 3 of the subject lands were zoned Agricultural 'A', Environmental Protection 'EP' and Environmental Conservation 'EC'. The rezoning for Parcel 3 rezoned the subject lands from Agricultural 'A' to Agricultural with a site specific provision to recognize a deficient lot size of 20.7 hectares whereas 40 hectares is the required minimum.

Public Consultation:

The Public Meeting was held on Monday March 21st, 2022. The Township did not receive any verbal or written comments regarding this application.

File: 1601-004-22

Applicants: Van Andel and Boverhof



See Map B1

See Map B3

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

Legend

- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Page 102 of 139

Township of West Lincoln
 Schedule A
 Zoning By-law No.2017-70

Map **B2**

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Last Updated: January 2021

Page 7 of 56

**THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN BY-LAW NO. 2022-30**

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT Schedule 'A' Map 'B2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 9, Part Lot 33, RP 30R6289; PART 1, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2723 South Grimsby Road 18, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'B2' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to a Rural Residential 'RuR'.
3. THAT Schedule 'A' Map 'B2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 9, Part Lot 33, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2645 South Grimsby Road 18, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
4. THAT Map 'B2' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to an Agricultural zone with a site specific provision 'A-213' zone.
5. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
 1. A-213
Permitted Uses:
As per the parent zone
Regulations:
As per the parent zone, except a minimum lot area of 20.7 hectares whereas 40 hectares is required.
6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND
THIRD TIME AND FINALLY PASSED
THIS 25TH DAY OF APRIL 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-30

Location:

This By-law involves a parcel of land located on the east side of South Grimsby Road 18, legally known as Concession 9, Part Lot 33, RP 30R6289; PART 1, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2723 South Grimsby Road 18.

As well as a property that is located on the north and east side of South Grimsby Road 18, legally known as Concession 9, Part Lot 33, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2645 South Grimsby Road 18.

Purpose & Effect:

Parcel 1 of the subject lands were zoned Agricultural 'A' and Environmental Protection 'EP'. The rezoning for Parcel 1 zoned the subject lands that were Agricultural 'A' to Rural Residential 'RuR' and maintained the Environmental Protection 'EP' zones.

Parcel 2 of the subject lands were zoned Agricultural 'A' and Environmental Protection 'EP'. The rezoning for Parcel 2 zoned the subject lands that were Agricultural 'A' to Rural Residential 'RuR' and maintained the Environmental Protection 'EP' zones.

Parcel 3 of the subject lands were zoned Agricultural 'A', Environmental Protection 'EP' and Environmental Conservation 'EC'. The rezoning for Parcel 3 rezoned the subject lands from Agricultural 'A' to Agricultural with a site specific provision to recognize a deficient lot size of 20.7 hectares whereas 40 hectares is the required minimum.

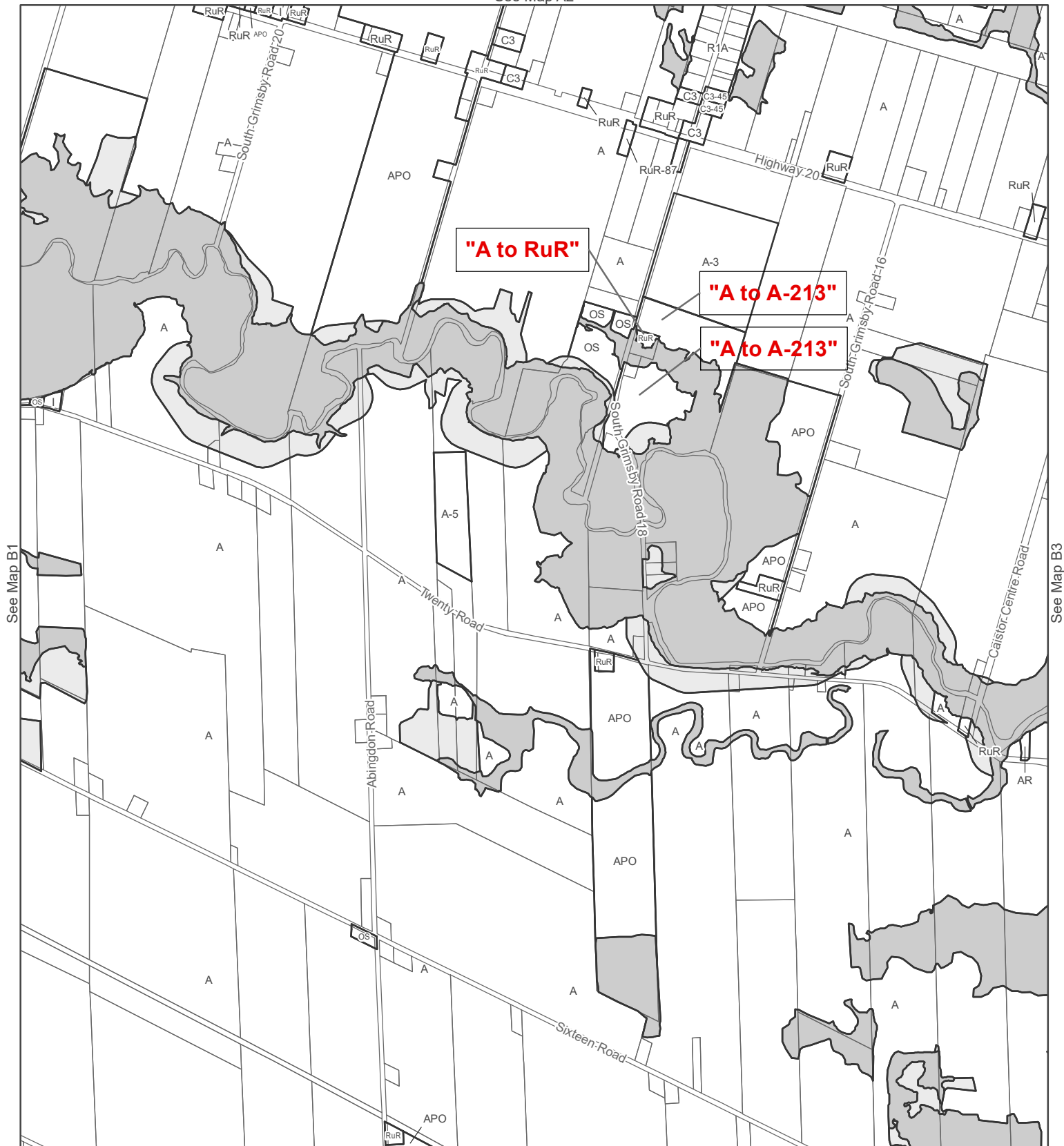
Public Consultation:

The Public Meeting was held on Monday March 21st, 2022. The Township did not receive any verbal or written comments regarding this application.

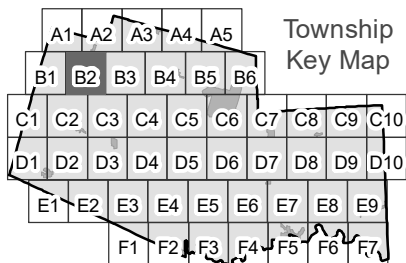
File: 1601-004-22

Applicants: Van Andel and Boverhof

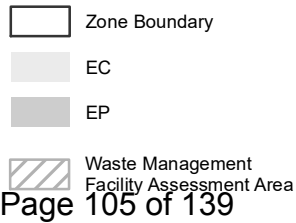
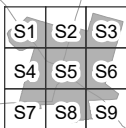
See Map A2



See Map C2



Smithville Key Map



Township of West Lincoln

Schedule A

Zoning By-law No.2017-70

1:20,000

0 500 m

Last Updated: January 2021

Map
B2

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-31

A BY-LAW TO REGULATE DRIVEWAYS, NEW AND ALTERED ENTRANCES, THE MAINTENANCE AND PROTECTION OF BOULEVARDS AND TOWNSHIP RIGHT OF WAYS WITHIN THE TOWNSHIP OF WEST LINCOLN (ENTRANCE & BOULEVARD BY-LAW)

WHEREAS pursuant to provisions of subsection 11 (2) (6) of the *Municipal Act, 2001*, S. 0. c. 25 as amended a municipality may pass by- laws respecting the health, safety and wellbeing of persons;

AND WHEREAS subsection 11 (2) (8) of the *Municipal Act* provides that a municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS subsection 27 (1) of the *Municipal Act* grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction;

AND WHEREAS subsection 28 (2) of the *Municipal Act* grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28 (2) (a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28 (2) (b)];

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do so under this by-law, but has failed to do so and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Municipal Council of the Corporation of the Township of West Lincoln enacts as the following, to be known as the Entrance and Boulevard Bylaw:

1. INTERPRETATION

1.1 Definition(s)

"Apron" shall mean that section of driveway contained within the boulevard;

"Back Lot Property" shall mean that portion of a property where the rear yard is adjacent to a municipal road allowance;

"Boulevard" shall mean the portion of a highway on either side of a roadway, but does not include a sidewalk or traffic island.

"Boulevard Garden" shall mean a cultivated assortment of plants contained within a municipal boulevard. Such plants must be non woody and not noxious as defined in the *Weed Control Act R.S.O. 1990 c.w.5* and deemed not to be "Herbaceous Ground Cover"

"Culvert" shall mean a structure that channels water under an obstruction such as a road or driveway and is typically embedded as to be surrounded by soil.

"Dangerous Items" shall mean anything deemed to be dangerous or a public safety hazard to the traveling public at the discretion of the Director of Public Works for the Township of West Lincoln;

"Director of Planning" shall mean the Director of Planning, Building and By-law for the Township of West Lincoln, or designate;

"Director of Public Works" shall mean the Director of Public Works & Engineering, or designate.

"Entrance" shall mean the area between the front property line of a lot to the edge of pavement within a municipal right of way providing access to parking areas.

"Entrance and Boulevard Construction Permit" shall mean a permit issued under the

regulations of this bylaw.

"Herbaceous Ground Cover" shall mean, but is not limited to, turf grass and plant materials which can be maintained at a height of 8 inches (20 cm) or less and deemed not to be a "Boulevard Garden"

"Highway" shall mean a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, or any other way open to public use, and includes the area between the lateral property lines thereof;

"Lot" shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal title to the said parcel of land was lawfully and effectively conveyed or which is a whole lot as shown on a registered plan of subdivision pursuant to the provisions of the *Planning Act*;

"Lot Line" shall mean any boundary of a lot;

"Maintenance" shall mean an action required to maintain a boulevard in compliance of the "Entrance and Boulevard By-law" including but not limited to, cutting, watering and removal of debris;

"Municipal Law Enforcement Officer" shall mean an employee of the Township who has been appointed by by-law to enforce the provisions of Township by-laws;

"Noxious Weed" means a plant that is deemed to be a noxious weed under subsection 10 (2) or designated as a noxious weed under clause 24(a) of the *Weed Control Act* R.S.O. 1990 c.w.5; ("mauvaise herbe nuisible")

"Owner" shall mean the person or persons shown in the Land Registry Office record or records of the land at the registry office, or Municipal tax roll, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property;

"Parking Area" shall mean an area of a lot or boulevard consisting of one or more driveways, parking aisles and parking spaces located outdoors or in a structure.

"Roadway" shall mean the portion of a highway that is improved, designed, or ordinarily used for vehicular traffic, and includes a curb and shoulder;

"Township" shall mean the Corporation of the Township of West Lincoln;

"Township Right of Way" shall mean land owned by the Corporation of the Township of West Lincoln as opened or unopened road allowances for the purposes of operating a public highway under the Municipal Act, 2001, a public walkway, municipal services, or public utilities, but excludes Township owned lands operated as parkland, creeks and watercourse and related public trail systems.

"Zoning Bylaw" shall mean the Township of West Lincoln Bylaw 2017-70, as amended, or any successors thereto.

2. GENERAL PROVISIONS

- a. This By-law shall apply to all Driveways, Entrances, Boulevards and Township owned Right of Ways within the boundaries of the Township of West Lincoln.
- b. Alterations to existing driveways, entrances, boulevards and Township owned Right of Ways, as well as new driveways and entrances require approval from the Township, unless exempted in Section 6.
- c. It is the responsibility of the applicant or owner to obtain the necessary utility locations prior to any excavation work.
- d. The applicant or owner shall obtain a Niagara Peninsula Conservation Authority (NPCA) Permit for any work requiring said permit prior to the issuance of a Township Entrance and Boulevard Construction permit.
- e. A security deposit of \$1,250.00 shall be provided to the Township with the submission of any application made under this bylaw. Additional security may be required depending on the scale and nature of the project, as determined by the Director of Public Works. The security shall be released in accordance with the following:

- f. The applicant has requested in writing the release of the security deposit
- g. All affected areas pertaining to the project have been restored, including the compaction of backfill material and the placement of topsoil and sod, and in accordance with Township Engineering Standards and the Ontario Provincial Engineering Standards (OPS), to the satisfaction of the Director of Public Works.
- h. All conditions of the permit have been satisfied to the satisfaction of the Director of Public Works.

2.1 New and Altered Driveways and Entrances within the Right of Way

- a. Prior to the construction of any new driveway or entrance, or the alteration to existing driveways or entrances within or abutting a Township Road Allowance, an Entrance and Boulevard Construction permit must be applied for and issued by the Township of West Lincoln using the form found in Schedule 'A'. The application shall include the following items:
 - i. A detailed site sketch showing the location and dimensions of the proposed driveway and entrance and any other entrances already existing on the subject property. The sketch must be to scale and show any relevant above or below ground information such as telephone poles or other infrastructure.
 - ii. The applicable application fee.
 - iii. The applicable application security deposit.
 - iv. Certificate of Insurance
- b. Only the Owner of the lot which abuts the portion of Highway where a new or altered entrance or driveway is proposed can make such application to the Township.
- c. All Driveways and Parking Areas are to be constructed in accordance to the Township Zoning Bylaw 2017-70, as amended from time to time.
- d. The Township reserves the right to refuse new entrances or driveways within the Township's Road allowance if, in the opinion of the Township, the location of a new or altered driveway or entrance creates a safety concern, or drainage concern or other reason, as determined by the Township's Director of Public Works.

2.2 New or Replacement Culverts

- a. Any person requiring the construction or replacement of a culvert or bridge over a drain or watercourse within a highway in order to give access to private property, shall be permitted to have the same constructed upon application for a permit to the Corporation.
- b. The minimum diameter of any culvert or bridge shall be fifteen inches (15") and the minimum length shall be thirty feet (30') for residential and forty feet (40') for agricultural/commercial /industrial. These dimensions may be increased at the discretion of the Director of Public Works, if required by the size of the drain or watercourse, or to prevent obstruction or flooding or for reasons of safety.
- c. The type and material of the culvert used shall be determined by the Director of Public Works or designate

2.3 Alterations to Boulevards

- a. Prior to undertaking of any alteration within the Township's Boulevard, an Entrance and Boulevard Construction permit must be applied for and issued by the Township of West Lincoln using the form found in Schedule 'A'. The application shall include the following items:
 - i. A detailed site sketch showing the proposed alterations. The sketch must be to scale and show any relevant above and below ground information such as telephone poles or other infrastructure and provide dimensions are areas of the proposed work.
 - ii. The applicable application fee.
 - iii. The applicable application security deposit.
 - iv. Certificate of Insurance
- b. Only the Owner of the lot which abuts the portion of Highway where a new or altered entrance or driveway is proposed can make such application to the Township.

- c. The Township reserves the right to refuse boulevard alterations if, in the opinion of the Township the boulevard alteration creates a safety concern, maintenance concern or drainage concern or other reason.

2.4 General Maintenance of Boulevards

- a. Every Owner of any lot which abuts a Highway shall keep the Boulevard neat and free of any and/or all rubbish and debris.
- b. Every Owner of any lot which abuts a Highway shall ensure that a boulevard containing herbaceous round cover is cut and maintained at a height of no more than 20 cm (8 inches).
- c. Every Owner of any lot which abuts a Highway shall ensure that a Boulevard containing a Boulevard Garden is maintained at a height of no more than 76 cm (30 inches).
- d. Every Owner of any lot which abuts a Highway shall ensure that a Boulevard containing a Boulevard Garden does not obstruct or overlay any sidewalk or curb abutting the Boulevard Garden.
- e. Every Owner of any lot which abuts a Highway in the Township of West Lincoln shall leave a 3 metre clearance around municipal fire hydrants.

2.5 Damage

- a. No person shall damage, construct or reconstruct a sidewalk, curb, apron driveway or boulevard without the written permission of the Director.
- b. For the purposes of Section 2.4 a), "Person" shall not include the Township, the Regional Municipality of Niagara, a utility or a contractor hired by the Township, Region or utility.
- c. Height of herbaceous ground cover need not be maintained in:
 - i. areas that are designated as Environmental Protection or Agriculture under the applicable Zoning By-law;
 - ii. when a boulevard abuts public lands.
- d. Every owner shall:
 - i. maintain any hedges or fences on their property to ensure that the hedges or fences do not encroach onto the boulevard;
 - ii. shall obtain special permission from the Municipality for the removal and/or planting of trees within the boulevard;
 - iii. not alter an area of the boulevard that is regularly maintained by the municipality.
- e. The Township or any other authorized utility reserves the right to excavate any boulevard for the repair of any infrastructure. The Township of West Lincoln will attempt to contact and notify the homeowner in advance. Any restoration is at the discretion of the Township of West Lincoln and, if any plants are removed the Township will not incur the expense to replant.
- f. For boulevards on which the owner or occupier of commercial or residential property fronting upon any boulevard has either installed, or has allowed to remain, rocks, trees, shrubs, other types of vegetation or any other type of decorative covering or fencing, such owner or occupier shall ensure that such coverings and physical structures, in the opinion of the Director of Public Works or designate, do not obstruct, interfere with, impede, or affect the following:
 - i. Road maintenance including snow removal;
 - ii. Utility services;
 - iii. Pedestrian use of sidewalks;
 - iv. Traffic sight lines in compliance with the Township of West Lincoln Zoning By-law;
 - v. Clearance of at least 3 metres from any fire hydrant or fire hydrant valve in compliance with the by-law to provide for the regulation of water supply in the Township of West Lincoln ("Water Conservation By-law");

- vi. Public health or safety.

3. FAIL TO COMPLY WITH ORDER ISSUED UNDER BY-LAW

- a. Where any Person damages a boulevard by any means or is in default of the provisions of this By-law, a letter will be sent from the Township to the Owner requiring that the damage and/or default be remedied. If no action is taken within the time frame set out in the Notice, the Township may repair the damage or take remedial action to cut and trim the grass, weeds, herbaceous plants and other vegetation growing on the boulevard and charge the cost back to the Owner.

4. PENALTY

- a. Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine recoverable under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- b. Every person who contravenes any provision of this By-law and each Owner, when given a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, is liable to pay the Township an administrative penalty in the amount specified in the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time.

5. ENFORCEMENT

- a. Municipal Law Enforcement Officers are hereby authorized and empowered to enforce the provisions of this By-law.
- b. Municipal Law Enforcement Officers and persons under their direction may, at any reasonable time, enter onto lands within the Township to determine if the provisions of this By-law are being complied with or may enter onto any lands within the Township to carry out remedial actions required to bring the property into conformity with this By-law.
- c. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

6. EXEMPTIONS

- a. This By-law shall not apply where the obstruction is permitted under a valid and binding encroachment agreement or permit between a person and the Township of West Lincoln.
- b. This By-law shall not apply to any sign that is in compliance with the Township of West Lincoln Sign By-law.
- c. This By-law shall not apply along Regional Roads.
- d. This By-law shall not apply to driveways, parking areas, culverts or boulevards constructed under approval or requirement of an engineering, planning or similar agreement, limited to Plans of Subdivision.
- e. The persons listed below shall be exempt from the provisions of this bylaw:
 - i. The Corporation of the Township of West Lincoln
 - ii. The Regional Municipality of Niagara

7. DAMAGE TO BOULEVARD

- a. A By-law Enforcement Officer may enter upon any land or property at any reasonable time with proper identification to determine if the owner is complying with the provisions of this by-law and may take photographs of the property's condition.
- b. Where a property is not maintained in accordance with the requirements of this By-law:
 - i. The Township may serve the owner a Work Order in writing directing the owner of the property to bring the property into conformance with the requirements of this By-law; and,
 - ii. The owner shall repair, remove or clean up all contraventions identified on the Work Order within seven (7) days of the Work Order being served.

8. SERVICE

- a. Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:
 - i. When a copy is delivered to the person to whom it is addressed;
 - ii. On the 5th day after a copy is sent by registered mail to the person's last known address;
 - iii. Where service is unable to be done under subsections 8.1 (1) or (2), notice maybe given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Owner or Occupant.

9. FAILURE TO COMPLY

- a. Where an owner, having been served with a Work Order, fails to comply with the Work Order within the time specified, a By-law Enforcement Officer or the Township's employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the property at a reasonable time and carry out any or all of the work described in the Work Order.

10. SEVERABILITY

- a. If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Township that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

11. SCHEDULES

- a. Schedule 'A' – Entrance Boulevard Construction Permit Application, and Schedule 'B' Administrative Monetary Penalties, form part of this bylaw.

12. BYLAWS REPEALED

- a. Previous Bylaws being the Boulevard Maintenance Bylaw 2016-64 and the Culvert Bylaw, 97-98, amended by Bylaw 2002-119, be and is hereby repealed.

13. EFFECTIVE DATE

- a. This By-law shall come into full force and effect on May 1, 2022

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 25th
DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

For Use by Township Staff (Principal Authority)

Application Number:

Date Received:

Permit Number (if different):

Date Permit Issued:

Application Submitted to: **Township of West Lincoln**

FINAL INSPECTION DATE:

A. Project information

Street Address:

Unit No.

Lot/Con:

Municipality:

Postal Code:

Plan Number:

Estimated Project Value: \$

Area of Work (m²) or width of Proposed Entrance/Driveway(m):

B. Purpose of application (Select all that apply)

☐ New Entrance/Driveway ☐ Alteration to existing Entrance/Driveway ☐ Alteration to Boulevard ☐ Curb Cut ☐ Replacement Culvert

Please select N/A if not applicable:

Current Driveway Width: _____ metres or N/A ☐ Proposed Driveway Width _____ metres or N/A ☐

Proposed Culvert Width: _____ metres or N/A ☐

Proposed Culvert Diameter: _____ metres or N/A ☐

Proposed Culvert Material: _____

Description and Purpose of Proposed Work:

C. Applicant/Contractor

Applicant is: ☐ Owner or ☐ Authorized Agent of Owner (if selected complete and attach authorization form)

Last Name:

First Name:

Corporation or Partnership:

Street Address:

Unit No.

Lot/Con:

Municipality:

Postal Code:

Province:

Telephone Number:

Cell Number:

Email:

Personal information collected will be used for the purposes indicated only, in accordance with the Municipal Freedom of Information and Privacy Act. Questions regarding the collection of personal information may be directed to the Office of the Municipal Clerk.

Township of West Lincoln

318 Canborough Street – Box 400, Smithville ON L0R 2A0
PLEASE SUBMIT APPLICATIONS TO orts@westlincoln.ca
Questions – Call 905-957-3346 ext. 5139

D. Owner (if different from applicant)

Last Name: _____ First Name: _____ Corporation or Partnership: _____
Street Address: _____ Unit No. _____ Lot/Con: _____
Municipality: _____ Postal Code: _____ Province: _____
Telephone Number: _____ Cell Number: _____ Email: _____

E. Checklist

- ☐ Site Plan Sketch
- ☐ Certificate of Insurance naming (the Corporation of the Township of West Lincoln) as additional or co-insured minimum \$2,000,000.00 for residential permits and \$5,000,000.00 for commercial/industrial permits
- ☐ W.S.I.B Clearance Certificate (If a Contractor will be completing the work)
- ☐ Location of work staked
- ☐ Applicable fee (\$150 regular fee, doubled if work done without permit)
- ☐ Applicable deposit (\$1,250.00)
-

F. Declaration of applicant

I, _____ declare that:

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date: _____ Signature: _____

STAFF USE ONLY**G. Public Works Authorization**

Name: _____ Position: _____ Signature: _____
Comments: _____

H. Planning Department Authorization

Name: _____ Position: _____ Signature: _____
Comments: _____

I. Final Inspection

Inspection Date: _____ ☐ Yes, deposit may be returned ☐ No, deficiencies identified below:
Deficiencies: _____

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS AND TO ANY SUPPLEMENTARY CONDITION ESTABLISHED BY THE TOWNSHIP AT THE TIME OF ISSUE:

1. This entrance permit is subject to all applicable Municipal By-laws.
2. Work on the construction or alteration of an entrance must not be started before an entrance permit for the work has been issued by the Township.
3. All works related to or forming a part of an entrance shall be carried out in accordance with the approved plans and specifications and subject to the approval of the Township. The owner of the property shall bear all expense and liability related thereto.
4. Trees, shrubs, etc. on the right-of-way and a highway must not be cut or trimmed without the written permission of the Township and such cutting or trimming may only be done under the direct supervision of the Township or its duly authorized agent; where it is necessary to cut or trim trees on property adjacent to a highway, the applicant must make the necessary arrangements with the property owners and must bear all expenses and liability in connection therewith, including any damages occasioned as a result of such cutting or trimming.
5. The owner of a property served by an entrance shall maintain each entrance to his property in accordance with the minimum requirements of the Township.
6. The property owner is responsible for the maintenance of that portion of any entranceway lying between the edge of the pavement and the property line including replacement/repair of the culvert.
7. An entrance permit may be cancelled at any time for breach of the regulations or conditions of the permit or for such reasons as the Public Works Department in their discretion deems applicable.
8. The applicant agrees for himself/herself, itself, his/her/its heirs, executors, successors and administrators to indemnify and save harmless the Corporation of the Township of West Lincoln from any action, claim, damage, cost or loss whatsoever, arising from operations carried out under this permit.
9. A valid Certificate of Insurance, in a form acceptable to the Corporation of the Township of West Lincoln, with respect to liability for property damage and personal injury for a minimum amount of \$2,000,000.00 for Residential permits, and \$5,000,000.00 for Commercial/Industrial permits for any one accident or occurrence and the Certificate of Insurance shall name The Corporation of the Township of West Lincoln as additional insured or co-insured and remain in force until the Township approves the works.
10. When submitting the application, a copy of the Certificate of Insurance (as outlined in #9 above), a fee of \$1400.00 (which includes a \$150.00 application fee and \$1250.00 deposit) and a sketch or map of the proposed entrance is required. If you are hiring a contractor to complete the work, a W.S.I.B. Clearance Certificate will also be required.
11. Utility locates are mandatory and are the sole responsibility of the applicant.
12. This permit is valid for a period of 1 year from Township approval.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

Schedule “B”

TO BY-LAW NO. 2022-31

ADMINISTRATIVE MONETARY PENALTIES

For the purposes of Section 51 of this By-law, Column 1 in the following table lists the provisions that are hereby designated as infractions of this By-law for the purposes of Section 434.1 of the Municipal Act, 20021, S. O. 2001, c. 25, as amended.

Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.

Column 3 in the following table sets out the Administrative Monetary Penalty amount that is payable for the contraventions of the Designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Monetary Penalty
1	2.1(a)	Construct / alter driveway or entrance without permit	\$250
2	2.3(a)	Alter boulevard without permit	\$250
3	2.4(a)	Fail to keep boulevard neat / free of rubbish and debris	\$80
4	2.4(b)	Fail to keep herbaceous ground cover on boulevard under 8 inches	\$50
5	2.5(a)	Damage, construct, reconstruct sidewalk / curb / apron / boulevard without permission from Director	\$250

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-32

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

AND WHEREAS A PUBLIC MEETING WAS HELD ON OCTOBER 13, 2020 AND THE BYLAW REFLECTS COMMENTS AND CONCERNS EXPRESSED AT THAT TIME; AND,

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

- 1. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby further amended by altering Subsection 3.12.2 - Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles, as follows (Changes are highlighted):

Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles

Type of <i>Driveway</i> or <i>Parking Aisle</i>	Minimum Width	Maximum Width
<i>Driveways for residential uses within a settlement area with less than five (5) dwelling units (By-law 2019-63):</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 60% of the lot frontage, whichever is greater, to a maximum of 6 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>60% of the lot frontage, to a maximum of 6 metres</i>
<i>Driveways for residential uses outside a settlement area with less than five (5) dwelling units (Bylaw 2019-63):</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 60% of the lot frontage, whichever is greater, to a maximum of 7.5 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>60% of the lot frontage, to a maximum of 7.5 metres</i>
<i>Driveways for residential uses with five (5) or more dwelling units and non-residential uses:</i>		
Single traffic lane for travel in one direction	3 metres	4.5 metres
Double traffic lane for travel in one or two directions	7.5 metres	9 metres
Double traffic lane for travel in one or two directions plus one or more dedicated turning lanes where required in accordance with an approved site plan	9 metres	16 metres
<i>Parking aisles:</i>		
<i>Parking aisles for parking spaces angled 75 or 90 degrees to a line parallel to the aisle</i>	6 metres	7.5 metres
<i>Parking aisles for parking spaces angled 60 degrees to a line parallel to the aisle</i>	5 metres	
<i>Parking aisles for parking spaces angled 45 degrees to a line parallel to the aisle</i>	4 metres	
<i>Parking aisles for parallel parking spaces</i>	5 metres	

- Note: the *driveway* width shall be measured along the *street line*, and the minimum and maximum *driveway* widths shall apply along the entire length of the *driveway* on the *lot*.
- a) For a *driveway* that provides access to and from a *public street*, the minimum length of the *driveway* shall be 6 metres measured from the *street line*.
 - b) No *driveway* shall exceed 60% of the area of a *required yard*.

2. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby further amended by changing Subsection 3.9.1 – Landscape Open Space, as follows:
 - a. On *residential zoned lots* a minimum of 40 per cent of the *front yard* shall be *landscaped open space*. (By-law 2019-63).
3. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
4. THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 25th
DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-32

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address driveway and entrance issues that have become prevalent throughout the Township.

A Public Meeting was held on October 13, 2020. No members of the public provided oral comments. Two written comments were received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision, a efforts were made to streamline the process and accommodate for public vehicular parking issues.

File: 1601-007-20
Township of West Lincoln

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
BY-LAW NO. 2022-33

**A BY-LAW TO AMEND BY-LAW 2019-83, AS AMENDED, UNDER
THE BUILDING CODE ACT RESPECTING CONSTRUCTION,
DEMOLITION, CHANGE OF USE, OCCUPANCY PERMITS,
TRANSFER OF PERMITS, INSPECTIONS AND ASSOCIATED
FEES.**

WHEREAS pursuant to the *Building Code Act 1992, S.O. 1992, c .23* as amended, the Lieutenant Governor in Council has established a *Building Code* which is in force throughout Ontario;

AND WHEREAS Section 7 of the *Building Code Act 1992, S.O. 1992, c .23* as amended, empowers Council to pass by-laws respecting construction, demolition, change of use, transfer of *permits*, inspections, required documentation and the submission of such with an application for *permit*, and the setting and refunding of fees;

AND WHEREAS The Council of the Township of West Lincoln has previously amended Schedule “A” through By-law 2021-48;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it necessary and expedient to amend Schedule ‘A’ “Schedule of Fees”.

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
ENACTS AS FOLLOWS:**

1. That, By-law 2019-83, as amended, be further amended by deleting Schedule “A” and inserting the attached new Schedule “A” in lieu thereof.
2. That this new By-law takes effect on May 1st, 2022.

**READ A FIRST, SECOND
AND THIRD TIME AND
FINALLY PASSED THIS 25th
DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

Schedule “A”
By-law No. 2019-83 (as amended by 2020-19, 2021-48 and 2022-33)

SECTION 1 FEE CALCULATION

1.1 FORMULA

- 1.1.1 All permit fees provided in the tables below shall be considered to be per square metre for the purpose of the prescribed formula unless otherwise noted.
- 1.1.2 Permit fees shall be calculated based on the formula given below, unless otherwise specified by this schedule.

Permit Fee = Prescribed Fee x Area

Where the prescribed fee is that specified in the schedule for classification of the proposed work; and

Where Area is the calculated gross floor area of the proposed work in square metres (sq. m.) for each class of permit

1.2 MINIMUM PERMIT FEE

- 1.2.1 A minimum permit fee of \$168.00 shall be charged for all work, unless otherwise indicated or prescribed “flat fee” has been assigned within the tables below
- 1.2.2 The minimum permit fee shall be a non-refundable fee.

SECTION 2 PERMIT FEES

2.1 NEW CONSTRUCTION AND ADDITIONS

Group A – Assembly Occupancies

Class of Permit	Fee
school, church, restaurant over 30 seats, library, theatre, educational or recreational facility and occupancies of a similar nature	\$19.24
outdoor public swimming pool	\$380 flat

Group B – Institutional Occupancies

Class of Permit	Fee
hospital, nursing home, reformatory, prison and occupancies of a similar nature	\$21.09

Group C – Residential Occupancies

Class of Permit	Fee
single detached, semi-detached, duplex dwellings-m2	\$14.69
triplex, fourplex, townhouse dwellings-m2	\$14.69
apartment building-m2	\$14.69
hotel / motel-m2	\$12.50
Repeat plans for single detached, etc – m2	\$12.49
garage, carport, deck, porch, shed (accessory building) – m2	\$3.70

Farm Buildings

Class of Permit	Fee
Greenhouse – m2	\$1.08
barn or agricultural building other than a greenhouse – m2	\$2.53

Mobile / Portable Buildings

Class of Permit	Permit Fee
trailer (construction trailer / sea container)	\$275 flat
relocatable building / portable (support structure included)	\$409 flat
CSA certified mobile home (foundation not included)	\$302 flat
uncertified mobile home (foundation included) – m2	\$9.16
mobile home foundation – m2	\$3.70

Tents and Air Supported Structures

Class of Permit	Permit Fee
air supported structure, tent, temporary fabric structure (use aggregate area for multiple tents) – under 250 m²	\$235 flat
air supported structure, tent, temporary fabric structure (use aggregate area for multiple tents) – 250 m² or more	\$235 flat plus \$2.08 per sq.m. over 250 sq.m.

Signs

Class of Permit	Permit Fee
signs – under 10m²	\$300 flat
signs – 10m² or more	\$450 flat

Designated Structures

Class of Permit	Permit Fee
communication tower	\$352 flat
Retaining wall, pedestrian bridge, crane, runway	\$18.49/\$1000 construction
satellite dish with structural pedestal anchored to solid concrete pier and or building structure	\$18.49/\$1000 construction
other designated structures as listed in Division A 1.3.1.1 of the Ontario Building Code	\$288 flat

Miscellaneous Works

Class of Permit	Fee
roof structure (replace, modify or alter structure)	\$201 flat

Class of Permit	Fee
racking system	\$18.49/\$1000.00 construction
installation of drainage layer & weeping tile system	\$230 flat
minor alterations and repairs (not requiring plans)	\$168 flat
underpinning / shoring	\$18.49/\$1000.00 construction
temporary stages	\$316 flat
demising wall / party wall installation	\$174 flat
fireplace / woodstove	\$150 flat

Fire Systems

Class of Permit	Fee
Electromagnetic Locks	\$285.00
commercial kitchen hood & fire suppression system	\$352 flat
fire alarm system upgrades / installations	\$468 flat
sprinkler system upgrades / installations	\$468 flat
standpipe system upgrades / installations	\$468 flat

Energy Projects

Class of Permit	Fee
industrial wind turbines subject to Renewable Energy Approval in accordance with the Green Energy and Green Economy Act	\$12,325 flat
Solar panels	\$302 flat
solar collector – swimming pool	\$150 flat
solar collector – ground mounted	\$402 flat
solar collector – roof mounted	\$288 flat

2.2 ALTERATIONS AND REPAIRS

Group A – Assembly Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m2	\$11.55
including plumbing OR mechanical (55% of full rate)-m2	\$10.58
excluding plumbing AND mechanical (50% of full rate)-m2	\$9.62

Group B – Institutional Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m2	\$12.65

Class of Permit	Fee
including plumbing OR mechanical (55% of full rate)-m2	\$11.60
excluding plumbing AND mechanical (50% of full rate)-m2	\$10.55

Group C – Residential Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$8.82
including plumbing OR mechanical (55% of full rate) -m2	\$8.08
excluding plumbing AND mechanical (50% of full rate) -m2	\$7.35
foundation only -m2	\$3.70

Group D – Business and Personal Service Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m2	\$11.27
including plumbing OR mechanical (55% of full rate)-m2	\$10.33
excluding plumbing AND mechanical (50% of full rate)-m2	\$9.39

Group E – Mercantile Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$10.37
including plumbing OR mechanical (55% of full rate) -m2	\$9.51
excluding plumbing AND mechanical (50% of full rate) -m2	\$8.64

Group F – Industrial Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$7.50
including plumbing OR mechanical (55% of full rate) -m2	\$6.88
excluding plumbing AND mechanical (50% of full rate) -m2	\$6.25

FARM ALTERATIONS

Class of Permit	Fee
farm buildings up to 116sq m gross floor area-per building -m2	\$6.40
farm buildings over 116sq m gross floor area -m2	\$5.84

2.3 DEMOLITION

Class of Permit	Fee
buildings less than 100m² in gross floor area	\$168 flat
all other demolitions-m2	\$0.83

2.4 PLUMBING AND SEWER

2.4.1 Construction work related to plumbing and sewer installation when conducted as a component of other construction covered by a permit shall be included in the permit fee charged for that construction.

2.4.2 Where plumbing or sewer works are done as standalone projects the following fees shall be applicable:

Single, Semi-Detached, Duplex, Triplex, Fourplex, and Row House

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
first six (6) fixtures	\$218 flat
each additional fixture	\$9.86 per fixture

All Other Buildings

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
first five (5) fixtures	\$285 flat
each additional fixture	\$9.86 per fixture

Sewer and Water Main Installations

The fee shown below shall include all buried pipe on private property outside the building

Class of Permit	Fee
first fifteen (15) metres	\$168 flat
each additional fifteen (15) metres	\$43.14 flat

Specialized Plumbing Fixtures and Appurtenances

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
back flow preventer installation (water line)	\$168 flat
back water valve (sewer)	\$168 flat
sump pump installation (weeping tile installation included)	\$352 flat

Class of Permit	Fee
grease / oil interceptor installation	\$352 flat

2.5 OTHER FEES

Administration

Class of Permit	Fee
minimum permit fee	\$168 flat
transfer of permit	\$168 flat
moving a building (all alterations & repairs subject to applicable charges as stipulated above)	\$168 flat
deferral of permit revocation (per instance)	\$168 flat
limiting distance agreement (registered on title)	\$1263 flat
research request – Building Division Records search	\$107/ hour
911 house number – sign, post and installation (rural lots)	\$168 flat
911 house number – replacement of sign only	\$72 flat

Permits

Class of Permit	Fee
change of use (under 400m ²)	\$168 flat
change of use (400m ² or more)	\$0.93
change of use (no construction required)	\$89.96 flat
partial occupancy permit for unfinished buildings	\$187 flat

Inspections

Class of Permit	Fee
non routine inspection	\$134 / hour
illegal grow operation – general inspection	\$748
illegal grow operation – occupancy inspection	\$898
off hours inspection	\$201 / hour
unprepared for inspection	\$134 flat

Plans Examination

Class of Permit	Fee
stock plans examination (model plans reviewed without building permit application)	\$589.45 flat
off hours plans examination requests (min. 4 hours)	\$201 per hour

Performance / Security Deposits

Class of Permit	Fee
single, semi, duplex, triplex, fourplex, townhome	\$1,150 per dwelling unit
addition(s) to buildings described above where excavation is required	\$863 flat
buildings accessory to the buildings above w/ construction value greater than \$3,500	\$575 flat
construction projects other than those described above (Site Plan Agreement IS required)	\$1,438 flat
construction projects other than those described above (Site Plan Agreement IS NOT required)	\$2,875 flat
demolition project	\$863 flat
moving a building	\$1,150 flat

3.2 LOT GRADING

- 3.2.1 The lot grading deposit is collected by the Township to provide securities to ensure compliance with the proposed lot grading plan submitted with the application.
- 3.2.2 An applicant shall be required to submit the applicable deposit(s) as specified below for each permit application submitted.

Lot Grading Deposit

Class of Permit	Fee
each dwelling on property in a plan of subdivision that HAS NOT already been assumed by the Township	\$1,150 per dwelling unit
each dwelling on property other than those listed above	\$1,725 per dwelling unit

- 3.2.3 Where an applicant requests an extension for the completion of lot grading to allow occupancy of the dwelling in a plan of subdivision or plan of condominium to occur prior to the completion of lot grading in accordance with Article 3.6.4 of this by-law, any such request shall be accompanied by the following applicable deposit(s) as specified below for each dwelling having occupancy being requested.

Occupancy despite Incomplete Lot Grading Deposit

Class of Permit	Fee
single detached, semi-detached, duplex dwellings	\$4,000 per dwelling unit
triplex, fourplex, street townhouse dwellings	\$3,450per dwelling unit
condominium townhouse dwellings	\$2,875 per dwelling unit
any dwelling type other than those listed above	\$2,300 per dwelling unit

3.3 **CONDITIONAL PERMIT**

- 3.3.1 In the case of a conditional permit the applicant shall submit a conditional permit deposit which shall be calculated by the Chief Building Official to be a percentage of the value of construction as prescribed below.
- 3.3.2 The conditional permit deposit shall be submitted as a condition of a Conditional Permit Agreement whereby the agreement shall establish a limitation to the extent of permitted construction.
- 3.3.3 Where an applicant exceeds the limitations set out by the Conditional Permit Agreement, the Applicant shall be deemed to be in breach of the said agreement and as such the conditional permit deposit, in its entirety, shall be forfeited to the Township.

Conditional Permit Deposit

Class of Permit	Fee
conditional building permit deposit	10% of construction value (minimum \$5,000)

SECTION 4 REFUNDS

4.1 FEES

- 4.1.1 Pursuant to the provisions of Subsection 5.7 of this by-law, the fees that may be refunded shall be a percentage of the eligible applicable fees assessed by this Schedule of Fees, calculated by the Chief Building Official as follows:

Stage of Permit	Refund
where the permit has been issued and field inspections have yet to be performed, subsequent to permit issuance	50%
for each inspection conducted after issuance of the permit	5%

- 4.1.2 If the calculated refund is less than the minimum permit fee applicable to the work as described in Subsection 1.2 of this Schedule, no refund shall be made of the fees paid.
- 4.1.3 No fee shall be eligible for a refund where the request for refund is made twelve (12) months or more after the issuance of the permit.

4.2 DEPOSITS

- 4.2.1 The Performance / Security deposit identified in this Schedule shall be held by the Township until the work for which the permit has been issued has been completed in accordance with the stipulated requirements of the permit to the satisfaction of the Chief Building Official. The applicant shall be responsible for any damage to municipal property or any restriction and associated costs of any such damage or repair may be deducted by the Township in addition to any other available remedy or penalty.
- 4.2.2 Should the cost of repairs exceed the value of the deposit held, the Township shall invoice the applicant for the amount in excess of the deposit, and if such invoice is not paid by the stipulated due date, the Township may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section s.1 (2.1) of the *Municipal Act*.
- 4.2.3 Should the Performance / Security deposit not be required to be called upon during the duration of the project, it will be released upon successful completion of the project in accordance with the approved permit documents which results in closure of such permit file unless the provisions of subsection 5.8 for the forfeiture of deposits has been applied.

- 4.2.4 The Lot Grading deposit and Occupancy despite Incomplete Lot Grading deposit identified in this Schedule shall be held by the Township until the lot grading of the lot is complete and the as built lot grading plan complying with the provisions of Article 3.6.1 of this by-law has been submitted to the satisfaction of the Chief Building Official.
- 4.2.5 In situations where the lot grading of the lot is not completed within the given timeline of seven (7) months from the date of issuance of the occupancy permit of the associated dwelling, the Lot Grading deposit and / or the Occupancy despite Incomplete Lot Grading deposit may be drawn upon to have the necessary lot grading works completed to conform to the original lot grading plan submitted and accepted through the issuance of the permit.
- 4.2.6 Should the cost to complete the lot grading work exceed the value of the deposit(s) held, the Township shall invoice the applicant for the amount in excess of the deposit(s) and if such invoice is not paid by the stipulated due date, the Township may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section s.1 (2.1) of the *Municipal Act*.
- 4.2.7 Should the Lot Grading deposit and / or Occupancy despite Incomplete Lot Grading deposit not be required to be called upon during the duration of the project, it will be released upon the successful completion of the lot grading and the submission of the as built lot grading plan complying with the provisions of Article 3.6.1 of this by-law to the satisfaction of the Chief Building Official unless the provisions of subsection 5.8 for the forfeiture of deposits has been applied.

SECTION 5 EXPLANATORY NOTES

5.1 AREA OF CALCULATION

- 5.1.1 The area to be used in the calculation of fees shall be the total area of all floors, including those below grade, measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls. Area shall be calculated in square metres (m²) for the purpose of this schedule.
- 5.1.2 Where there are no floor or exterior walls for the project, area is to be calculated as the greatest horizontal area of the structure
- 5.1.3 No deductions shall be made in the calculation of floor area for openings such as stairs, elevators, shafts or ramps.
- 5.1.4 Unfinished or unoccupied basements and crawlspaces are not to be included in the calculation of area in fee calculations for new construction and additions.

5.2 INTERPRETATION

- 5.2.1 Major occupancy is based upon the classifications as provided in the Ontario Building Code.
- 5.2.2 A multiple unit (apartment) building is a building which consists of five (5) or more individual residential units in the same building.
- 5.2.3 An Alternative Solution is as defined in the Ontario Building Code.
- 5.2.4 The fee prescribed for and Alternative Solution shall be in addition to any other applicable fee prescribed by this Schedule. Should any additional fees be incurred by the Township in relation to the review of such a submission, but not limited to consultant fees, these costs shall be added to the calculated permit fee at 100% of its value.
- 5.2.5 Where multiple conditional permits are requested for the same property due to the construction of multiple buildings on the same property, the Chief Building Official may assign a value for the conditional building permit deposit that differs from that specified in the table above. This process may be utilized to collect a deposit for the property for the removal of the requested construction collectively as opposed to individually with each permit and shall be reflective of the cost associated with the removal of the requested construction. This deposit shall be associated and available to be drawn upon by each of the individual conditional building permits that it is assigned to represent.

5.3 DISPUTE

- 5.3.1 The permit fee shall be determined by the Chief Building Official or designate, on the basis of this Schedule. If the applicant disagrees with the fee so determined, then the prescribed fee shall be paid as a deposit and after the works are complete, a refund shall be made based on the actual work done and inspection performed, at the discretion of the Chief Building Official.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-34

**A BY-LAW TO AMEND BY-LAW 2017-48, AS
AMENDED, WHICH REGULATES PRIVATE
OUTDOOR SWIMMING POOLS AND ASSOCIATED
FEES.**

WHEREAS subsection 391(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided or done by the municipality or done on behalf of it;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it necessary and expedient to amend Schedule ‘A’ “Schedule of Fees”.

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
ENACTS AS FOLLOWS:**

1. That, By-law 2017-48, as amended, be further amended by deleting Schedule ‘A’ and inserting the attached new Schedule ‘A’ in lieu thereof.
2. That this new By-law takes effect on May 1st, 2022.

**READ A FIRST, SECOND
AND THIRD TIME AND
FINALLY PASSED THIS 25th
DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

SCHEDULE 'A'

BY-LAW NO. 2017-48 (AS AMENDED BY 2022-34)

FEES AND DEPOSITS

1.1 FEES

- 1.1.1 Every application for a *swimming pool permit* shall be subject to a fee as prescribed below.

Table A 1.1.1: Swimming Pool Permit Fees

Class of Permit	Fee
<i>seasonal swimming pool</i>	\$100 flat
<i>above ground swimming pool</i>	\$150.00 flat
<i>in ground swimming pool</i>	\$200 flat

1.2 DEPOSITS

- 1.2.1 The performance / security deposit is collected by the *Township* to provide securities for any potential damage that may occur to municipal *property* through the course of the permitted *construction*. Furthermore, the deposit is also held for the assurance that all necessary inspections are completed through the duration of *construction* and finally to ensure that the *permit* file can be appropriately closed after the works.
- 1.2.2 An applicant shall be required to submit the applicable deposit(s) as specified below for each *permit* application submitted.

Table A 1.1.1: Swimming Pool Permit Deposits

Class of Permit	Fee
<i>seasonal swimming pool</i>	\$0
<i>above ground swimming pool</i>	\$250
<i>in ground swimming pool</i>	\$500

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-35

A BY-LAW TO PROVIDE FOR THE USE OF VOTING MACHINES, VOTING RECORDERS, ELECTOR MANAGEMENT SYSTEM, OPTICAL SCANNING VOTE TABULATORS, INTERNET VOTING TECHNOLOGY OR OTHER VOTING DEVICES AT ELECTIONS.

WHEREAS Section 42(2) of the Municipal Elections Act, 1996, as amended, provides that the Council of a municipality may, by by-law passed on or before the 1st day of May in the year of the election, authorize the use at elections of voting and vote-counting equipment such as voting machines, voting recorders, elector management system, internet voting or optical scanning vote tabulators or other voting devices and/or voting assistance devices, for the purposes of voting or counting votes;

AND WHEREAS Section 42(1) provides that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies;

AND WHEREAS Council deems it appropriate and in the public interest to conduct the municipal election using e-voting.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. Voting machines, voting recorders, elector management system, internet voting technology, optical scanning vote tabulators or other voting devices and/or voting assistance devices, are hereby authorized to be used at all elections governed by the Municipal Elections Act for the purposes of voting and counting votes.
2. Section 43 (Advance Votes) and Section 44 (Voting Proxy) shall apply in conjunction with the use of alternate voting methods (voting machines, voting recorders, elector management system, internet voting, optical scanning vote tabulators or other voting devices and/or voting assistance devices) as authorized by this by-law.
3. This by-law is effective for the 2022 regular municipal election and all elections thereafter governed by the Municipal Elections Act, 1996.
4. By-law # 2017-30 be and is hereby repealed.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-36

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND WALKERS CONSTRUCTION LIMITED FOR THE 2022 ROAD REHABILITATION WORK PROJECT

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Walkers Construction Limited for the 2022 Road Rehabilitation Work Project.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the Council of the Corporation of the Township of West Lincoln enter into an agreement with Walkers Construction Limited for the 2022 Road Rehabilitation Work Project; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF APRIL 2022.

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-37

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND GEORGE LANE LANDSCAPING FOR WELLANDPORT GRASS CUTTING

WHEREAS the Council of the Corporation of the Township of West Lincoln deem it expedient to enter into an agreement with George Lane Landscaping for Wellandport Grass Cutting;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the Council of the Corporation of the Township of West Lincoln enter into an agreement with George Lane Landscaping for Wellandport Grass Cutting; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement and to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF APRIL, 2022.

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-38

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND TOROMONT CAT FOR THE SUPPLY AND DELIVERY OF THE 2022 MOTOR GRADER.

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Toromont CAT. for the supply and delivery of the 2022 Motor Grader;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the Council of the Corporation of the Township of West Lincoln enter into an agreement with Toromont CAT. for the supply and delivery of the 2022 Motor Grader; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 25th
DAY OF APRIL, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-39

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND VOATZ CANADA LIMITED FOR ONLINE VOTING SUPPORT & SERVICES FOR THE TOWNSHIP OF WEST LINCOLN 2022 MUNICIPAL ELECTION.

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Voatz Canada Limited for Online Voting Support & Services for the Township of West Lincoln 2022 Municipal Election.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the Council of the Corporation of the Township of West Lincoln enter into an agreement with Voatz Canada Limited for Online Voting Support & Services for the Township of West Lincoln 2022 Municipal Election; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF APRIL 2022.

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK