



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

MEETING NO. THREE

March 6, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly - Chair
Councillor Shelley Bradaric
Mayor Cheryl Ganann
Councillor Jason Trombetta
Councillor Mike Rehner
Councillor Joann Chechalk

Absent: Councillor Terry Bell – With Regrets (Notification Provided)

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Dave Heyworth, Manager of Planning
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Senior Planner
Shradha Arun, Senior Planner
Stephanie Pouliot, Planner
Kevin Geoghegan, IT Help Desk Analyst

Other Members: WeeStroom
Steve Wever (GSP Group Inc.) *
Richard Vandezande*
Jennifer Meader*
Raymond Ziemba (SGL Planning & Design Inc.)*
John Whyte and David Samis (Phelps Homes Ltd.)*
John Henricks (NPG Planning Solutions)*
Barry Myler (Myler Ecological Consulting)*
Colin Dugan (S Llewellyn Engineering)*
Jon & Loreen Kelly* Benny Wan*
John Ganann* Karl Grueneis*

***IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor William Reilly

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

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either
 1. emailing jdyson@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 OR
 2. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. This meeting will be livestreamed. The link to watch the meeting live can be found on the Township's website by selecting the "Township Office" tab at the top of the website, then clicking the Council or Standing Committee meetings tab and scroll down the meeting list to find the link.
4. This meeting will be recorded and will be available to view by clicking the meeting video link found on the Township's website within 48 hours after the meeting unless otherwise noted.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Chair 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-nee), 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 disclosure of pecuniary interest and/or conflict of interest.

4. PUBLIC MEETING(S)

There are no public meetings.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

There was no change in order of items that were on the agenda.

6. APPOINTMENTS

6.1 ITEM P18-23

Steve Wever, GSP Group Inc.

Re: Official Plan Amendment No. #63 – Smithville Urban Boundary Expansion

POWERPOINT PRESENTATION

Steve Wever reviewed the PowerPoint Presentation regarding Official Plan Amendment No. #63 - Smithville Urban Boundary Expansion, which was attached to the [March 6, 2023, Planning/Building/Environmental Committee Agenda](#) (pages 7-27).

6.2 ITEM P19-23

Jennifer Meader, Legal Counsel, (Phelps Homes Ltd. and JTG Holdings Incorporated)

Re: Official Plan Amendment No. #63

Jennifer Meader stated that she was joined by John Whyte and David Samis (Phelps Homes Ltd.), John Henricks (NPG Planning Solutions), Barry Myler (Myler Ecological Consulting) and Colin Dugan (S Llewellyn Engineering) to assist in any questions that may arise from the Committee. Ms. Meader provided a number of comments with respect to the Township's Official Plan Amendment No. 63, such as the participation that Phelps Homes Ltd., and JTG Holdings Inc., have contributed to the process to date noting that the comments provided have not been adequately addressed. Ms. Meader also spoke to the written comments that were submitted March 2, 2023 and included as Attachment 4 to Staff Report PD-17-2023.

6.3 ITEM P20-23

Raymond Ziemba, Senior Planner, SGL Planning & Design Inc.

Re: Comments - Official Plan Amendment No. #63

Raymond Ziemba reviewed the written correspondence that was forwarded to the Township on March 2, 2023, which was included as Attachment 5 to Staff Report No. PD-17-2022, regarding SGL Comment Letter – OPA 63 on the Planning/Building/Environmental Committee Agenda.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply).

A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

There were no members of the public in attendance, virtually or in-person, at the Planning/Building/Environmental Committee Meeting, who wished to address an item that was on the agenda.

Written correspondence was received from Richard & Linda Sivyer and Scott Antonides (Community for Responsible Growth - West Lincoln) regarding "Proposed Modifications to Official Plan Amendments 62, 63" dated March 6, 2023, which were read into the record during Staff Report PD-17-2023 and attached as Schedule **A** to the minutes.

8. CONSENT AGENDA ITEMS

There were no consent agenda items.

9. COMMUNICATIONS

There were no items of communications.

10. STAFF REPORTS

10.1 ITEM P21-23

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-17-2023 – Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration

The Director of Planning & Building started off by discussing the draft policy for cost sharing noting that this policy has been received by Township staff and has been referred to Township Legal Counsel for review and guidance as to how staff will incorporate cost sharing into the amending documents. The Director of Planning & Building then spoke about timing of the servicing strategy work, noting that the Master Servicing Plans are being properly reviewed by the Township's Public Work's staff which will be presented through the Township's consulting team at a future Public Works Committee meeting. The Director of Planning & Building also stated that Township staff have been committed and will continue to work with the landowners to address concerns that may need some further communications with staff, noting that the goal is to find a "Made in West Lincoln" solution that benefits West Lincoln and the residents as well as the development community.

In response to Councillor Trombetta's concern regarding the cost sharing component, noting that this is an important policy that should be included

in the policy, the Director of Planning & Building stated that he will have a conversation with legal following the meeting to schedule a presentation for an upcoming committee meeting. The Director of Planning & Building stated that the cost sharing component will be tied into the ability to put servicing in the ground, therefore, it would make sense that the cost sharing policy and the servicing strategy component be presented at the same time. The Director of Planning & Building also stated that front-ending agreements will have to be done in order to start some levels of services that are necessary to install necessary infrastructure.

The Director of Planning & Building also noted the amount of changes that have been made since the passing of Bill 23, specifically Development Charges since the Township entered into the agreement in 2019, noting that staff are trying to be thorough and comprehensive to ensure that all of the study work that the development community has paid for to date also is able to be recouped through the fees at the time of the building permits and development charges. The Director of Planning & Building shared that there is some concern that the ability to collect the study requirements and study costs have been dropped through a lot of the changes to Bill 23.

In response to Councillor Chechalk's question regarding the approval process and if the Region would be able to overturn the Township's decision and proceed with the approval, the Director of Planning & Building stated that the Niagara Region has taken the approach to work with the lower-tier municipalities to attempt to achieve changes that improve clarity; however, they could take the approach to overturn the Township's decision should they wish.

In response to Councillor Chechalk's question regarding obtaining the appropriate language between the Township's legal counsel and Mrs. Mihailidi, that will satisfy the developers, the Director of Planning & Building stated that the efforts of this process are to ensure that the Township is prepared. The Director of Planning & Building stated that the front-ending agreement is a key piece of the process adding that the Township is working with Regional staff on a front-ending agreement that will be used as a template at the Township level. The Director of Planning & Building also added that the developers in West Lincoln have to start working together so that we have the expertise and capacity to guide the process and to work as an unified front.

In response to Mayor Ganann's question regarding when the Township may start seeing some of the growth happen within the Urban Boundary

Expansion, the Director of Planning & Building stated that a lot of the timing is tied to the developers and the timing of the applications noting that the first phase of development is ready to get started as soon as approval is granted, adding that this phase is in the block plan which looks more in depth at things like servicing and land use. The Director of Planning & Building stated that it does take time noting that the Township is looking at anywhere between half a year to two years before a draft plan is reviewed. The Director of Planning & Building also noted that there is a table of projected growth that had been included in one of the supporting OPA 62 or 63 documents, sharing that this table projects approximately 3,000 people every five years’.

Councillor Rehner questioned the process of the Urban Boundary Expansion and the Region's plan and the timeline of the OPA recommendation submission, the Director of Planning & Building stated that the Region's Official Plan Amendment had to be submitted to the Province by July 1st and was approved in November 2022. The Director of Planning & Building added that the Township had to have draft amendments to the Region in terms of what we wanted Smithville to look like before the Region took the document to the Province.

Councillor Bradaric asked for clarification with respect to the road allowance modification and the purpose of broadening the explanation of what the minimum right of way widths could be for certain types of roads, Steve Wever stated that the original road allowance policy had a 20 metre minimum right-of-way width identified for any Township roads, however, the development community is speaking to more alternative wording for right-of-way widths for subdivision streets adding that this was considered in the Master Community Plan process. Mr. Wever noted that it was kept at a 20 metre right-of-way width, rather than adding to the policy a difference right-of-way width, however the policy is worded that developers and landowners have an opportunity to bring forward proposals for reduced right-of-way widths. Mr. Wever stated that in order to secure those road allowances as a development requirement, right-of-way widths must be prescribed and specifically identified in the Official Plan.

In response to Councillor Bradaric's question regarding the Natural Heritage System and where the 30 percent figure comes from, Mr. Wever stated that the number that was presented was studied through the Subwatershed Study through the process of field work and analysis of mapping information and available natural heritage system data.

Mr. Wever stated that the Provincial Policy Statement (PPS) provides the basis of designating a natural heritage system and is a requirement for municipalities to follow, noting that the 30 percent target is stated within the Township's existing Official Plan on a Township-wide scale. Mr. Wever noted that there are not sufficient woodlands and wetlands existing in the Smithville Urban Area or expansion area to achieve 30 percent of required natural heritage system, therefore in order to achieve this amount within the Smithville Urban Area a number of other features have been included.

In response to Councillor Chechalk's question regarding the difference between a block plan and plan of subdivision, Richard Vandezande stated that the purpose of a block plan is to look at the stages in a more detailed manner and to encompass a wider scope than just a single subdivision plan. Mr. Vandezande shared that the intent of the block plan and the related Master Environmental Servicing Plan (MESP) is to address areas such as services, land use, cost sharing and front-ending agreements.

Councillor Reilly questioned the process in the future and whether or not an applicant has an opportunity to go to the Council of the day and request for modifications, the Director of Planning & Building stated that land use planning is always subject to review with a typical five-year window.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Jason Trombetta

1. That, Recommendation report PD-17-2023, regarding "Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration", dated March 6, 2023 be RECEIVED; and,
2. That, the proposed modifications to Official Plan Amendment 62 and 63, as found at Attachment 2 to this report and which incorporate both Regional staff and Township staff/consultant proposed modifications in one amending document, be endorsed by Township Planning/Building/Environmental Committee and Council as Township supported modifications for the Region to make to the adopted OPA 62 and 63 as part of final approval; and,
3. That, Township Council endorsement of the modifications be forwarded to Regional staff, prior to presentation of Official Plan Amendment's 62 and 63 as modified, to Regional Council for adoption.

Carried

10.2 ITEM P22-23

Senior Planner (Gerrit Boerema) and Manager of Planning (Dave Heyworth)

Re: Recommendation Report PD-16-2023 - Zoning By-Law Amendment (Temporary Use By-Law) - Kelly/Redekop Garden Suite Application (File No. 1601-015-22)

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report PD-16-2023, regarding “Zoning By-Law Amendment (Temporary Use By-Law) –Kelly/Redekop Garden Suite Application File No. 1601-015-22”, dated March 6 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Temporary Use Bylaw, File Number 1601-015-22, BE APPROVED, as found within Attachment 3, and that staff circulate the Notice of Decision in accordance with the Planning Act, and;
4. That, the Mayor and Clerk be authorized to enter into a temporary use agreement with the owners/applicants.

Carried

10.3 ITEM P23-23

Senior Planner (Gerrit Boerema), Director of Planning & Building (Brian Treble), and Manager of Planning (Dave Heyworth)

Re: Recommendation Report PD-11-2023 - 197 Griffin Street Application for Zoning Amendment - Owner – Christoph Arnold, Agent – NPG Planning Solutions (File No. 1601-005-22)

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PD-11-2023, regarding “197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated March 6, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Zoning Bylaw Amendment 1601-005-22, BE APPROVED as found in Attachment 5, and that staff circulate Notice of Decision in accordance with the Planning Act.

Carried

10.4 ITEM P24-23

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-07-2023 – By-law Enforcement and Land Use Planning Update – Grimsby Airpark

In response to Councillor Trombetta's question regarding getting Twenty Road Airport added to this correspondence, the Director of Planning & Building stated that staff are still trying to get answers to the Twenty Road Airport noting that he wanted to bring forward the Grimsby Airpark first since the active involvement with Transport Canada and the information was available to share.

Councillor Trombetta referred a question to the Mayor, asking if there have been any recent communications from residents as Councillor Trombetta has not heard anything in a few weeks. Mayor Ganann shared that she has had a few conversations with the residents recently adding that it is still an ongoing issue. Mayor Ganann also shared that the information package was re-sent to MP, Dean Allison's office with a receipt from the office that it had been received. The Director of Planning & Building stated that the first point of contact for residents is through a management committee of the airport, noting that if residents were not happy with this process, they can be directed to the Transport Canada website about the complaint process directly through Transport Canada.

The Director of Planning & Building as well as the CAO shared with Members of the Committee that there will be information placed on the Township's website with respect to the process of how to report a concern regarding airports as well as additional information for members of the public to review.

Moved By Councillor Jason Trombetta

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report PD-07-2023, regarding “By-law Enforcement and Land Use Planning Update – Grimsby Airpark”, dated March 6, 2023, be RECEIVED; and,
2. That, staff continue to brief Committee and Council, as required, and to offer facilitation services to local residents who remain concerned, including those West Lincoln residents who about the airpark. This could include contacting Transport Canada, as required.

Carried

11. OTHER BUSINESS

11.1 ITEM P25-23

Director of Planning & Building (Brian Treble)

Re: Memorandum regarding Official Plan Amendments - Re Bill 109 and Bill 23

The Director of Planning & Building provided an overview of the memorandum regarding the draft Official Plan Amendment of Bill 109 and Bill 23 noting the changes that these Bills have on the Township's implementation policy of the Official Plan.

11.2 ITEM P26-23

Director of Planning & Building (Brian Treble)

Re: Stanpac Noise Matter

VERBAL UPDATE

The Director of Planning & Building provided an update regarding the noise concerns coming from Stanpac adding that although this complaint has come through recently, the number of complaints have subsided significantly. The Director of Planning & Building stated that Stanpac has tried a number of different options to bring a solution to the noise concerns, however, have not been successful in finding an appropriate solution. The Director of Planning & building also stated that Stanpac has not given up and will continue to look for a solution to minimize the noise concerns.

In addition to the CAO's comments regarding the Township connecting with the Ministry of Environment (MOE) regarding the noise concerns, the Director of Planning & Building added that the Ministry of Environment had a by-law officer visit the property and complete an inspection noting that Stanpac is still in compliance and the noise regulations and is still below the noise threshold determined by the MOE, noting that the by-law officer for MOE will be doing a follow-up inspection in the spring to monitor the noise.

11.3 ITEM P27-23

Members of Committee

Re: Other Business Matters of an Informative Nature

Mayor Ganann

Re: Meals on Wheels Flag Raising

Mayor Ganann shared that Community Support Services of Niagara is raising the Meals on Wheels flag on Monday March 20th at 1:30 p.m. at the West Lincoln Community Centre.

12. NEW BUSINESS

There were no new business items brought forward from Members of Committee.

13. CONFIDENTIAL MATTERS

Moved By Mayor 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:

13.1 Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege Matter - Natural Severance

VERBAL UPDATE

Applicable closed session exemption(s):

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

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No. 22-00280)

VERBAL UPDATE

Applicable closed session exemption(s):

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

Carried

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

That, this Committee meeting now resume in open session at the hour of 8:52 p.m.

Carried

13.1 ITEM P28-23

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege Matter - Natural Severance

VERBAL UPDATE

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

That, the Township of West Lincoln Solicitor and Staff be and are hereby authorized to proceed as directed in closed session with respect to a Legal/Solicitor-Client Privilege Matter relating to a Natural Severance.

Carried

13.2 ITEM P29-23

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No. 22-00280)

VERBAL UPDATE

Moved By Councillor Mike Rehner

Seconded By Mayor Cheryl Ganann

That, the Township of West Lincoln Solicitor be and is hereby authorized to proceed as directed in closed session with respect to a Legal/Solicitor-Client Matter relating to an Ontario Land Tribunal (OLT) Matter – Helen Kszan (File No. 22-00280).

Carried

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:55p.m.

JESSICA DYSON, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR