



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

**MEETING NO. NINE**

**November 13, 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 Joann Chechalk

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Justin Paylove, Deputy Clerk  
John Bartol, Chief Building Official  
Kevin Geoghegan, IT Help Desk Analyst

Other Members: WeeStreem

Absent: Councillor Rehner (With regrets – no notice provided)  
Councillor Bell (With regrets)

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

**2. 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:

2.1 Director of Planning & Building (Brian Treble) & CAO (Bev Hendry)

Re: Planning & Building Department Staffing Update

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- personal matters about an identifiable individual, including municipal or local board employees
- labour relations

2.2 Councillor Rehner

Re: Staffing Concerns

**FOR DISCUSSION**

**Applicable closed session exemption(s):**

- personal matters about an identifiable individual, including municipal or local board employees
- labour relations

2.3 CAO (Bev Hendry)

Re: CAO Performance Review Presentation

**FOR INFORMATION**

**Applicable closed session exemption(s):**

- personal matters about an identifiable individual, including municipal or local board employees
- labour relations

**Carried**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Joann Chechalk

That, this Committee meeting does now resume in open session at the hour of 7:56 p.m.

**Carried**

**2.1 ITEM P76-23**

Director of Planning & Building (Brian Treble) & CAO (Bev Hendry)

Re: Planning & Building Department Staffing Update

## **VERBAL UPDATE**

### **2.2 ITEM P77-23**

Councillor Rehner  
Re: Staffing Concerns  
**FOR DISCUSSION**

### **2.3 ITEM P78-23**

CAO (Bev Hendry)  
Re: CAO Performance Review Presentation  
**FOR INFORMATION**

## **3. CHAIR - Councillor William Reilly**

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

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to [jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca) before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

## **4. 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.

Public Meeting(s)

**5. PUBLIC MEETING(S)**

There are no public meetings.

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

**7. APPOINTMENTS**

There are no appointments.

**8. 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.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

**9. CONSENT AGENDA ITEMS**

There are no consent agenda items.

**10. COMMUNICATIONS**

There are no communications.

**11. STAFF REPORTS**

**11.1 ITEM P79-23**

Chief Building Official (John Bartol) and Director of Planning & Building (Brian Treble)

Re: Information Report PD-55-2023 - Parking Enforcement for 2023/2024 – Winter Season

Mayor Ganann inquired to the Director of Planning and Building, Brian Treble, about whether the current by-law on overnight public parking is being repealed or amended.

In response to Mayor Ganann's inquiry, Director of Planning and Building, Brian Treble, explained that the by-law on overnight public parking is not being repealed or amended.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Mayor Cheryl Ganann

That, Information Report PD-55-2023, regarding “Parking Enforcement for 2023/2024 – Winter Season”, dated November 13, 2023 be received.

**Carried**

## **11.2 ITEM P80-23**

Director of Planning & Building (Brian Treble)

Re: Information Report PD-58-2023 - Ongoing Provincial Land Use Planning Changes

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, if he could explain what is included in this report for the sake of the public's knowledge.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that the report discusses recent provincial changes that impact land use planning, which are continuing to come rapidly. These include: undoing changes made to the 2022 Region of Niagara Official Plan; protecting the greenbelt in legislation; the province has proposed changes to the definition of an affordable residential unit; and the removal of HST from all rental housing units to encourage construction.

Councillor Chechalk expressed concern with the letter sent to municipalities from the Minister of Municipal Affairs and Housing, as she feels that proposed changes to reduce development charges and green space requirements for developments will increase the burden on municipal governments for service provision to new housing developments and will reduce green space access for new communities.

Mayor Ganann suggested that a letter be prepared and be ready to send to the Minister of Municipal Affairs and Housing ahead of the next Planning/Building/Environmental Committee meeting on December 4th, 2023.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Jason Trombetta

That, Information Report PD-58-2023, regarding “Ongoing Provincial Land Use Planning Changes”, dated November 13, 2023 be received.

**Carried**

### **11.3 ITEM P81-23**

Director of Planning & Building (Brian Treble)

Re: Information Report PD-57-2023 - Township of West Lincoln Official Plan 5 Year Review

Director of Planning and Building, Brian Treble, explained that the Township of West Lincoln was not able to update all necessary elements of the Official Plan by the deadline, November 4th, 2023, but that work is ongoing.

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Jason Trombetta

That, Information Report PD-57-2023, regarding “Township of West Lincoln Official Plan 5 Year Review”, dated November 13, 2023 be received.

**Carried**

### **11.4 ITEM P82-23**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-56-2023 - Request for Policy Considerations Relating to Backyard Chickens

Director of Planning and Building, Brian Treble, explained that this report is being presented to Council during this meeting due to the issue of backyard chickens having been brought forward by a delegation several months ago. He further noted that because this is a hotly debated issue throughout the Niagara Region, with impassioned views on both sides, a well-advertised public meeting should be had to gather full public input on this issue, as is recommended by this report.

Councillor Reilly expressed his support for having a public meeting on this issue, so as to not act before having first weighed the public's views.

Mayor Ganann shared similar thoughts, and also shared the difficulties of making the public aware of a public meeting given the lack of media outlets in the Township.

Councillor Bradaric shared similar thoughts as the rest of Council on the matter.

Director of Planning and Building, Brian Treble, inquired to CAO, Bev Hendry, about the ongoing Township of West Lincoln Community Engagement Survey.

In response to the Director of Planning and Building, Brian Treble's inquiry, the CAO, Bev Hendry, explained that the Community Engagement Survey results could certainly inform the approach(es) taken to making the public aware of this Public Meeting in the new year.

Councillor Chechalk expressed support for holding the public meeting in the new year to ensure all who are interested have adequate time to engage with the process and to be made aware of the meeting prior to it occurring.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Joann Chechalk

1. That, Recommendation Report PD-56-2023, regarding "Request for Policy Considerations Relating to Backyard Chickens", dated November 13, 2023 be received; and,
2. That, staff be and are hereby authorized to hold a public meeting at a future Planning, Building, Environmental Committee meeting on the request to consider that non-farmers and urban/hamlet residents be permitted to house backyard chickens and that adequate notice be provided for such purposes and that deliberations relate to details around restrictions, permitted locations, etc.

**Carried**

## **11.5 ITEM P83-23**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-59-2023 - Legion Villa Affordable Housing Development – Request to Waive Planning Fees

Director of Planning and Building, Brian Treble, suggested that a standardized process should be put in place in order to evaluate requests to waive planning fees for developers, which is why this report recommends Council to direct staff to include an Affordable Housing Community Improvement Plan in the 2024 budget.

Councillor Chechalk expressed concern about the upcoming broadening of the definition of affordable housing from the provincial government, and how that, in tandem with an Affordable Housing Community Improvement Plan, could see private developers have planning fees waived or at least dramatically reduced across the board, and not just developers and projects that Council feels are deserving of such fee reductions or waivers.

In response to Councillor Chechalk's comment, Director of Planning and Building, Brian Treble, explained that Council will have extensive input into what the Affordable Housing CIP will look like and so such concerns can be reflected in the CIP.

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, about the potential to recoup these waived planning fees from higher orders of government.

In response to Councillor Bradaric's inquiry, Director of Planning and Building, Brian Treble, explained that there are no programs, grants or other funding mechanisms in place to recoup those fees to conduct the necessary planning and consultation for this project.

Councillor Reilly expressed concern about waiving pre-consultation fees, as this passes costs of development onto taxpayers.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Joann Chechalk

1. That, Recommendation Report PD-59-2023, regarding "Legion Villa Affordable Housing Development - Request to Waive Planning Fees", dated November 13, 2023 be received; and,
2. That, Council direct staff to include an Affordable Housing Community Improvement Plan in the 2024 budget; and,
3. That, the pre-consultation fee, which has not been paid, be and is hereby waived while the remainder of this request should await the outcome of the CIP process.

**Carried**

**11.6 ITEM P84-23**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report – PD-60-2023 - Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)

Councillor Chechalk expressed concern about the zoning regulations in rural areas versus urban areas and inquired to the Director of Planning and Building, Brian Treble, about potential changes to those regulations to ensure greater fairness for homeowners in rural areas.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that no such zoning regulation changes have been brought forward nor are they being considered.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, for clarity about some of the provisions in the Comprehensive Zoning By-Law amendment that pertain to density on rural land.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that the language has been made broader to allow for second septic systems to be put in on a single plot where necessary, while still encouraging the use of only a single system.

Councillor Chechalk further commented on struggles faced by farmers and the need to ensure the Township is doing what it can to support the influx of larger farms, greenhouses, temporary foreign workers, and also family farms, where possible.

Director of Planning and Building, Brian Treble, expressed his and the Township's support for agriculture in the area and their commitment to do whatever possible to support agriculture development and prosperity throughout the Township.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Mayor Cheryl Ganann

1. That, Report PD-60-2023, regarding “Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No.7 (File No. 1601-007-23)”, dated November 13, 2023 be RECEIVED; and,

2. That, the Zoning Bylaw Amendment – Housekeeping 7, be approved in accordance with the attached Amending Zoning By-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act.

**Carried**

## **12. OTHER BUSINESS**

### **12.1 ITEM P85-23**

Director of Planning & Building (Brian Treble)

Re: Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

#### **VERBAL UPDATE**

Director of Planning and Building, Brian Treble, updated Council on this file as it seems to have finally reached a decision, which is that the staff recommendation for a small building envelope in the south west corner of the Kszan property is good planning, and was accepted by the Ontario Land Tribunal.

### **12.2 ITEM P86-23**

Director of Planning & Building (Brian Treble)

Re: Avertex Hydrovac Request

#### **VERBAL UPDATE**

Director of Planning and Building, Brian Treble, explained that Avertex sent in a request to MOE for a waste disposal site permit, as per provincial requirements. So while they will be granted this permit for a waste disposal site, this will not change what they are doing.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, about their tanker's and if they had proper certification from the site for the soil they are bringing in.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that yes this is his understanding of how this is done and how they are operating. The nature of the soil will determine its location for final deposit.

Councillor Chechalk further inquired to the Director of Planning, Brian Treble, about whether the soil coming in is certified as it is coming in.

In response to Councillor Chechalk's further inquiry, Director of Planning and Building explained that he will follow up with the responsible provincial ministry for clarification.

### **12.3 ITEM P87-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

Director of Planning and Building, Brian Treble

Re: Urban Boundary Expansion Questions

Director of Planning and Building, Brian Treble, is aware of the fact that there is quite a bit of discussion in the community about their urban boundary expansion, and so he will be prepared to discuss this matter with Council at their meeting on December 11th, for a full discussion on this issue with all member's of Council. Director of Planning and Building, Brian Treble, encouraged Councillors to bring comments from the public forward at that time regarding moving the urban boundary forward, and they will be answered at that meeting.

Mayor Ganann

Re: Remembrance Day Event

Mayor Ganann discussed the Remembrance Day event that had been held the past weekend, how well it was attended, and how moving the event was. She also discussed the upcoming community tree lighting that will be held on Wednesday, November 22nd at 6:15 p.m. at the West Lincoln Community Centre.

Councillor Chechalk

Re: West Lincoln Santa Claus Parade

Councillor Chechalk discussed the upcoming West Lincoln Santa Claus Parade on November 25th, 2023, at 5:00 p.m.

Councillor Reilly

Re: Remembrance Day Event and Santa Claus Parade

Councillor Reilly further discussed the Remembrance Day event, as well as the upcoming Santa Claus Parade.

## **13. NEW BUSINESS**

**NOTE:** Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

**14. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 8:47PM.

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JUSTIN PAYLOVE, DEPUTY  
CLERK

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COUNCILLOR WILLIAM REILLY,  
CHAIR