

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

**May 10, 2021, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

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

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Jessica Dyson, Deputy Clerk  
Gerrit Boerema, Planner II\*  
Meghan Birbeck, Planner I\*  
Roberta Keith, IT Manager\*

Other Members:	Albert Witteveen, Regional Councillor	Rob Cosby*
	Oz Kemal, MHBC Planning Ltd.*	John Sr Fairlie*
	Paul Hecimovic, Odan Detech*	A Massender*
	Sarah Duncan*	Dan Hlywka*
	Jowett Lau*	Christopher Tsiropoulos*
	Julien Robillard*	Chris Duff*
	Laura Thomson*	Michael Carlton*
	Mark Yeatman*	Brenda Walker*
	Dave Crawford*	Donald Plumstead*
	Burt Thombs*	Peter Budd*
	Roman Tsap*	Assylgul Kalmukhanova*
	Richard Bowles*	Andrea Boilard*
	Steven Rivers*	Allan & Maude Schwartz*
	Anna MacLeod*	Tamara Tannis*
	Denise Potter*	

**\* IN ATTENDANCE PART TIME**

**6696 CANBOROUGH RD (File No. 1601-004-21) - ZONING BY-LAW AMENDMENT**

**1. CHAIR - Councillor William Reilly**

**2. 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(12) of the Planning Act as submitted by Michael Carlton and Assylgul Kalmukhanova for the property located at 6696 Canborough Road (Part 1 of 30R-3892, Concession BF Part Lot 2 & 4).

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

The Zoning By-Law Amendment has been submitted to rezone the property from an Agricultural 'A' zone to an Agricultural 'A' zone with an exception to permit the property to be used for agricultural value added, on-farm diversified and agri-tourism opportunities. Township Zoning Bylaw 2017-70 as amended, requires a minimum lot size of 10 hectares to permit an on-farm diversified use, however, the subject property is only ±8.3 hectares.

**3. 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 amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Zoning By-law Amendment Application submitted by Michael Carlton and Assylgul Kalmukhanova for the property located at 6696 Canborough Road (Part 1 of 30R-3892, Concession BF Part Lot 2 & 4) (File No. 1601-004-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(13) 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 Local Planning Appeal Tribunal (LPAT).

#### **4. 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 mailed distribution to neighbouring properties within 120 metres of the subject property as well as notice provided to the Clerk of the Township of Wainfleet. Additionally, a yellow sign was posted on the subject property.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Michael Carlton and Assylgul Kalmukhanova for the property located at 6696 Canborough Road (Part 1 of 30R-3892, Concession BF Part Lot 2 & 4) (File No. 1601-004-21).

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

The Planner provided an overview of the application as outlined in Staff Report PD-54-2021.

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 Application submitted by Michael Carlton and Assylgul Kalmukhanova for the property located at 6696 Canborough Road (Part 1 of 30R-3892, Concession BF Part Lot 2 & 4) (File No. 1601-004-21). 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 LPAT may not consider comments made during any other Council and/or Committee meetings.

##### **1. Allan & Maude Schwartz Regional Road 45**

Mr. Schwartz raised some concerns regarding flood land and whether or not the applicant has any acknowledgement of potential flooding on the lower part of the property. Mr. Schwartz also shared that he is concerned about the amount of noise and questioned if there was a noise curfew. In response to Mr. Schwartz's question with respect to the noise curfew, the Planner shared that he believes the Township has a noise by-law and that this concern will be brought back to staff for review. In response to Mr. Schwartz's question regarding the tax structure of the property, the Director of Planning & Building shared that it is his understanding that property taxes are based on the use of the land which is designated through the Municipal Property Assessment

Corporation (MPAC) and stated that the Township's Director of Finance will be able to provide more information to staff to include in their future recommendation report.

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

Mr. Steven Rivers (Agent) provided an overview of the application and stated that he was available to answer any questions from the public or Members of Committee. Mr. Rivers started by addressing some concerns that were raised by the public. With respect to views and the hiking trail/biking path, Mr. Rivers stated that the view is not something that is dealt with under the Planning Act and therefore would not be an issue that Planners deal with. With respect to the hiking/biking path, Mr. Rivers made note that the hiking trail or biking path that was raised are not proposed within this application and stated that he believes that the concerns are from the Regional biking routes that are shown on the drawings. Mr. Rivers also addressed the concerns with respect to the privacy screen and stated that although there has been some elimination of the ash trees, there is still substantial vegetation along the riverbank. In regards to the flooding concerns, Mr. Rivers noted that when creating the site plan they were very careful to ensure that everything is going to occur outside of the flood plain and the area that is proposed for the yurts is above the flood line. With respect to the noise issue and complaints, Mr. Rivers stated that the Owners have a list of criteria for anyone using the property, one of them is being respectful and no noise after 10pm. Mr. Rivers also addressed the concerns regarding sewage treatment and stated that any facilities on the site will need to meet the Ontario Building Code requirements and that the agent and applicants will be speaking with the Chief Building Official (CBO) to determine what exactly is required. Finally, with respect to the light pollution from the greenhouse, Mr. Rivers shared that the proposed greenhouse will not require night lighting.

The Chair asked if any Members of the Council 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 had any comments they should state them now as the Local Planning Appeal Tribunal (LPAT) may not consider comments made during any other Council and/or Committee meetings.

In response to Councillor Ganann's question regarding the water supply and sewage treatment, Mr. Carlton (Applicant) stated that they are planning on moving forwards per the requirements of the Ontario Building Code and direction

from the CBO as to what is needed to proceed. Mr. Carlton stated that currently they provide clean water that comes from Home Hardware in the 5-gallon jug and that every guest gets a new sterilized jug. Mr. Carlton then added that they also provide a separate gallon of water for hand washing which guests press a valve and it drains into a bucket, and then the bucket is disposed of along with the portable toilet waste and the subcontractor comes and cleans the disposed water from the sites. Mr. Carlton stated that they have no issues with expanding their plans with respect to water supply and sewage treatment and that they are just looking for direction to move forward.

In response to Councillor Ganann's question regarding what type of farming is currently happening on the property, Mr. Carlton stated that they have a mixed farming operation on the property that includes, pear trees, apple trees, vegetable beds close to the creek for fertile soil they also have hare, alpacas, goats, will shortly be getting some beef cattle for personal consumption, meat chickens, as well as honey jars for sale. Mr. Carlton noted that they are slowly learning and developing the farm as they go and hoping to provide good quality fruits and vegetables to people from the yurts and local community.

In response to Councillor Rehner's question regarding the required lot size for the proposed use, the Planner II, stated that per the Township's Zoning by-law there is a minimum lot area of 10 hectares for an on farm diversified use. Councillor Rehner questioned why the Committee is considering this proposal if it does not meet the requirements outlined by the Township. The Planner II stated that anyone can make an application to amend the processes of the Township zoning by-law, therefore the applicants have gone through the process to apply for an amendment to the zoning by-law, and the 10 hectares is just a standard number that is applied across the Township. The Planner II also stated that in some cases the 10 hectares may not be suitable for certain lots, therefore although there is no flexibility in the zoning by-law, landowners do have the ability to apply for an amendment to the zoning by-law. Councillor Rehner stated that due to the amount of concern that has been brought forward from different agencies he will not be in support of this application.

Councillor Jonker asked for clarification with respect to the locations of each structure and livestock on the property. Mr. Carlton stated that in the process of discussing the site plan with the subcontractor, Mr. Carlton asked for the five (5) greenhouses to be placed where the square box is shown on page 46 of the justification document.

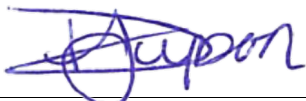
The Chair stated that a Technical Report was being considered by Committee later, as part of this evening's Committee- meeting and that a recommendation

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

**5. Adjournment**

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 7:08 p.m.



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**JESSICA DYSON, DEPUTY CLERK**

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**COUNCILLOR WILLIAM REILLY, CHAIR**