

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

MEETING NO. SIX

June 13, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Absent: Councillor Shelley Bradaric (notification provided)

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

Other Members:	Brianne McIntosh*	Jonathan Sikkens*
	Charmaine Garby*	Lianne Timbers-Sharp*
	Chris Attema*	Lynn Schneider*
	Eldon Darbyson*	Marilyn Dixon*
	Henry Lunshof*	Mike Vrugteveen*
	Jared Marcus*	Pam Heaslip*
	Joe Medeiros*	Melanie Felvus*
	John Ariens*	

***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:

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

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

4. PUBLIC MEETING(S)

**4.1 Zoning By-law Amendment - Township of West Lincoln
Housekeeping Amendments No. 6**

Re: The Township of West Lincoln is undertaking amendments to the Township Zoning By-law 2017, as amended, under the proposed Housekeeping Amendments No. 6 (File No. 1601-003-22).

4.2 Zoning By-law Amendment - 3976 Regional Road 20 (B & A Heaslip Farms Ltd.)

Re: Zoning By-law Amendment has been submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property municipally known as 3976 Regional Road 20.

4.3 Zoning By-law Amendment - 7330 Concession 3 Road (Jonathan and Crystal Sikkens)

Re: Zoning By-law Amendment has been submitted by Jonathan and Crystal Sikkens for the property municipally known as 7330 Concession 3 Road.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

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

6. APPOINTMENTS

There were no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

1. Jared Marcus, IBI Group Re: Item P57-22 Staff Report - Recommendation Report PD-54-2022 - DeHann Homes Inc., Crossings on the Twenty South Site Plan Amendment and Condition Clearance

Jared Marcus provided comments regarding the Crossings on the Twenty South Site Plan, noting that they are working at getting the appropriate documents and plans in order to move forward with the preapproval. Mr. Marcus thanked staff, and provided an update to the residents of West Lincoln regarding the Site Plan, and stated that these plans will be made available to township staff soon.

2. Brianne McIntosh, IBI Group Re: Item P60-22 – Silverdale Sports Centre Ltd. – 4944 Concession 4 Road Zoning Bylaw Amendment and Site Plan Authorization (File NO. 1601-019-19 & 2100-018-19)

Brianne shared their support of the recommendation report regarding the Silverdale Gun Club zoning amendment. They assured residents of West

Lincoln that these amendments would not cause issues of safety or nuisance for local residents surrounding the Silverdale Gun Club.

3. Eldon Darbyson, G. Douglas Vallee Limited Re: Item P59-22 – Recommendation Report No. PD-03-2022 – Zoning By-law Amendment – JCT Services – Eldon Darbyson (Agent) Joe Dilluio (Owner)

Eldon stated that they were interested in working with Township staff to finely tune the proposed land amendments in Item 10.2. They offered some explanations for residents of West Lincoln regarding the specifics of the amendment, as well as offering the Township assistance for future inquiries in order to ensure the amendment goes smoothly.

8. **CONSENT AGENDA ITEMS**

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

8.1 **ITEM P55-22**

CONSENT AGENDA ITEMS

Moved By Councillor Cheryl Ganann

Seconded By Councillor Mike Rehner

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

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

Carried

1. Technical Report - PD-59-2022 - Zoning By-law Amendment Application Jonathan and Crystal Sikkens – 7330 Concession 3 Road (File No. 1601-008-22)
2. Technical Report - PD-55-2022– Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendments No. 6 (File No. 1601-03-22)
3. Technical Report PD-60-2022 – Zoning Bylaw Amendment – B & A Heaslip Farms Ltd. – 3976 Regional Road 20 (File No. 1601-006-22 & 1601-007-22)

4. Recommendation Report - PD-63-2022 - Amendment to Parking By-law 89-2000

9. COMMUNICATIONS

There were no communications.

10. STAFF REPORTS

10.1 ITEM P56-22

Director of Planning & Building (Brian Treble)

Re: Information Report - PD-62-2022 - Efforts to Commence Township of West Lincoln Official Plan 5 Year Review

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Information Report No. PD-62-2022, regarding the “Efforts to Commence Township of West Lincoln Official Plan 5 Year Review”, dated June 13th, 2022, be received for information purposes.

Carried

10.2 ITEM-57-22

Planner II (Gerrit Boerema) & Director of Planning & Building (Brian Treble)

Re: Recommendation Report - PD-54-2022 - DeHaan Homes Inc., Crossings on the Twenty South Site Plan Amendment and Condition Clearance (File No. 2100-008-21 (Site Plan)) (File No. 2000-072-08 (Condo))

In response to Mayor Bylsma's concern regarding the the proposed Site Plan Amendment and whether this recommendation was the best way forward, the Director of Planning & Building assured Mayor Bylsma that the report followed the Council's earlier decision, and stated that there are more milestones that need to be met, although they are out of the Township's hands.

Councillor Reilly echoed comments made by Mayor Bylsma, and stated that they hoped that this matter would be resolved quickly and efficiently.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

1. That Report PD-54-2022, regarding “Recommendation Report Crossings on the Twenty South Site Plan Amendment and Condition

Clearance File No. 2100-008-21 (Site Plan) File No. 2000-072-08 (Condominium)” dated June 13, 2022, be received; and,

2. That, the Mayor and Clerk be authorized to enter into an Amending Site Plan Agreement with DeHaan Homes Inc. and any mortgagees once the Amending Site Plan Agreement and associated schedules are finalized to the satisfaction of the Director of Planning and Building; and
3. That, Condition No. 3b. of the Crossings on the Twenty South Community Draft Plan of Condominium be deemed to be cleared following the signing, registration of the Amending Site Plan Agreement and submission of security to the Township of West Lincoln.

Carried

10.3 ITEM-58-22

Planner II (Gerrit Boerema) & Director of Planning & Building (Brian Treble)

Re: Recommendation Report - PD-58-2022 - Housekeeping Amendments No. 7 Residential Zone Regulations

In response to Mayor Bylsma's inquiry regarding whether this amendment will be completed in this term of council or next term of council, the Director of Planning & Building stated the amendment at hand was presented previously in Housekeeping Amendment No. 5, but was appealed by outside parties, which has changed the amendment slightly. The Director of Planning & Building stated that staff hoped the appeal would be dealt with quickly, and the amendment will be finished as efficiently as possible.

In response to Councillor Jonker's inquiry regarding how the Township intends to retain a consultant for this specific amendment, the Director of Planning & Building stated that the Township Planning office has an account already for consultant fee's and will maintain the use of this account to retain the consultant for the Township.

Moved By Councillor Jason Trombetta

Seconded By Councillor Mike Rehner

1. That Report PD-58-2022, regarding “Recommendation Report, Housekeeping Amendments No. 7, Residential Zone Regulations”, dated June 13, 2022 be received; and
2. That, Township staff be authorized commence a Township initiated Zoning By-law amendment process, including a public consultation

process and public meeting, and to obtain a consultant to review and recommend changes to the Township's Zoning By-law, Residential Zone Regulations.

Carried

10.4 ITEM-59-22

Planner II (Madyson Etzl) & Director of Planning & Building (Brian Treble)
Re: Recommendation Report - PD-03-2022 - Zoning Bylaw Amendment – JCT Services – Eldon Darbyson (Agent) Joe Dilluio (Owner)

In response to Councillor Rehner's question regarding whether all issues regarding this amendment have been dealt with, the Director of Planning & Building state that precautions have been taken, and that consistent contact with the landowner has been made in order to sort through potential concerns, although the Director is pleased with the Bylaw as written.

Councillor Reilly stated that it was important to go through this process, and to allow for the public to provide feedback to these types of issues.

Councillor Ganann stated that language within Mr. Darbyson's presentation may not be congruent with what staff has written into the Bylaw as it stands, and stated that this misunderstanding could cause further issues. In response to Councillor Ganann's inquiry, the Director of Planning & Building stated that they have been in contact with Mr. Darbyson very recently, and stated that Mr. Darbyson has recognized concessions that he would need to make to the Township.

Moved By Councillor Jason Trombetta

Seconded By Mayor Dave Bylsma

1. That, Recommendation Report PD-003-2022, regarding "Zoning Bylaw Amendment – JCT Services – 7005 Concession 4 Road, File No. 1601-014-21" Dated May 9th 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-014-21 submitted by Eldon Darbyson (Agent) on behalf of Joe Dilluio (Owner), be amended and approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) if the Planning Act; and,
4. That a draft by-law as found at Attachment No. 1 to this report is supported by Township staff and can be approved; and,

5. That an authorizing bylaw be passed at council to authorize the Mayor and Clerk to enter into a Development Agreement that will implement the approved Zoning By-law amendment which will regulate the scale of the use and will require the return of previous areas of the property to agricultural use.

Carried

10.5 ITEM-60-22

Planner II (Gerrit Boerema) & Director of Planning & Building (Brian Treble)

Re: Recommendation Report - PD-56-2022 - Silverdale Sports Centre Ltd. – 4944 Concession 4 Road Zoning Bylaw Amendment and Site Plan Authorization (File No. 1601-019-19 & 2100-018-19)

In response to Councillor Rehner's question regarding if this proposed amendment would follow the Township's By-law and Region's environmental concerns, the Planner II Gerrit Boerema stated that these current plans satisfied the Conservation Authority and the Niagara Region standards.

In response to Councillor Ganann's inquiries regarding the Holding Zone Provisions within the Bylaw amendment and whether or not these provisions had a time limit, Planner II Gerrit Boerema, stated that the Township did not attach a timeframe to the Holding provision, although the Township reserved the right to create one if it is not dealt within a reasonable timeline.

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Report PD-56-2022 "Recommendation Report, Silverdale Sports Centre Ltd. – 4944 Concession 4 Road Zoning Bylaw Amendment and Site Plan Authorization. File No. 1601-019-19 & 2100-018-19" dated June 13, 2022, BE RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-019-19, submitted by Silverdale Sports Centre be approved subject to a Holding provision and modifications to the environmental zones; and,
4. That, staff be authorized to circulate the Notice of Decision for the zoning By-law Amendment with the corresponding 20-day appeal period; and,

5. That, Committee and Council authorize the Mayor and Clerk to enter into a site plan agreement with Silverdale Sports Centre and Joan Miller, and any mortgagees, once all site plan details have been worked out to the satisfaction of the Director of Planning and Building and that an authorizing bylaw be presented to Council to authorize the signing of the agreement.

Carried

10.6 ITEM-61-22

Planner II (Gerrit Boerema) & Director of Planning & Building (Brian Treble)

Re: Recommendation Report - PD-57-2022 - Development Agreement Authorization - Giro Estates 5482 Twenty Mile Road (File No. 2100-015-21)

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

1. That, Report PD-57-2022 "Recommendation Report, Development Agreement Authorization Giro Estates 5482 Twenty Mile Road, File No. 2100-015-21" dated June 13, 2022, BE RECEIVED; and,
2. That, Committee and Council authorize the Mayor and Clerk to enter into a development agreement with Albino Giro, Marcus Bruno Giro, Stephan Lino Giro, Nathan Joseph Giro-Norton, Palmira Giro-Norton, Anthony Daniel Giro-Norton, and any mortgagees, once all development details have been worked out to the satisfaction of the Director of Planning and Building.

Carried

10.7 ITEM-62-22

Director of Planning & Building (Brian Treble)

Re: Recommendation Report - PD-61-2022 - External Assistance to become Compliant with Bill 109

Mayor Bylsma stated that this report showed strong initiative to avoid future issues.

Councillor Reilly echoed comments made by Mayor Bylsma, and also stated that they hoped this report would prove useful in avoiding the much larger burden that Bill 109 will place on the Township planning office.

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

1. That, Report PD-61-2022, regarding “Recommendation Report – Recommendation Report – External Assistance to become Compliant with Bill 109”, dated June 13th, 2022, be RECEIVED; and,
2. That, staff be authorized to utilize the services of MHBC Planning to assist with Bill 109 compliance.

Carried

11. OTHER BUSINESS

11.1 ITEM P63-22

Director of Planning & Building (Brian Treble)

Re: Helen Kszan, Ontario Land Tribunal (OLT) Update

VERBAL UPDATE

The Director of Planning & Building provided a verbal update, stating that the hearing was adjourned early. The postponement of the hearing may cause issues regarding staff availability, which is why the Director of Planning & Building suggested the use of Mr. Currie in order to ensure that the Township will be available to provide timely and effective information for the hearing.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Harold Jonker

1. That, Committee and Council hereby confirm that Dan Currie of MHBC Planning and Hugh Fraser of OTB Farm Solutions be hired, if required, to represent the Township on the decision of the Township Committee of Adjustment relating to File A5-2017WL (Kszan) as before the Provincial Appeal body, Ontario Land Tribunal (OLT) through File No. OLT-21-002806 (previously PL170547).

Carried

11.2 ITEM P64-22

Members of Committee

Re: Other Business Matters of an Informative Nature

- 1) Mayor Bylsma

Re: Community Garden

Highlighted the Community Garden Event that is occurring on Thursday, June 16th at 1pm.

- 2) Councillor Harold Jonker

Re: MMWTG Meeting & West Lincoln Chamber of Commerce Breakfast

Councillor Jonker stated that the committee recognized the submissions of letter of support from multiple municipalities, such as the Township's of West Lincoln, expressing their appreciation for their support. Big Environmental impact on the wind turbines when they are decommissioned.

Councillor Jonker shared that the West Lincoln Chamber of Commerce is hosting it's first breakfast June 15th.

12. NEW BUSINESS

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

13. CONFIDENTIAL MATTERS

All Members of Committee were noted as present as well as the CAO, Deputy Clerk and Director of Planning & Building were in attendance for discussion of all confidential matters.

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

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

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

Moved By Councillor Harold Jonker

Seconded By Councillor Cheryl Ganann

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 - Peter Budd - Ontario Land Tribunal (OLT)

VERBAL UPDATE

Applicable closed session exemption(s):

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

13.2 Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege/Property Sale Matter - Sale of Lands in former Gainsborough Township

VERBAL UPDATE

Applicable closed session exemption(s):

- The security of the property of the municipality;
- Personal matters about an identifiable individual, including municipal employees;
- 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 9:15p.m.

Carried

13.1 ITEM P65-22

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Peter Budd - Ontario Land Tribunal (OLT) Appeal

VERBAL UPDATE

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That, staff be and are hereby authorized to proceed as directed in closed session.

Carried

13.2 ITEM P66-22

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege/Property Sale Matter - Sale of Lands in former Gainsborough Township

VERBAL UPDATE

Moved By Councillor Mike Rehner

Seconded By Councillor Harold Jonker

That, staff be and are hereby authorized to proceed as directed in closed session.

Carried

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:17pm.

JESSICA DYSON, DEPUTY CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR