



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

**September 12, 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 Jason Trombetta  
                                Councillor Mike Rehner

Absent:                    Councillor Harold Jonker (notice provided)

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

Other Members:       Regional Councillor Witteveen  
                                Craig Rohe  
                                Fred Vrugteveen

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**4981 Regional Road 20 (Vrugteveen & Niagara Pallets) - Zoning By-law  
Amendment**

**1.     Application for Temporary Use By-law**

The Chair advised that this public meeting was being held to consider an Extension to the Township of West Lincoln's Temporary Use By-law under Section 34(12) of the Planning Act as submitted by Upper Canada Consultants on behalf of Fred and Rebecca Vrugteveen and Niagara Pallets for the property located at 4981 Regional Road 20 (File No. 1601-011-22).

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

An application to extend a temporary use bylaw has been submitted for lands legally described as Concession 4, Part of Lot 16, in the Township of West Lincoln. The property is municipally known as 4981 Regional Road 20. The property is located on the north side of Regional Road 20, east of Silverdale Road.

An application has been submitted to allow for a one (1) year extension to a temporary use bylaw for an ongoing commercial operation which includes the storage of pallets and wood chips operated by Niagara Pallet. A temporary use by-law was passed by Council in February of 2019, which permitted the commercial use for a period of 2 years.

**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 proposed zoning by-law amendment.

The Chair stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the Zoning By-law Amendment submitted by Upper Canada Consultants on behalf of Fred and Rebecca Vrugteveen and Niagara Pallets for the property located at 4981 Regional Road 20 (File No. 1601-011-22).

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 (OLT).

**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 and email circulation to departments and agencies on August 17, 2022 and posted on the Township's website.

The Chair advised that this public meeting was being held to consider an Extension to the Township of West Lincoln's Temporary Use By-law under Section 34(12) of the Planning Act as submitted by Upper Canada Consultants on behalf of Fred and Rebecca Vrugteveen and Niagara Pallets for the property located at 4981 Regional Road 20 (File No. 1601-011-22).

The Chair asked the Senior Planner, Gerrit Boerema, to explain the purpose and reason for the proposed extension of the Temporary Use By-law.

The Senior Planner, Gerrit Boerema, provided an overview of the application and Technical Report PD-79-2022.

The representative from Upper Canada Consultants (Authorized Agent) provided a detailed timeline of events from the first Temporary Use application in 2020. The representative noted that due to the shutdowns from COVID-19, their clients could not efficiently make use of the Temporary Use By-law. The representative stressed that the 1-year extension to the Temporary Use By-law would allow their clients more than enough time to finish the project, and successfully migrate their business away from the property in question. The representative stated that they were able to answer questions from council and the public.

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.

There were no oral 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 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 Rehner inquired to Senior Planner, Gerrit Boerema, regarding the Township's position on this application considering that the Niagara Region opposed the application. In response to Councillor Rehner's inquiry, the Senior Planner stated that Township staff are still reviewing the application and hoped to bring a recommendation report forward at the next meeting. The Senior Planner noted that the concern of the Township is that a Temporary Use By-law was

approved for this property 2 years ago, which the Niagara Region opposed as well, and worried that adding another year to the By-law would not ensure the completion of the project. The Senior Planner stated that the Township would require proof that the business could be properly moved in this one year extension period, so the Township will not need to revisit this issue.

The Director of Planning & Building, Brian Treble noted that it is a delicate balancing act between the proper planning procedures and ending up in litigation if the proper precautions are not taken.

Councillor Rehner stated that while he appreciated the circumstances that held up the relocation of the business in the past 2 years, he would like to see a plan that would ensure this matter is resolved in the new 1-year extension.

Councillor Trombetta stated that he has visited the site and spoke with the owner owner noting that he has no issue providing the extension to relocate the business.

Councillor Bradaric requested that the applicant provide an overview of the issues and delays they faced during the initial 2-year Temporary Use By-law, to provide the public with a better understanding of the reasoning behind the extension. In response to Councillor Bradaric's inquiry, the representative from Upper Canada Consultants provided insight into the impact that the COVID-19 shutdowns had on the relocation process at the property.

Mayor Bylsma inquired to the Senior Planner, Gerrit Boerema, on the specifics of what a "cleaned up" site looked like, and what would qualify that the pallet storage business had been relocated successfully. In response to Mayor Bylsma's inquiry, the Senior Planner stated that staff would like to see compliance with the agricultural zoning By-law problems that the operation of this commercial business violates. The Senior Planner stated that while pallets may be on the property, it is clearly in operation as a commercial business.

Mayor Bylsma inquired to Mr. Vrugteveen, the owner of the property, whether or not there was any commercial operation of the business on the property in question. In response to Mayor Bylsma's inquiry, Mr. Vrugteveen stated that much of the use of the property has been to utilize the indoor storage space.

Councillor Ganann stated that this file has been ongoing for quite some time, and would like confirmation from Mr. Vrugteveen that there is sufficient capacity at the new site to relocate. Councillor Ganann echoed comments made by Councillor's earlier, wishing for this matter to be finally resolved. In response to Councillor Ganann's inquiry, Mr. Vrugteveen stated that the pallets on the property in question would be successfully relocated within the year extension.

The Chair advised that a Technical Report is being considered by the Committee this evening and that a recommendation report will be forthcoming to a future Committee and/or Council Meeting. Please be 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 the passing will be circulated with an appeal period. If you wish to be notified of Council's decision, please ensure that you email the Township Clerk, Joanne Scime at [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca).

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. It is suggested that you watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting. Additionally, meeting schedules are also noted on the Township's website for the public to view. If you wish to receive notices by email, it is suggested that you contact the Township Clerk to advise of your request and include your email address along with your mailing address and your phone number.

#### **4. Adjournment**

The Chair advised that this public meeting with respect to the proposed By-law amendment is concluded at the hour of 7:04 p.m.

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JESSICA DYSON,  
DEPUTY CLERK

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COUNCILLOR WILLIAM REILLY,  
CHAIR