



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

**MEETING NO. FIVE**

**May 8, 2023, 6:00 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 Terry Bell  
Councillor Joann Chechalk

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  
Dave Heyworth, Manager of Planning  
Shradha Arun, Senior Planner

Other Members: Steven Rivers, South Coast Consulting\*  
Raf Cervo\*  
Malcolm and Vira High\*  
John Ganann\*  
Sidney Thompson\*

**\*IN ATTENDANCE PART-TIME**

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

For confidential matters.

There were no disclosure of pecuniary interest and/or conflict of interest for confidential matters.

**2. CONFIDENTIAL MATTERS**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Terry Bell

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 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** Councillor Joann Chechalk

**Seconded By** Councillor Shelley Bradaric

That, this Committee meeting now resume in open session at the hour of 6:20 p.m.

**Carried**

**2.1 ITEM P39-23**

Director of Planning & Building (Brian Treble)

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

**Moved By** Councillor Terry Bell

**Seconded By** Councillor Shelley Bradaric

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**

**3. CHAIR - Councillor William Reilly**

The Chair called a recess at 6:22 p.m. following confidential matters, and the meeting resumed at 6:30p.m.

Prior to commencing with the Planning/Building/ Environmental Committee meeting agenda, Chair Reilly asked for a moment of silence to pay respects to a Township employee and valued member of the community, Rick Tracey, who passed away suddenly over the weekend.

Following the moment of silence Chair Reilly provided 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 [jdyson@westlincoln.ca](mailto:jdyson@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 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.

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

There were no disclosure of pecuniary interest and/or conflict of interest.

**6. PUBLIC MEETING(S)**

**6.1 Zoning By-law Amendment - 5623 Twenty Mile Road (9109072 Canada Inc.)**

Re: An application for Zoning Bylaw Amendment and Site Plan approval has been submitted by Mr. Steven Rivers of South Coast Consulting (Agent) on behalf of the property owner, 9109072 Canada Inc. (Mr. Raf Cervo) to rezone a 0.27-hectare parcel of land located on the north side of Twenty Mile Road/Regional Road 69, west of the Hamlet of St Anns, municipally known as, 5623 Twenty Mile Road. (File No.1601-01-23)

**6.2 Official Plan Amendment - Proposed Township Official Plan Amendment No. 65**

Re: Proposed changes to the Implementation Section of the Township of West Lincoln Official Plan to address procedural changes that need to be implemented in order to address timelines and other changes resulting from Bill 109, Bill 23, and other related bills. This amendment is written to streamline planning approvals, address the limitation on the ability to impose urban design control, changes to appeal rights, and other related policy amendments. (File No. 1701-001-23)

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

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

**8. APPOINTMENTS**

**8.1 ITEM P40-23**

Malcolm and Vira High

Re: Address By-law Concerns and By-law Enforcement Coverage

Malcolm and Vira High reviewed a prepared presentation addressing various by-law enforcement concerns, such as parking, dogs off leash and the use of fireworks.

Councillor Reilly shared his concerns with respect to the size of the Township's by-law department noting that the current by-law officer wears many hats. In response to Councillor Reilly's question regarding enforceability, the Director of Planning & Building stated that the By-law Enforcement Officer has worked alternative hours to allow for some after hour enforcement patrol, noting that during winter hours the officer works alternative hours to deal with on street parking during snow events.

In response to the CAO's question regarding when the Township onboarding of enforcement staff, the Director of Planning & Building stated the Township obtained a full-time enforcement officer back in 2019. The CAO also shared that there is a misconception that by-law infraction tickets pay for staffing, which is not the case.

Councillor Bradaric inquired about current staffing powers of authority and whether there is something that could be put in place for the park situations, such as parks & recreation staff being able to enforce while they are out in the area, the Director of Planning & Building stated that there are a number of staff that have a power of authority, some in which are related to specific enforcement authorities. The Director of Planning & Building stated that the Township's By-law Enforcement officer as well as the Chief Building Official are designated as Municipal Law Enforcement Officers who have additional responsibilities as it relates to enforcement. The Director of Planning & Building also stated that the tough part with respect to trying to enforce concerns is catching someone in the act. Councillor Bradaric shared that when staff review these by-law enforcement matters that staff capacity with respect to enforcement be taken into consideration.

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Jason Trombetta

That, the presentation by Malcolm and Vira High regarding various by-law concerns addressed at the May 8th, 2023

Planning/Building/Environmental Committee meeting, be received for information and referred to staff.

**Carried**

**9. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

There were no requests to address items on the agenda.

**10. 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.

**Due to agenda publishing errors, the consent agenda items as outlined below were read to Members of Committee and the consent agenda items and any exceptions were voted on accordingly.**

**10.1 ITEM P41-23**

CONSENT AGENDA ITEMS

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Terry Bell

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 with the exception of Item no.(s): **2**

**Carried**

1. Technical Report PD-27-2023 – Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)
3. Information Report PD-23-2023 – Site Plan and Development Agreement Approval Update
2. Technical Report PD-22-2023 – Application for Zoning Bylaw Amendment 5623 Twenty Mile Road (File No. 1601-01-23)

Councillor Rehner pulled Technical Report PD-22-2023 as it relates to the application for Zoning Bylaw Amendment 5623 Twenty Mile Road (File No. 1601-01-23), as he noticed that the file number outlined within the report, did not match the file number that was indicated on the agenda. It was confirmed that the correct file number as it relates to the Zoning Bylaw Amendment for 5623 Twenty Mile Road is 1601-01-23.

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Terry Bell

Technical Report PD-22-2023 – Application for Zoning Bylaw Amendment 5623 Twenty Mile Road (File No. 1601-01-23)

**Carried**

## **11. COMMUNICATIONS**

There are no communications.

## **12. STAFF REPORTS**

### **12.1 ITEM P42-23**

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

Re: Recommendation Report PD-24-2023 - Recommendation Report Review of Secondary Unit Policies and Regulations

**Moved By** Councillor Terry Bell

**Seconded By** Mayor Cheryl Ganann

1. That, Recommendation Report PD-24-2023 regarding, "Review of Secondary Unit Policies and Regulations," dated May 8, 2023, BE RECEIVED; and,
2. That Staff be authorized to commence a review of the Township's secondary unit policies and regulations and initiate an Official Plan Amendment and/or Zoning Bylaw Amendment process if required to implement any proposed changes.

**Carried**

## **12.2 ITEM P43-23**

Manager of Planning (Dave Heyworth), and Director of Planning and Building (Brian Treble)

Re: Recommendation Report PD-25-2023 - Proposed Provincial Planning Policy Changes

In response to Councillor Rehner's question regarding the opportunity that farmers would have to have a retirement lot, but two other lots on one parcel of land should the requirements be met, the Manager of Planning clarified that the proposed agricultural policies state owners of farm parcels that existed prior to 2023 that are adjacent to a non-farm use property, can potentially create three lots on one parcel of land should all of the requirements be met.

The Director of Planning & Building provided some clarification with respect to the policy, stating that per the proposed policy, any lot that existed on January 1, 2023 is entitled to the new regulations, noting that the history of the property does not matter should an owner wish to create three lots.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Terry Bell

1. That, Recommendation Report PD-25-2023, regarding "Proposed Provincial Planning Policy Changes", dated May 8, 2023 be RECEIVED; and,
2. That, Township Council ENDORSE the comments in this report to be forwarded to the Province as the Township's comments on ERO postings # 0196822 and 0196813.

**Carried**

**13. OTHER BUSINESS**

**13.1 ITEM P44-23**

Manager of Planning (Dave Heyworth)

Re: Request for Proposal (RFP) Parks, Recreation, Trails and Corridors Master Plan

**VERBAL UPDATE**

The Manager of Planning provided an update to Members of Committee with respect to the Parks & Recreation Master Plan and Trails & Corridors Master Plan stating that staff will be amending these plans due to the population growth within the municipality over the next 30 years; therefore, staff want to start planning for what facilities the community would need over this timeframe. The Manager of Planning stated that staff are looking to get a Request for Proposal (RFP) out within the next couple of weeks, noting that this could be a six-month process to complete the plan.

**13.2 ITEM P45-23**

Director of Planning & Building (Brian Treble)

Re: Consolidated By-law on the Township's Website

**VERBAL UPDATE**

The Director of Planning & Building provided an update to Members of Committee with respect to the Township's Zoning By-law (Consolidated), sharing that planning staff are working to get this by-law updated to ensure the most current revisions are on the website.

**13.3 ITEM P46-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Mayor Ganann

Re: Age Friendly Presentation for fraud prevention May 12<sup>th</sup>

Mayor Ganann reminded Members of the Committee and Members of the Public that on May 12<sup>th</sup> the Age Friendly Advisory Committee is holding an anti-fraud seminar at the West Lincoln Community Centre at 9:30 a.m. with Tom Cheel from the Canadian Anti-Fraud Centre.

2. Councillor Reilly

Re: Faith Fair & Smile Cookie Campaign

Councillor Reilly shared that he was able to attend the Faith Fair at St. Martin's School noting that what he got to experience was very well done.



Councillor Reilly also shared that the Smile Cookie Campaign raised their goal of \$25,000 which made for a very successful campaign. Mayor Ganann added that the food campaign will be running until May 12th, sharing that Community Care is currently sitting at 9,000 pounds of food.

**14. NEW BUSINESS**

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

**15. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 9:01p.m.

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JESSICA DYSON,  
DEPUTY CLERK

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COUNCILLOR WILLIAM REILLY,  
CHAIR