



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

MEETING NO. EIGHT

October 10, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Cheryl Ganann (Presiding Chair)
Councillor Shelley Bradaric
Councillor Jason Trombetta
Councillor Mike Rehner
Councillor Terry Bell
Councillor Joann Chechalk

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

Absent: Councillor William Reilly

Other Members: Regional Councillor Albert Witteveen

1. PROCEDURAL BY-LAW MATTER

Prior to commencing with the Planning/Building/Environmental Committee meeting, the Clerk advised that the Chair of the Planning/Building/Environmental Committee meeting, being Councillor William Reilly, was unable to attend this evening's meeting. Additionally, Councillor Bell, who is the Vice Chair, advised that he was unable to chair the meeting due to the fact he was unable to attend Pre-agenda; therefore, a Presiding Chair will need to be appointed and the following resolution was put forward to appoint Mayor Ganann as Presiding Chair for this evening's meeting:

1.1 ITEM P70-23

Deputy Clerk (Justin Paylove)
Re: Appointment of Presiding Chair

Moved By Councillor Mike Rehner

Seconded By Councillor Joann Chechalk

That, in accordance with Section 4.3 of the Township's Procedural By-law, Mayor Ganann be appointed as the Presiding Chair for the Planning/Building/Environmental Committee Meeting of Tuesday, October 10th, 2023 due to the absence of the Chair (Councillor Reilly) and the Vice Chair (Councillor Bell) being unable to chair the meeting.

Carried

2. PRESIDING CHAIR - Mayor Cheryl Ganann

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Presiding Chair Cheryl Ganann 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 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.

3. 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-rong), 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.

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

5. PUBLIC MEETING(S)

5.1 Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 7

Re: The Township of West Lincoln is undertaking amendments to the Township zoning bylaw, 2017-70, as amended, to address a number of issues that have become apparent since the bylaw was first passed. The proposed amendments under consideration include:

- Update the definition of the term 'salvage yard'
- Addition of a definition and permitted use for truck transport terminal
- Adjustments to the R2, R3, R4, RM2, RM3 and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group).
- Changes to accessory dwelling provisions as per Bill 23.

6. CHANGE IN ORDER OF ITEMS ON AGENDA

7. APPOINTMENTS

There were 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

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.

9.1 ITEM P71-23

CONSENT AGENDA ITEMS

Moved By Councillor Terry Bell

Seconded By Councillor Shelley Bradaric

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

1. Items 1 & 2 be and are hereby received for information.
2. Item 3 be and is hereby received and the recommendation contained therein be approved.

with the exception of Item no.(s)1 and 3

Carried

1. Information Report PD-49-2023 - West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force

Councillor Chechalk remarked that housing development across Ontario is slower than desired not because of a lack of willingness from municipalities to approve projects and to remove hurdles to development, but because of the high upfront costs of development.

Mayor Ganann remarked that the information report PD-49-2023 was brought forward to provide further information to Council, but noted that Council support is not required on the Township's Top 5 Recommendations from the Housing Affordability Task Force response. While the response is not yet completed, it will largely support and mirror the response put forward by the Association of Municipalities of Ontario (AMO).

Councillor Trombetta expressed his agreement with Councillor Chechalk, and further remarked that the support of the provincial government is required in order to allow for affordable housing development, specifically investment into infrastructure.

Councillor Chechalk remarked that the five recommendations included in Information Report PD-49-2023, are no more or less important than those chosen by AMO, and are no more or less important than all of the recommendations chosen by the task force.

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

That, Information Report PD-49-2023, regarding "2023 West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force", dated October 10, 2023 be received for information.

Carried

2. Technical Report PD-54-2023 – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)
3. Recommendation Report PD-50-2023 - Service Level Agreement (Planning) with the Region of Niagara

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, to explain the colour coding included in Recommendation Report PD-50-2023.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that the colour coding of the first included figure from Recommendation Report PD-50-2023, and that it outlines services that all municipalities would want provided by the regional government of Niagara.

In further response to Councillor Chechalk's inquiry, CAO Bev Hendry explained that because the Niagara region is no longer going to be officially responsible for providing planning services, this figure shows what services the Township will continue to

procure from the region, as they would be complicated and expensive to provide independently.

Councillor Chechalk further remarked that the cost of this service agreement may increase when it is reviewed in six months, and questioned the fairness of having the region provide these services to such a small number of smaller Niagara municipalities, including the Township. Councillor Chechalk argued that this agreement may be giving Township authority over to the region, and inquired if that authority should be maintained within the Township instead.

Director of Planning & Building, Brian Treble, clarified that other municipalities are still deliberating this agreement, and so to have further deliberations would not put us behind schedule in comparison to other municipalities.

Councillor Chechalk requested that a motion be put forward to send this agreement back to staff for review of the reports of Pelham and Niagara-on-the-Lake on this agreement, and to lay out the cost of hiring consultants or additional staff, versus the cost of this service agreement with the region.

CAO, Bev Hendry, requested that the Township reach out to the provincial government to suggest that they reconsider removing the region's planning responsibilities due to the fact that it has been quite disruptive to not only the municipalities but also the region.

1. That, Report PD-50-2023, regarding “”, dated October 10, 2023 be received; and,
2. That, Council receives and endorses the Planning Service Level Agreement, found at Attachment 1, between the Township of West Lincoln and the Regional Municipality of Niagara ("Niagara Region"); and,
3. That, the CAO be authorized to sign the Agreement on behalf of the Township upon the date of provincial proclamation for the amendments to the Planning Act related to upper-tier municipal planning responsibilities.

Referred

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

That, Recommendation Report PD-50-2023 regarding “Service Level Agreement (Planning) with the Region of Niagara”, be referred back to staff to report back at a future Planning/Building/Environmental Committee meeting in order for staff to do a further cost analysis of the services offered by the Region, compared to the potential lack of participation by neighbouring municipalities or third party consulting.

Carried

10. COMMUNICATIONS

11. STAFF REPORTS

11.1 ITEM P72-23

Director of Planning & Building (Brian Treble)
Re: Recommendation Report PD-53-2023 – Draft Official Plan
Amendment No. 66 – Cost Sharing Policy

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

1. That, Report PD-53-2023, regarding “”, dated October 10, 2023 be received; and,
2. That, staff be authorized to circulate Draft Official Plan Amendment No. 66 for input from land owners and agencies and then to present a recommendation report to Committee at a later date.

Carried

11.2 ITEM P73-23

Susan Smyth (Senior Planner) and Brian Treble (Director of Planning & Building)
Re: Recommendation Report PD-51-2023 – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)

Councillor Rehner inquired to the Director of Planning and Building, Brian Treble, if there had been a public meeting held previously in regards to this application.

In response to Councillor Rehner's inquiry, Director of Planning and Building, Brian Treble, confirmed that there had been a public meeting held in regards to this application.

Councillor Rehner further inquired to the Director of Planning and Building, Brian Treble, if the issues that had been raised at the public meeting had been rectified.

In response to Councillor Rehner's further inquiry, Director of Planning and Building, Brian Treble, stated that the issues had been addressed in the application and conditions of approval.

Councillor Trombetta inquired to the Director of Planning and Building, Brian Treble, if the farmer neighbouring the site had expressed their concerns at the public meeting regarding this development and the potential for conflict and complaints from future residents regarding them and their farm.

In response to Councillor Trombetta's inquiry, Director of Planning and Building, Brian Treble, confirmed that the farmer had expressed their concerns at the public meeting and that, based on the outcome of another similar development, it was noted by Council that it has been well documented that his farming practice has been established, and buyers in the area should be made aware of such practices.

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, about the issue of drainage that had been raised at the public meeting regarding this application.

In response to Councillor Bradaric's inquiry, Director of Planning and Building, Brian Treble, explained that the issues of drainage, as well as septic, have been resolved enough that this can be moved forward with conditions of approval to ensure that the Region and our inspectors are satisfied.

Councillor Bradaric further inquired to the Director of Planning and Building, Brian Treble, about details of the drainage and septic issues that were raised with regards to this application.

In response to Councillor Bradaric's further inquiry, Director of Planning and Building, Brian Treble, explained that while he cannot provide as specific detail as the Public Works department may be able to, he

explained that they have reviewed the plan and have come up with a solution to address these concerns adequately, with conditions.

Councillor Rehner inquired to the Director of Planning and Building, Brian Treble, about further drainage issues in the area raised by residents and if they would or have been addressed.

In response to Councillor Rehner's inquiry, Director of Planning and Building, Brian Treble, explained that while he is not a drainage expert, he does not believe those drainage issues, separate of this application, have been or will be addressed now. However, he did also note that this project will not make any current drainage issues worse anywhere else.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, if the conditions/warning clauses will be put on title or in the purchase and sale agreement.

In response to Councillor Chechalk's inquiry, he explained that he does not have the answer to that, but will get that answer prior to the next Council meeting. The conditions would be in the real estate language on the listing, and he would expect that they would be on title as well, but will have to find out if that is the case.

Councillor Chechalk further inquired to the Director of Planning and Building, Brian Treble, if consistent names of streets could be used within reports.

In response to Councillor Chechalk's further inquiry, Director of Planning and Building, Brian Treble, suggested that officially making street names consistent is a bigger issue than just asking to change it.

Moved By Councillor Jason Trombetta

Seconded By Councillor Mike Rehner

1. That, Report PD-51-2023, regarding "Recommendation Report – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)", dated October 10, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-016-22 to change the Development (D) zone to Residential Low Density

R1A-229 zone with site-specific provisions contained in Attachment 3, be APPROVED; and,

4. That, application for Draft Plan of Vacant Land Condominium File No. CDM 2000-91-22, be APPROVED, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Attachment 4 to PD-51-2023; and,
5. That, the Applicant be advised the Township's draft approval of this Plan of Vacant Land Condominium will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

Carried

11.3 ITEM P74-23

Brian Treble (Director of Planning & Building)

Re: Recommendation Report PD-52-23 - Amendments to Noise By-law

Councillor Chechalk inquired to Director of Planning and Building, Brian Treble, about the nature of enforcement of the noise by-law.

Director of Planning and Building, Brian Treble, read aloud questions and comments provided in writing by residents, Kim and Ed Wrzosek, who had brought the issue of the noise by-law forward in the first place. First, the residents thanked council and staff for their help in addressing their concerns. They then asked about how it will be enforced, if noises can be reported to by-law enforcement, and if they will be informed if an individual who they have reported has been ticketed.

In response to the Wrzosek's written inquiries, as well as Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that enforcement of the by-law, if approved, will be complaint-driven, meaning that a written complaint will need to be provided to the Township to instigate enforcement. Second, enforcement can occur outside of regular Township hours as necessary. Lastly, the issuing of a ticket is a confidential matter, however, the Township can make it known

that the complaint has been received and that they are acting on it, but not if a ticket has been issued and who it has been issued to.

Councillor Chechalk expressed her support for the amended noise by-law. However, she is concerned about the necessary cost to adequately enforce this by-law, and inquired to the Director of Planning and Building, Brian Treble, if that will be considered.

In response to the Councillor's inquiry, the Director of Planning and Building, Brian Treble, noted that this by-law can only be enforced on municipal roads, and that the rest will be considered.

Councillor Trombetta inquired to the Director of Planning and Building, Brian Treble, about how this noise by-law will impact loud mufflers on vehicles.

In response to Councillor Trombetta's inquiry, the Director of Planning and Building, Brian Treble, explained that the by-law is focused on the impact of the noise on individuals who may wish to submit a written complaint, not the existence of loud noises in general. The by-law is also written to exempt manufacturer standard equipment. So if a vehicle is sold with a loud muffler by the manufacturer, that is exempt from the noise by-law. If the Township received a complaint and a ticket was issued, it would be the responsibility of the ticket recipient to prove that their vehicle has not been modified, or if the modification can be justified as necessary, then the ticket could be waived.

Councillor Trombetta further inquired to Director of Planning and Building, Brian Treble, about what would constitute a noise complaint worthy of by-law enforcement to issue a ticket.

In response to Councillor Trombetta's further inquiry, Director of Planning and Building, Brian Treble, explained that the sounds associated with starting up a vehicle may bring about complaints, but it would be up to the Township's discretion to actually issue tickets in such instances, which they would not do unless, after investigation, it was determined to be a persistent problem beyond simply starting the vehicle.

Councillor Bell noted the potential for additional cost as a result of enforcement against law-abiding vehicle owners who have made legal modifications to their vehicles.

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, about the penalty imposed on those who would receive tickets under the noise by-law.

In response to Councillor Bradaric's inquiry, Director of Planning and Building, Brian Treble, noted that the financial penalty was not included with the recommendation report, but that it would be approximately \$200 dollars. Additionally, he expressed that enforcement would be restrained due to the resources necessary to enforce such a by-law and issue tickets.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, about the equipment used in enforcement of the noise by-law.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that technology like decibel readers are not ready to be used in the Township, as there are not trained staff in place to use it. The approach used in this by-law, by responding to complaints rather than regulating noise sources, is used elsewhere and as far as the Director can gather, has been successful without the need for decibel readers.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Mike Rehner

1. That, Recommendation Report PD-52-2023, regarding "Amendments to Noise By-law", dated October 10, 2023 be received; and,
2. That, an amending by-law such as the one attached to this report, be passed to update and modernize the Township of West Lincoln Noise By-law; and,
3. That, Mr. and Mrs. Wrzosek be notified of the changes accordingly.

Carried

12. OTHER BUSINESS

12.1 ITEM P75-23

Members of Committee

Re: Other Business Matters of an Informative Nature

Councillor Chechalk
Re: Gainsborough Plowing Match

The Gainsborough Plowing Match took place today, and it was a very full event with a number of participants who enjoyed the day, and several winners went home happy.

Mayor Ganann
Re: NPEI Appointment Process

Mayor Ganann provided an overview of the NPEI appointment process, as well as the correspondence received by the NPEI Board of Directors. Mayor Ganann noted that the Hiring Matrix is a solid foundation for the hiring process, and was made generic to be applicable to capture numerous positions.

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. CONFIDENTIAL MATTERS

There were no confidential items.

15. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:19pm.

JUSTIN PAYLOVE,
DEPUTY CLERK

MAYOR CHERYL GANANN,
PRESIDING CHAIR