

**DATE:** November 11, 2024

**REPORT NO:** PD-51-2024

**SUBJECT:** **Recommendation Report – Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review**

**CONTACT:** Gerrit Boerema, Acting Director of Planning & Building

**OVERVIEW:**

- On March 21, 2022 staff report [PD-36-2022](#) was presented to Planning Committee based on a request by the Land Owners Group to request Committee and Council support a Minister’s Zoning Order (MZO) as a possible means of achieving an urban boundary approval.
- On March 28, 2022, Council tabled the report with the following resolution: A Motion to table pending receipt of information or for a specific purpose, if passed by Council, shall remain tabled on the Council agenda until such time as the intent for tabling has been complied with.
- The Tabled motion was intended to hold back action on the request for a MZO in the hopes that Official Plan Amendments 62 and 63 would receive approval through normal approval channels without the need for a MZO.
- Official Plan Amendment (OPA) 62 was approved by Township Council on July 18<sup>th</sup>, 2022 and was included in the new Regional Official Plan and approved by the Minister of Municipal Affairs on November 4, 2022.
- OPA 63 was approved by Township Council on August 11<sup>th</sup>, 2022 and Regional Council on April 27<sup>th</sup>, 2023, however was appealed. The Ontario Land Tribunal (OLT) has held mediation sessions and has now accepted two Minutes of Settlement. One final component of OPA 63 is still subject to appeal however, an environmental expert will now prepare an Environmental Impact Statement (EIS) based on an agreed to Terms of Reference in order to resolve the outstanding issues. This report will be peer reviewed.
- Therefore, the MZO report is now no longer required and can be removed from the Table.

**RECOMMENDATION:**

1. That, Recommendation Report PD-51-2024, titled “Recommendation Report – Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review”, dated November 11<sup>th</sup>, 2024 be received; and,
2. That, Committee and Council do now hereby confirm that the need for a Minister’s Zoning Order is no longer required and Report PD-36-2022 may now be lifted from the Table as the intent of the Tabled report has now been addressed.

**ALIGNMENT TO STRATEGIC PLAN:**

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

**BACKGROUND:**

On March 21, 2022 Administration presented report [PD-36-2022](#), to Committee and Council to assist with an understanding of the Minister’s Zoning Order (MZO) process and to consider whether such a process would be beneficial for West Lincoln (Smithville). There was pressure from the land owners group at the time for the Township to request the assistance of the Minister of Municipal Affairs approve the urban boundary expansion through an MZO. The option of an MZO was the topic of a presentation made by Matthew Cory of MGP on behalf of the Land Owner’s Group.

The report was referred to the Council meeting of March 28 2022 at which time the report was considered as follows:

*A Motion to table pending receipt of information or for a specific purpose, if passed by Council, shall remain tabled on the Council agenda until such time as the intent for tabling has been complied with.*

The intent of the MZO is now addressed by the approval of OPA 62 and the majority of the approval of OPA 63, and as such is no longer needed.

**CURRENT SITUATION:**

In early 2022 there was a request made by the Land Owners group to Council to consider a Ministers Zoning Order (MZO) in order to achieve an urban boundary expansion prior to a pending Provincial election. However, the Township was able to achieve the urban expansion without the need for the MZO.

Official Plan Amendment (OPA) 62 was approved by Township Council July 18<sup>th</sup>, 2022 and was included in the new Regional Official Plan. There was no opportunity to appeal since the boundary amendment conformed to the Region of Niagara Official Plan that was approved by the Minister of Municipal Affairs on November 4, 2022.

OPA 63 was approved by Township Council on August 11<sup>th</sup>, 2022 and Regional Council on April 27<sup>th</sup>, 2022. One appeal was received on May 15<sup>th</sup>, 2022. The Ontario

Land Tribunal (OLT) held mediation sessions and has now accepted two Minutes of Settlement. There is one final component of OPA 63 still subject to appeal regarding the environmental mapping of features in Stage 4 of the urban boundary expansion. A Terms of Reference (ToR) has been established which will guide the work needed to resolve the outstanding issues.

Administration, based on the Township Procedural By-law, now hereby advise Committee and Council that report [PD-36-2022](#) and the recommendations contained therein are no longer necessary to request an MZO for the expansion lands. This report can now be removed from the table by Committee and Council because Official Plan Amendment (OPA) 62 & 63 are now in effect and are able to achieve development of the same lands that the MZO would have applied to.

**FINANCIAL IMPLICATIONS:**

Not applicable to this report.

**INTER-DEPARTMENTAL COMMENTS:**

This report has been discussed with Township Legal Counsel who concur that the MZO report can now be removed from the table. The completion of OPA 62 and OPA 63 along with Municipal Servicing Strategies complete the work that the MZO would address.

**CONCLUSION:**

Administration recommends that Committee and Council now remove the Tabled report [PD-36-2022](#) from the Table as the reason for the tabled report has now effectively been fully complied with.

**ATTACHMENTS:**

1. Report - PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

**Prepared & Submitted by:**

**Approved by:**

**Gerrit Boerema  
Acting Director of Planning & Building**

**Truper McBride  
CAO**