



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

**MEETING NO. SEVEN**

**December 7, 2020, 7:00 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

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

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Madyson Etzl, Planner II\*  
Gerrit Boerema, Planner II\*  
Jessica Dyson, Deputy Clerk

Other Staff: Joanne Scime, Clerk  
Roberta Keith, IT Manager  
Donna DeFilippis, Treasurer/Director of Finance  
Mike DiPaola, Director of Public Works & Recreation

Other Members: Regional Councillor Albert Witteveen\*  
Aaron Farrell\*  
Craig Rohe\*  
Karl Grueneis\*  
Raymond Tung  
Steve Wever\*  
David Brenzil\*  
Lyle Brenzil\*  
David Samis, Phelps Homes  
Jowett Lau, Phelps Homes  
Lyle Brenzil  
Richard Vandezande  
Shelley Bradaric  
Tony Miele\*  
Tristan Marks, News Now\*  
Wojciech Stasieczek\*

**\* IN ATTENDANCE PART-TIME**

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**1. CHAIR - Councillor Cheryl Ganann**

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, the following will be noted by the Chair:

1. 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.
2. The public may submit 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 read into public record.
3. The meeting will be recorded and available on the Township's website within 48 hours of the meeting, unless noted otherwise.

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

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

**3. PUBLIC MEETING(S)**

Public Meeting(s) under the Planning Act will commence immediately following the Public Works Committee Meeting.

**3.1 Official Plan Amendment**

Re: Township of West Lincoln - Draft Official Plan Amendment - Road Allowance Opening and Development (File No.: 1701-001-20)

**3.2 Zoning By-law Amendment**

Re: Township of West Lincoln - Zoning By-law Amendment - Caistorville United Church Rezoning (File No.: 1601-009-20)

**3.3 Zoning By-law Amendment**

Re: Craig Rohe, Upper Canada Consulting (Agent) on behalf of Niagara Pallets and the Davis family for the property legally described as Concession 8, Part Lot 16 RP30R1268 Part 1, RP30R9469 Part 1. Formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara municipally known as 2906, and 2930 South Grimsby Road 8 (File No.: 1601-008-20 Zoning Amendment).

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

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

**5. APPOINTMENTS**

**5.1 ITEM P83-20**

Steve Wever, Richard Vandezande & Aaron Farrell, Urban Boundary Expansion Planning Consultants  
Re: Smithville Master Community Plan - Intensification & Greenfield Density Analysis

**POWERPOINT PRESENTATION**

Councillor Reilly thanked everyone who took part in preparing and speaking to the presentation. Councillor Reilly stated that he has concerns about concepts 1 and 2 with respect to the by-pass being suggested as well as pushing traffic southward away from the businesses rather than moving more northern. In response to Councillor Reilly's comments regarding concept 1 and 2, the Director of Planning and Building stated that these concepts were presented to stimulate discussion to ensure the Committee had a full understanding before going to the public. The Director of Planning and Building also noted that he is not convinced that concepts 1 and 2 will be the final recommendation in the Community Master Plan.

Mayor Bylsma echoed Councillor Reilly's comments and stated that he would like to see the hydro corridor used more efficiently.

Councillor Rehner noted his appreciation of this plan not taking away agricultural land.

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

There were no members of the public present who wished to address any items on the Planning/Building/Environmental Committee agenda.

**7. CONSENT AGENDA ITEMS**

**7.1 ITEM P84-20**

**CONSENT AGENDA ITEMS**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Jason Trombetta

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

## **PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE MINUTES – December 7, 2020**

1. Item 1, 2, 3 and 4 be and are hereby received for information; and,
2. Items 5, 6 and 7 are hereby received and the recommendations contained therein be adopted with exception of Item Nos. 1 & 4.

**Carried**

### **SUMMARY OF APPROVED CONSENT AGENDA ITEMS:**

2. Technical Report No. PD-150-2020 - Local Road Policies – Public Consultation and Draft Policy
3. Technical Report No. PD-153-2020 - Caistorville United Church (File No. 1601-009-20) – Zoning By-law Amendment
5. Recommendation Report No. PD-141-20 - Heritage Designation – 200 St. Catharines Street
6. Recommendation Report No. PD-157-2020 - Signing Authority – Schedule 'A' to Data Licensing and Reciprocity Agreement with the Region of Niagara for Parcel Fabric Information
7. Recommendation Report No. PD-155-2020 - Renewal of Contract for Hearing Officer Services between the City of Thorold and the Township of West Lincoln relating to Parking Services and AMPS Program

### **ITEM P84-20 (1) - Information Report No. PD-151-2020 - Spring Creek Heights Secondary Plan Update**

Councillor Jonker asked for clarification from the Director of Planning and Building in regards to who is representing this application, as the report outlined John Calvin Canadian Reformed School as well as the Canadian Reformed Church. The Director of Planning and Building stated that this was an error in the report and that the group representing the application is the School. The Director of Planning and Building also stated that staff held a meeting with the School representatives recently and is waiting for more information before bringing forward a recommendation report to the Committee.

**Moved By** Councillor Harold Jonker

**Seconded By** Mayor Dave Bylsma

That, Report PD-151-2020 regarding “Information Report – Spring Creek Heights Secondary Plan” dated December 7th, 2020, be RECEIVED for information purposes.

**Carried**

**ITEM P84-20 (4) - Technical Report No. PD-152-2020 - Niagara Pallets 2906 and 2930 South Grimsby Road 8 - Zoning By-law Amendment-File No. 1601-008-20**

In response to Councillor Rehner's question regarding farm parcels not permitted to be less than 40 hectares and if this policy is relevant to the report, the Director of Planning and Building stated that the 40-hectare policy has little relevance to this file, however, the 40-hectare policy does come from the Township's new zoning by-law which also talks about minimum lot size and the protection of agricultural land. The Director of Planning and Building stated that the situation outlined in this report is that the owner is requesting one acre of severance to be added to the business parcel, however, the remnant parcel is already smaller than 40-hectares and will only be one acre smaller than the current size as a result of this process. The Director of Planning and Building added that there is a zoning component that will be coming forward for recommendation that will include a recognition of a minimum size deficient from the 40 hectares' standard for new farm parcels. The Director of Planning and Building stated that he feels comfortable with the recommendation outlined in the report, because in this particular situation the severance suggested is a piece of the hamlet that is affected, not agricultural lands.

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor William Reilly

1. That, report PD-152-2020, regarding "Niagara Pallets 2906 and 2930 South Grimsby Road 8, Zoning By-Law Amendment, File No. 1601-008-20", dated December 7th 2020 be RECEIVED; and
2. That, a recommendation report be submitted to a future Planning/ Building/Environmental Committee and Council meeting once Staff have completed a review of relevant policy, along with a review of agency and public comments.

**Carried**

**8. COMMUNICATIONS**

**8.1 ITEM P85-20**

Brenda Johnson, Chair & Bruce MacKenzie, Vice Chair, Niagara Peninsula Conservation Authority

Re: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

Mayor Bylsma provided some background information regarding the recommendation and stated that this is a step the Niagara Peninsula Conservation Authority is taking to get municipalities involved and onboard and the response be forwarded to the Provincial level.

Councillor Jonker noted that many other municipalities have brought forward this recommendation and stated that he is glad to see this correspondence and the recommendation discussed tonight.

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

**WHEREAS** the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 - Conservation Authorities Act;

**WHEREAS** the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications:

**WHEREAS** we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

**WHEREAS** the changes allow the Minister to make decisions without CA watershed data and expertise;

**WHEREAS** the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

**WHEREAS** municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

**WHEREAS** municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

**WHEREAS** the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

**WHEREAS** conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed

up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

**WHEREAS** changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

**AND WHEREAS** municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

**THEREFORE, BE IT RESOLVED:**

1. THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the Conservation Authorities Act and the Planning Act.
2. THAT the Province of Ontario delay enactment of clauses affecting municipal concerns.
3. THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes.
4. THAT the Province respect the current conservation authority/municipal relationships.
5. AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

**Carried**

**9. STAFF REPORTS**

**9.1 ITEM P86-20**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-156-2020 - Master Community Plan Project and Landowners Letter dated October 15th, 2020

**Moved By** Councillor William Reilly

**Seconded By** Mayor Dave Bylsma

1. That, Report PD-156-2020, regarding “Recommendation Report, Master Community Plan Project and Landowners Letter dated October 15th, 2020”, dated December 7th, 2020, be RECEIVED; and,
2. That, the consultants who have been hired to complete the Master Community Plan continue to prepare recommendations as required by the Master Community Plan and Subwatershed Study Terms of Reference, including options for a bypass of Smithville, and;
3. That, the consultant team report back to Planning Committee and Council with their final recommendation in late 2021 as previously planned.

**Carried**

**9.2 ITEM P87-20**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-154-2020 - Authority to Enter a Development Charge Credit/Front Ending Agreement with Dunloe Developments Inc.

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor Jason Trombetta

1. That, Report PD-154-20, regarding “Recommendation Report, Authority to Enter a Development Charge Credit/Front Ending Agreement with Dunloe Developments Inc. ”, dated December 7th, 2020, be RECEIVED; and,
2. That, an authorizing by-law be passed to authorize the Mayor and Clerk to sign a Development Charge Credit/Front Ending Agreement with Dunloe Developments Inc. similar to a preliminary draft version found at attachment 2 to this report, once engineering design has been completed and the agreement has been confirmed by Township Legal Counsel.

**Carried**

**10. OTHER BUSINESS**

**10.1 ITEM P88-20**

Members of Committee

Re: Other Business Matters of an Informative Nature

- i) Mayor Bylsma  
Re: Silverdale Hall Dinner



## PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE MINUTES – December 7, 2020

Mayor Bylsma started off by sharing that Friday, December 11<sup>th</sup>, is the Drive Thru dinner at Silverdale Hall adding that the organizers are trying to make it as festive as possible to spread some cheer.

ii) Councillor Reilly

Re: Various Matters

Councillor Reilly reminded all of the Drive-Thru Santa Food Drive Saturday, December 12<sup>th</sup> from 10am – 1pm at the Leisureplex in West Lincoln. Councillor Reilly also reminded all of the Canadian Blood Services Blood Drive taking place on Friday, December 11<sup>th</sup> from 3pm – 8pm at John Calvin School. Councillor Reilly finished by thanking Chair, Councillor Ganann, for chairing the Planning, Building & Environmental Committee and Public Meetings for the past two years

iii) Councillor Jonker

Re: Toonie Drive

Councillor Jonker stated that the Toonie Drive will be ending this week with bottle collection starting December 7<sup>th</sup>. In addition to Councillor Jonker's Toonie Drive announcement, Councillor Ganann stated that Kiwanis made a donation of \$1,000 in support of the fundraiser.

### 11. NEW BUSINESS

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

### 12. CONFIDENTIAL MATTERS

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Harold Jonker

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:

12.1 Township Solicitor (Tom Richardson), BMA Management Consulting Inc. (Jim Bruzzese) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Development Charge By-law LPAT Appeal

#### **UNDER SEPARATE COVER**

#### **Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose (9:00 pm)

12.2 CAO (Bev Hendry)

Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- The security of the property of the municipality;
- Personal matters about an identifiable individual, including municipal employees;
- Information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value

**Carried**

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Jason Trombetta

That, this Committee meeting does now resume in open session at the hour of 10:35 p.m.

**Carried**

**12.1 ITEM P89-20**

Township Solicitor (Tom Richardson), Consultant with BMA Management Consulting Inc. (Jim Bruzzese) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Development Charge By-law LPAT Appeal

**Moved By** Councillor Harold Jonker

**Seconded By** Mayor Dave Bylsma

1. That, the letter from Tom Richardson, Sullivan Mahoney (Township Solicitor), dated December 2nd, 2020 regarding Township of West Lincoln Development Charges By-law 2019-51 be RECEIVED; and,
2. That, the recommendations outlined within the above letter be approved; and,
3. That, the minutes of settlement be signed by Tom Richardson (Township Solicitor)

**Carried**

**12.2 ITEM P90-20**

CAO (Bev Hendry)

Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated

**PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE MINUTES – December 7, 2020**

The Committee rose without reporting.

**13. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 10:36 p.m.



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**JESSICA DYSON, DEPUTY CLERK**

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**COUNCILLOR CHERYL GANANN, CHAIR**