



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



SPECIAL COUNCIL MINUTES

MEETING NO. TEN HELD: Monday, September 27, 2010 - Township Administration Building, 318 Canborough Street, Smithville, Ontario – 6:55 p.m.

PRESENT:

Council:

Mayor Katie Trombetta
Alderman Mary Dinga
Alderman John Glazier
Alderman Norm Johnson
Alderman Douglas Joyner
Alderman Sue-Ellen Merritt
Alderman Mike Rehner

Staff:

Derrick Thomson, CAO
Carolyn Langley, Clerk
Brian Treble, Director of Planning & Building *
Rachelle Larocque, Planner*
Trevor Hall, Director of Public Works & Engineering*

Others:

Marion Falconi – Autism Niagara*
John Riediger - Alzheimer Society Niagara *
John Ariens, IBI Group
Adam Stelmaszynski
Maria Gulmar
Gus Gulmar
Deb Murphy
Sue Langdon
Vic Langdon
Cam Pritchard
Barb Pritchard
Gabriel Dionigio
Frank Dionigio
Charly Patriana
Karen Marshall
Terra denHollander
Mary Kovacs
Mark Van Andel
Bill Minnick
Kelly Abbas
Rick VanLeeuwen, RVL Construction
Ralph Ball
John Gavora
Ruth Griffin
Ross Griffin
Reg Dennis

Robert Lee
Brenda Lee
Scott Rettie, Phelps Homes Ltd.
David Fair
Greig Hancock
Geraldine Bell
Sherri deWilde
Paul S. Kovacs
Brenda Walker
Rick Sivyer
Linda Sivyer
Kevin Herbert
Cel Bovard
Jen Lawson
Istvan (Steve) Fogarasi
Sheana Furry
Anne Meinen
Sharon Murphy
Steve Murphy
Karen Marshall
Carol Kaufhold
Geraldine Kiss
Joe Kiss
Tyson denHollander
Nick DeFilippis
Carol Griffin
Louise Jones
Margaret Spittal
Jane Merritt
Don Merritt
Brenda Walker
Tim Downey
Aaron Downey
Maren Nimec
Cel Bovaird
Robin Jones
Linda Fair
Bill Veldman
Wendy Veldman
Anita Merritt
Reg Denis
Kelly Abbas
Steve Mauka
Approximately 6 other members of the Public*

* IN ATTENDANCE PART TIME

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

Alderman Mary Dinga noted that she had a conflict of interest and/or disclosure of pecuniary interest with respect to Official Plan Amendment # 21 – Compliance Policies, as her husband owned property within the proposed urban boundary expansion area. Alderman Dinga noted that she would not be taking part in any discussion nor voting with respect to this issue.

2. PUBLIC MEETINGS:

Mayor Trombetta advised that this was a public meeting to consider amendments to the Township of West Lincoln's Official Plan as submitted by the:

Township of West Lincoln with respect to Official Plan Amendment No. 15 (more specifically the 5 Year Review) AND Official Plan Amendment #21 (more specifically the Places to Grow Compliance Policies)

Mayor Trombetta stated the following:

The Planning Act requires in Section 17(15) and 26 (3) that before adopting an Official Plan Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The purpose of this public meeting is to receive comments and answer questions from the public regarding the amendments to the Township of West Lincoln's Official Plan.

Additionally, the Planning Act under Section 26 requires that Council for the Township of West Lincoln hold one Special Meeting of Council to consider revisions to the Township's Official Plan.

We stress 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 Planning Act requires under Ontario Regulation 543/06 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 Municipal Board.

Mayor Trombetta asked the Clerk advise of the method and dates by which notice of the public meeting was given.

The Clerk advised that proper notice of tonight's Special Council Meeting was given by way of advertising in a newspaper with general circulation for two consecutive weeks, being August 18th and August 25th, 2010, with the last notice being given at least 30 days before this evening's meeting.

Mayor Trombetta advised that this evening, we are going to deal with each Official Plan Amendment separately.

1. Official Plan Amendment No. 15 - more specifically with respect to the 5 Year Review

Mayor Trombetta asked the Director of Planning & Building (Mr. Brian Treble) to please explain the purpose and reason for the proposed Official Plan Amendment #15, more specifically with respect to the 5 year review.

The Director of Planning & Building (Mr. Brian Treble) explained the purpose and reason for the proposed Official Plan Amendment #15 (more specifically with respect to the 5 Year Review and corresponding Land Use Schedules)

The Director of Planning & Building read two letters into the record which are attached as Schedules A and B respectively and are described as follows:

Schedule "A": Letter from Mr. Harold Olij on behalf of the Mark & Helen Van Andel (Fulton).

Schedule "B": Email from Brenda & Robert Lee and attached correspondence from the Niagara Regional Police

The Director of Planning & Building advised that the submissions as well as comments received would be included in the report which will be presented next month.

Mayor Trombetta asked if there were any oral or written submissions from anyone present regarding the proposed Official Plan Amendment Mayor Trombetta stressed that this may be the only Public Meeting held with respect to this application, therefore if any Members of the Public have comments they should state them now as the OMB may not consider comments made during any other Council or Committee meetings. Also, anyone wishing to speak are required to come forward to the microphone and provide their name and address for the record prior to speaking.

Mr. Adam Stelmaszynski advised that he was in attendance representing Mr. & Mrs. Oddi of Allen Road in West Lincoln. Mr. Adam Stelmaszynski read from a prepared statement which is attached as Schedule "C" to these minutes.

The Director of Planning & Building advised that he has had many discussions with Mr. Stelmaszynski regarding the issues raised and noted that the concept of a LEAR should not be done site specific as it should be done Township wide. The Director of Planning & Building further advised that Mr. Oddi's property is identified as good general agricultural and that Mr. Oddi should submit his comments to the Province regarding retirement lots and the Green Energy & Economy Act as the Province had taken the authority away from the Township with respect to those issues.

Mr. Tyson den Hollander advised that he was representing his father who was out of town. Mr. den Hollander requested that council include his father's land in the boundary of the Silverdale Hamlet.

Ms. Sheana Furry advised that Silverdale had been her home all her life and that her father wanted to sever four lots for his four children and now that the Official Plan has come up for review, they would like the land included so that they could have the opportunity to raise their families in Silverdale and that she would like to raise her family in Silverdale as Winona did not feel like home and that Silverdale did.

Ms. Terra den Hollander advised that she was one of the four children and would like the Township to consider extending the boundary to include her father's land as she would like to raise her family and continue living her life there.

Mrs. Anne Meinen (owns land in Abingdon West) distributed a handout to Members of Council which is attached as Schedule "D" to these minutes.

The Director of Planning & Building advised that an evaluation table had been provided to Committee Members a couple of months ago and that it was the combined total from the analysis of the items contained in the table that had led staff to their conclusion which was that it was staff's opinion that Abingdon West did not warrant being bumped up to a hamlet. The Director of Planning & Building further noted that if Abingdon West did not get bumped up to a hamlet, the existing uses would be recognized and could continue.

Mr. John Ariens, Planner from IBI Group, advised that he was a representative for the Lincoln and Smithville Agricultural Societies and that Mr. Hancock (Smithville Agricultural Society) was also in attendance this evening. Mr. Ariens advised that his clients were in support of deferral of the designation of Grimsby Centre and agreed with staff's position as it would give Council and the public a fair opportunity to consider the merits of an agricultural society use in that particular area. Mr. Ariens noted that the decision of whether it should be a hamlet should be made in January or February according to the Director of Planning & Building, once all the studies have been completed and Council and the public have had an opportunity to review the studies and determine if in fact the agricultural society is an appropriate use at that location. Mr. Ariens noted that, without prejudice to the position with respect to Grimsby Center and whether it should be a rural cluster or hamlet, the recommendation will essentially defer that decision until to a future meeting in January or February of next year. Mr. Ariens further stated that his clients agree with this approach and urged Council to implement the staff recommendation.

Ms. Stephanie Kikot, read a letter which she advised she had previously submitted in July and is attached as Schedule "E" to these minutes. Ms. Kikot asked the Council to please upgrade Abingdon to a Hamlet and to include Concession 4, Part Lot 16 and 17.

The Director of Planning & Building advised that staff is proposing that Abingdon be designated a hamlet with adjustments to the boundaries; however, noted that the Kikot property is further west along the south side of Regional Road 65 and is not inside the boundary as proposed.

Mayor Trombetta asked if there were any other comments from the public. No further members of the public rose to speak.

Mayor Trombetta asked if any Members of the Council had any oral or written submissions on the proposed Official Plan Amendments. Mayor Trombetta stressed that Members of Council must make their comments now as the OMB will not consider comments made during the Special Council meeting and/or any other Council and/or Committee meetings.

Alderman Glazier inquired if the existing businesses would be affected if the cluster was not upgraded to a hamlet. The Director of Planning & Building advised that existing businesses would be allowed to continue and the preparation of the new zoning by-law will ensure the details. The Director of Planning & Building further advised that existing uses can be status zoned in the new zoning by-law which will recognize the uses as legally existing.

Alderman Glazier further inquired if existing businesses would be allowed to expand. The Director of Planning & Building advised that the zoning process is the next stage once the Official Plan is complete and it can include provisions for expansion to be built into the existing zoning of the property or can include provisions to allow for expansion by rezoning so that council will have an opportunity to evaluate, on a case by case basis, how they want to deal with each individual business.

Alderman Glazier asked if any new business wanting to come into a rural cluster would be allowed. The Director of Planning & Building advised that if the area was upgraded to hamlet status, there were provisions to allow for conversion of use by rezoning. The Director of Planning & Building further advised that if a rural cluster was not upgraded, it becomes an area with no status and that uses could be added to the area, by rezoning, only if they serve agriculture.

Alderman Merritt requested confirmation from the Director of Planning & Building, that the soil quality, whether it was good agricultural or general agricultural land, was not the sole determining factor in the consideration of whether an area should be designated for development.

The Director of Planning & Building stated that Alderman Merritt was correct and that there were a number of provisions including MDS and many other types of planning application reviews that would have to be considered as part of any application/proposal to develop inside a good general agricultural area. The Director of Planning & Building further advised that many detailed analysis and reviews would have to be undertaken by the Township and Region before it could be considered for non-farm development. The Director of Planning & Building further stated that Provincial policy effectively directs uses that are not agriculture in nature towards Smithville or the hamlets and in the agricultural area, it should only be uses related to the growing of crops or raising of livestock; or commercial uses that support agriculture.

Alderman Merritt stated that we should not be developing 100 acres in the rural area in the middle of nowhere as it is not a good planning and it was different if you develop in a cluster or hamlet and that when we look at designating hamlets, it is because there is development there.

Alderman Merritt further stated that decisions could not be made based on emotions and that is why staff is asked to do a comparison to determine whether or not areas warrant hamlet status. Alderman Merritt stated that the process was undertaken and that decisions could not be made based on who lives where and that many factors had to be evaluated and council relied on planning staff's expertise to review and identify which areas meet the criteria for hamlet status.

Alderman Merritt noted that boundaries will have to be established and someone will always end up being on the outside and those on the inside will be lucky.

Alderman Merritt further stated that farm severances were eliminated in 2005 and that many farmers can no longer get retirement lots and she did not agree with this Provincial decision as she felt the Province had made a mistake in not allowing legitimate farmers to have a farm retirement lot so that they could stay close to their home. With respect to the Green Energy Act, Alderman Merritt also stated that after the Township had done a lot of work relating to green energy, the Province had taken all control away from municipalities.

Alderman Merritt stated that decisions cannot be based on emotion but must be based on established criteria and should be evaluated by planning staff with the required expertise, as this is the only way to make good decisions.

2. Official Plan Amendment No. 21 - more specifically with respect to the Places to Grow Compliance Policies

Mayor Trombetta asked the Director of Planning & Building (Mr. Brian Treble) to please explain the purpose and reason for the proposed Official Plan Amendment #21, more specifically with respect to the Places to Grow Compliance Policies.

The Director of Planning & Building (Mr. Brian Treble) explained the purpose and reason for the proposed Official Plan Amendment #21 (more specifically with respect to the Places to Grow Compliance Policies).

The Director of Planning & Building read a letter into the record from Mr. Ariens regarding OPA # 21 which is attached as Schedules "F" to these minutes.

The Director of Planning & Building stated that he believed we are generally of the same understanding as Mr. Ariens and that he had conveyed to Mr. Ariens the concern that the Township is not prepared to get into the details of which land is "in or out" of a proposed urban boundary expansion as it seems premature because of the required servicing analysis that must be considered along with that determination and noted that it is better to indicate to the Region and the Province up front that we feel an urban boundary is warranted. The Director of Planning & Building further stated that he understood that the Province was reviewing a similar policy for Waterloo Region and if that model policy approach was approved, it would be good for West Lincoln and would be the basis on which to move forward in West Lincoln.

Mayor Trombetta asked if there were any oral or written submissions from anyone present regarding the proposed Official Plan Amendment. Mayor Trombetta stressed

that this may be the only Public Meeting held with respect to this application, therefore if any Members of the Public have comments they should state them now as the OMB may not consider comments made during any other Council and/or Committee meetings.

Mr. Ariens, IBI Group, summarized the position outlined in his email and noted that a strong message needed to be sent to the Province and the Region as all their homework and studies have been done and the only difference he was suggesting was to make the purple area an expansion area today, rather than a study area for a candidate urban area. Mr. Ariens suggested the Province and the Region be told that this expansion is what Smithville needs to protect for the long term growth of the municipality. Mr. Ariens further noted that their greatest concern was expansion of the Greenbelt, noting what the expansion had done to Grimsby, Beamsville and Niagara-on-the-Lake, in that they could no longer expand and their house prices have risen significantly. Mr. Ariens noted that he and the Director of Planning & Building were in close agreement with areas and policies and that his clients felt that the designation was warranted today and he was there to answer any questions council Members may have.

Mr. Scott Rettie, a representative for Phelps Homes and Mr. John Georgakakos, advised that his clients were also interested in the expansion; however, noted that they were concerned with the word study area in the urban area expansion but noticed that is was changed and are pleased. Mr. Rettie stated that he hoped to continue working with staff to see this come to fruition.

Mayor Trombetta asked if any Members of Council had any oral or written submissions on the proposed Official Plan Amendment. Mayor Trombetta stressed that Members of Council must make their comments now as the OMB will not consider comments made during any other Council and/or Committee meetings.

Alderman John Glazier inquired when this matter was going to arbitration or the OMB.

The Director of Planning & Building advised that a couple of pre-hearing dates had been set and cancelled and he had heard that the next OMB Hearing was to be in early 2011. The Director of Planning & Building further advised that, with the assistance of Mayor Trombetta, the Region had agreed to send the matter to a facilitator and that there was a potential meeting date of mid-October.

Alderman Merritt inquired if the Director of Planning & Building had any idea when the Waterloo ruling would be made as it may help us or may possibly have the reverse effect if not approved by the Province.

In response to Alderman Merritt's inquiry if the ruling would be coming in October, the Director of Planning confirmed it would be in October and he agreed that the timing was important and was led to believe that the decision on their Official Plan was eminent and that Waterloo was confident that the decision would be favourable.

Alderman Merritt asked what the downside of doing what Mr. Ariens was proposing, which was to designate the whole area now.

The Director of Planning & Building advised that our current Planning Consultant does not support the whole area identified as the Study Area and therefore it may be premature to determine who is in and who is out. The Director of Planning & Building further noted that he was also concerned that the greenbelt may interfere with future opportunities if the lands were not identified for future growth in the short term and he hoped that the greenbelt would respect the settlement Expansion Boundary Area notation. The Director of Planning & Building further noted that his approach to the policies would be to say that the agricultural uses continue in the interim but would discourage new intensive livestock operations in the area because of the future intent to bring the land inside the urban boundary.

Mayor Trombetta advised that if the Official Plan Amendments are adopted by Council, a notice of their adoption will be circulated with notice that the Official Plan Amendments will be forwarded to the Region for final approval and an appeal period. Mayor Trombetta advised that there was an attendance list by the door which we would ask all present to sign if they wish to be notified of Council's decision with respect to this application.

Mayor Trombetta advised that Members of the Public were invited to stay in attendance to hear the Council's comments and/or recommendation on this application which will take place following conclusion of the Special Council meeting being held this evening.

3. ADJOURNMENT:

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, this special council meeting does now adjourn at the hour of 8:18 p.m.
- Carried

CAROLYN LANGLEY, CLERK

MAYOR KATIE TROMBETTA