



TOWNSHIP OF WEST LINCOLN
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE AGENDA



MEETING NO. EIGHT HELD: TUESDAY, October 11, 2011, Township Administration Building, 318 Canborough Street, Smithville – **6:30 p.m.**

1. **CHAIR:** Alderman Sue-Ellen Merritt (Chair)
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

NOTE: **PUBLIC MEETINGS UNDER THE PLANNING ACT**
Planning Meetings required under the Planning Act will commence at 6:30 P.M.
(a) Zoning By-law Amendment – Leonard & Lynn Snippe (File No. 1601-012-11)
(b) Zoning By-law Amendment – Anne Meinen (File No. 1601-015-11)
(c) Zoning By-law Amendment – RVL Contracting Inc. (File No. 1601-018-11)
(d) Zoning By-law Amendment – Zora & Drago Kozul (File No. 1601-013-11)

3. **REQUEST TO ADDRESS ITEMS ON THE AGENDA:**
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.

4. **APPOINTMENTS:**
From Procedural By-law:
 - 6.5 **Limits on Council/Committee Addresses**
Any person addressing Council or Committee shall not speak longer than ten minutes, without the consent of the Majority of the Members of Council present, unless in direct reply to questions from Members of Council.
 - 6.6 **Comment During Appointments/Presentations**
All persons making presentations and appointments shall address the Chair at all times. Council Members may respond to presentations and appointments only when recognized by the Chair. Senior staff may respond to concerns raised by presentations and appointments only on specific direction from the Chair and such staff may reserve the right to respond, in writing, at a later date.

There are no appointments.

5. **CONSENT AGENDA ITEMS:**
All items listed below are considered to be routine and non-controversial and will 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.

- (a) **ITEM P119-11**
 - (1) Heritage Committee – Minutes of May 9, 2011
 - (2) Information Report No. PD-120-11 – Niagara Region Wind Corporation

RECOMMENDATION:
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1 & 2 be hereby received for information with the exception of Items #(s)_____.

6. **COMMUNICATIONS:**

There are no communications.

7. **STAFF REPORTS:**

(a) **ITEM P120-11**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-124-11 – Recommendation Report – Zoning By-law Amendment – Leonard & Lynn Snippe (File No. 1601-012-11)

RECOMMENDATION:

- (1) That, Report No. PD-124-11, dated October 11, 2011, relating to an application for rezoning by Leonard and Lynn Snippe, BE RECEIVED; and
- (2) That, Zoning By-law Application 1601-012-11 submitted by Leonard and Lynn Snippe, BE APPROVED.

(b) **ITEM P121-11**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)
Re: Report No. PD126-11 – Recommendation Report – Zoning By-law Amendment – Greg Hynde (Agent for Anne Meinen) (File No. 1601-015-11)

RECOMMENDATION:

- (1) That, Report No. PD-126-11, dated October 11, 2011, relating to an application for rezoning by Greg Hynde (Agent for Anne Meinen), BE RECEIVED; and
- (2) That, Zoning By-law Application 1601-015-11 submitted by Greg Hynde (Agent for Anne Meinen), BE APPROVED.

(c) **ITEM P122-11**

Planner I (Adam Huycke) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-122-11 – Recommendation Report – Zoning By-law Amendment – RVL Contracting Inc. – Spring Creek Estates Lot Addition (File No. 1601-018-11)

RECOMMENDATION:

- (1) That, Report No. PD-122-11, dated October 11, 2011, relating to an application for rezoning by RVL Contracting Inc. - Spring Creek Estates Lot Addition, BE RECEIVED; and,
- (2) That, Zoning By-law Application 1601-018-11 submitted by RVL Contracting Inc., BE APPROVED; and,
- (3) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original application are minor in nature.

(d) **ITEM P123-11**

Planner I (Adam Huycke) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-123-11 – Technical Report – Zoning By-law Amendment – Kozul – 9371 Regional Road 65 (Silver Street) (File No. 1601-013-11)

RECOMMENDATION:

- (1) That, Report No. PD-123-11, dated October 11, 2011, relating to an application for rezoning by Kozul – 9371 Regional Road 65 (Silver Street), BE RECEIVED; and,
- (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once the following items have been addressed:
 - (a) That the applicants provide the Township with a Planning Justification Report prepared by a qualified professional, that outlines the history of this property as it relates to the legal non-conforming status of these lands, and a review of this application as it relates all applicable planning policies;
 - (b) Confirmation of compliance with the Record of Site Condition (RSC) requirements of the Province's Environmental Protection Act, as to whether the proposed property constitutes a change of use, and if so, whether such a change in use requires the completion of a RSC.
 - (c) Confirmation from a qualified professional that the existing private septic system on these lands is adequately sized to serve the proposed use, and is functioning properly or alternatively that a design for a new septic system/upgrade be provided to the Township's satisfaction.
- (3) That, the applicants be advised that should the above noted information not be provided to the Township by March 31, 2012 that the Township will then be taking the necessary steps to enforce the Township's Zoning By-law.

(e) ITEM P124-11

Director of Planning & Building (Brian Treble) & CBO (Tom Neufeld)

Re: Report No. PD-106-11 – Recommendation Report – Request by Arie Fennema for Amendments to Noise By-law

RECOMMENDATION:

- (1) That, Report No. PD-106-11, dated October 11, 2011, relating to the Request by Arie Fennema for Amendments to the Noise By-law, BE RECEIVED; and,
- (2) That, Committee and Council not support an amendment to the Township Noise By-law (By-law 97-78, as amended) to require enforcement 24 hours per day.

(f) ITEM P125-11

CBO (Tom Neufeld) & Director of Planning & Building (Brian Treble)

Re: Report No. RFD-BLDG-02-11 – Recommendation Report – Proposal to Repeal and Replace existing Clean Yard By-Law 97-64 with a new By-Law relating to Litter, Yard Waste and Maintenance of Property (to be referred to as the Clean Yard By-Law)

RECOMMENDATION:

- (1) That, Report No. RFD-BLDG-02-11 dated October 11, 2011, relating to a proposal to Repeal and Replace existing Clean Yard by-law with a new by-law relating to litter, yard waste and maintenance of property to be referred to as the Clean Yard By-Law, BE RECEIVED; and

- (2) That, a new By-Law respecting litter, yard waste and maintenance of property be adopted by Township Council; and
- (3) That, By-law 97-64, the existing Clean Yard By-law, be and is hereby repealed.

(g) ITEM P126-11

Director of Planning & Building (Brian Treble)

Re: Report No. PD-127-11 – Recommendation Report – Further Review of Hamlet Boundary

RECOMMENDATION:

- (1) That, Report No. PD-127-11, dated October 11, 2011, relating to a Further Review of Hamlet Boundaries, BE RECEIVED; and,
- (2) That, Committee and Council confirm the boundaries as originally set in OPA #15 (5 Year Review) except for Grassie, Regional Road #12 and Wellandport; and,
- (3) That, Committee and Council suggest modifications to the boundaries of the Grassie, Regional Road #12 and Wellandport Hamlets as shown on the attached maps (Attachment No. 2); and,
- (4) That, Township Council requests that the Region of Niagara acknowledge the removal of the four former Settlement Areas (Warner, Winslow, Westbrook and Abingdon West), when deliberating on the growth allocation for the serviced area of Smithville. Allocation of an equivalent area of land to Smithville is requested. Alternately, should recognition not be supported, the four former Rural Clusters should be upgraded to Hamlets as per the mapping and boundaries identified at Attachment No. 3; and,
- (5) That, if changes to Hamlets and/or their boundaries are accepted, further public consultation shall be required.

(h) ITEM P127-11

Director of Planning & Building (Brian Treble)

Re: Report No. PD-119-11 – Recommendation Report – Receipt of Peer Review Document by MHBC Planning entitled Smithville Growth Management Strategy

RECOMMENDATION:

- (1) That, Report PD-119-11, dated October 11, 2011, relating to the Receipt of Peer Review Document by MHBC Planning entitled Smithville Growth Management Strategy, BE RECEIVED; and,
- (2) That, Council accepts the findings and conclusions of the MHBC Planning Study entitled *Peer Review: Township of West Lincoln Growth Management Strategy* dated September 25, 2011; and,
- (3) That, Township Staff are hereby authorized to present this report to Regional Niagara Integrated Community Planning (ICP) staff on a 'Without Prejudice' basis.

8. **OTHER BUSINESS:**

(a) **ITEM P128-11**

Alderman Joann Chechalk
Re: Street Naming – Community Input
FOR DISCUSSION

(b) **ITEM P129-11**

Director of Planning & Building (Brian Treble)
Re: Lincoln Agricultural Society Official Plan Amendment
VERBAL UPDATE

(c) **ITEM P130-11**

Director of Planning & Building (Brian Treble)
Re: Pett Antoniou OMB Hearing
VERBAL UPDATE

(d) **ITEM P131-11**

Members of Committee
Re: Referred Matters List & Time Sensitive Tracking List
UNDER SEPARATE COVER

(e) **ITEM P132-11**

Members of Committee
Re: Other Business Matters

9. **CONFIDENTIAL MATTERS:**

(a) **ITEM P133-11**

CBO (Tom Neufeld) & Director of Planning & Building (Brian Treble)
Re: By-law Enforcement Quarterly Update
REPORT TO BE DISTRIBUTED AT MEETING

(b) **ITEM P134-11**

Director of Planning & Building (Brian Treble)
Re: Confidential Report No. PD-128-11 - Legal Matter – By-law Enforcement
UNDER SEPARATE COVER

RECOMMENDATION:

That, Report No. PD-128-11, dated October 11, 2011, relating to Legal Matter – By-law Enforcement, BE RECEIVED for information.

(c) **ITEM P135-11**

Director of Planning & Building (Brian Treble)
Re: Legal Matter – Administration Fee – Minutes of Settlement
TO BE DISTRIBUTED AT MEETING

10. **ADJOURNMENT:**

That, this Committee does now adjourn at the hour of p.m.