

Council Chambers

January 10, 2000

Minutes of the Public Works Committee of the Town of Lincoln held on Monday, January 13, 2000, at 7:00 p.m., in the Council Chambers. Present were Ald. A. Barlow (Vice-Chairman), Ald. U. Davies (sitting in for Ald. G. Barlow), Ald. I. Kelly, and Mayor K. Konkle. Staff present: Bruce Peever (Acting Chief Administrative Officer), J. Kukalis (Acting Director of Public Works), D. Campbell (Operations & Equipment Manager), Lee Ripenburg (Engineering Technician)

PUBLIC WORKS ACCOUNTS

The Operations & Equipment Manager answered questions with respect to specific accounts.

Moved by Ald. B. Kelly, Seconded by Mayor R. Konkle

THAT Department payments in the amount of \$ 485,357.20 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

CARRIED

RECREATION ACCOUNTS

The Operations & Equipment Manager answered questions with respect to specific accounts.

Moved by Ald. G. Barlow, Seconded by Ald. U. Davies

THAT Department payments in the amount of \$ 3,234.93 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

CARRIED

REPORTS

MAIWIN ROAD WATERMAIN REPLACEMENT REPORT PW-00-02

Members of Committee expressed concern over the proposed financing for the extension portion of the watermain. Committee indicated that the properties that will receive the benefit of the watermain extension should contribute to its construction cost. The Acting Director of Public Works reiterated that staff felt that requiring the property owners to pay for the extension was not appropriate as the extension was being advanced to solve an operational problem, but that Council was free to impose any financing arrangement or contribution it felt appropriate. He also clarified that the purpose of extending the watermain was to eliminate the existing ice-cies.

Moved by Mayor Ray Kotikle, Seconded by Ald. I. Kelly

THAT staff negotiate with the home owners and the greenhouse operator as to a fair and reasonable cost for hook-up to the water line before construction.

FURTHER THAT the report be brought back to Council for approval.

CARRIED

TALLMAN DRIVE STATUS REPORT, PW-00-04

Members of Committee inquired as to whether or not this project had been formally reviewed by the Regional Council. The Acting Director of Public Works indicated that Regional Planning Staff had reviewed the project pursuant to the class EA process, but that as the project had never advanced to the final stages, no formal request for Regional Council approval was ever made. Moved by R. Kelly, Seconded by Mayor Konkle

THAT the Public Works Committee recommend to Council that the project be deferred as outlined above.

FURTHER THAT in the interim staff be authorized to complete the localized repair as per the 1997 geotechnical report, if necessary.

FURTHER THAT staff be directed to inform the affected residents of the project status.

CARRIED

111XON STREET WATERMAIN 1117, SERVOIR TO DISCHARGE STREET. PW-00-05

Members of Committee questioned how the proposed watermain would connect into the existing system, and how it would function when the booster pump station was commissioned. The ADPW elaborated on the operation of the system in the area. Members of the Committee also indicated that staff should keep residents informed as to the status of the project and that they felt information was key to success of the project.

Moved by G. Barlow, Seconded by B. Davies

THAT the Public Works Committee recommend to Council that the Terms of Reference for the subject project be approved.

FURTHER THAT staff be directed to invite proposals from two firms and

engage the services of the best firm at staff's discretion to undertake the engineering design with a budget limit of \$ 40,000.00

CARRIED

HIGHLAND PARK ESTATES STORMWATER MANAGEMENT FACILITY

TW-00-07

Members of the Committee inquired as to the operation of the pond and the proposed maintenance schedule. Lee Hipenburg outlined the reasoning for the fence location, the proposed plantings and the maintenance/inspection schedule.

Moved by G. Barlow, Seconded by R Davies

THAT the fencing and landscaping around the perimeter of the Highland Estates stormwater management facility be as per Schedule 'C'.

FURTHER THAT the recommended level of service for maintenance of the pond be approved at three month intervals.

FURTHER THAT the developer be made aware of the new level of service.

CARRIED

OTHER REPORTS

DAMSVILLE LIONS PARK WATER SUPPLY OPTIONS

Members of Committee expressed some concerns that the report lacked any firm recommendations and that the existing park water operations were not documented correctly.

The ADPW indicated that he would forward comments to the consultant to seek clarification on a number of items.

Moved by G. Barlow, Seconded by R Davies

THAT the Public Works Department look at the cost of building a cistern for the Lion Club Park for potable water. Also with consultation with Lion Club members.

CARRIED CORRESPONDENCE

CANADIAN NATIONAL RAILWAY

Members of Committee expressed concerns with the apparent lack of planning on the part of the railway. Specifically, Committee was perplexed that the railway advanced crossing encroachments in the last two years that cost the Town substantial dollars and that these were now to be removed.

The Operation and Equipment Manager indicated that he had spoken with CN and that the intention was to reuse the crossing materials previously purchased by the Town at alternate locations.

Members of Committee had no problem with this provided that there be no additional cost to the Town. Committee also refused to endorse signature of the safety waiver submitted by CN

Moved by K. Kelly, Seconded by Mayor Konkle

THAT the Town agrees to the two projects.

FURTHER THAT there is to be no costs to the Town for these projects..

CARRIED

NEW BUSINESS

The Mayor announced that the local MP would be making a funding announcement Tuesday, January 11, 2000, at 9:30 a.m. at Campden School in relation to the Campden sewer project.

Alderman Kelly expressed concern over the frequency of power outages. In this regard he requested staff to have John Alton of Lincoln Hydro attend the next Committee meeting and answer the following questions: Why does the Town experience power outages on a weekly basis and what is being done to solve the problem

The Acting Chief Administrative Officer indicated he would invite Mr. Alton to the next Committee meeting.

The Acting Director of Public Works asked Committee if he should pursue negotiations with CN to complete the recommended culvert upgrades at Jordan Road as outlined in the Jordan Drainage and Erosion study concurrent with their track removal works.

The Committee expressed support for this.

Alderman Barlow requested staff to be diligent in informing the Region of any potholes/settlements that may occur until Ontario Street is repaved later this year.

There being no further business to discuss, the Chairman declared the meeting adjourned.

- CLERK MAN SECRETARY Beamsville Room

January 1, 2000

Minutes of a meeting of the Museum Committee held in the Beamsville Room on Tuesday, January 11th, at 6:00 pm. Present were: Ald. B. Davies (Chair), Ald. G. Barlow, Ald. D. Good, Ald. W. MacMillan, Len

Perinaci-i, Dick Catterall, Rob Wismer (Board Chair), Peter Millar (Heritage Gift Shop Chair).

Staff present: Helen Booth, Museum Director, Judy Pease, Director of Community Services., S. Bruce Peever (Acting CAO) .

Regrets: Ald. Alvin Danyluck, Ald. B. Culp,

Accounts

Questions were asked re: feasibility study payments

Motion:

Moved by Ald. G. Barlow, Seconded by R. Wismer.

THAT Department payments in the amount of \$4,514.26 incurred in accordance with Council Policy A-94-218, having now been audited by

Committee, be ratified by Council. CARRIED

Reports

The order of reports was changed to accommodate Ald. Davies prior commitments.

CM-00-03:

The Acting CAO introduced the report. Discussion was held regarding the committee structure. Volunteer representation and involvement was discussed, particularly regarding communications between the Museum Department and the volunteer groups.

Motion:

Moved by Ald. G. Barlow, seconded by P. Millar

(CM-00-03)

THAT the Museum Committee recommend to Council that the above Terms of Reference for joining the respective departments be accepted and acted upon. CARRIED

Museum Activities .

Concerns were expressed regarding volunteer input in the Fry House restoration.

Motion:

Moved by Ald. G. Barlow, seconded by R. Wismer

THAT the Museum Activities report be received for the

Committee's information.

CARRIED

Projects and Activities

The flexible nature of the activities and projects was emphasized

Motion:

Moved by R. Wismer, seconded by Ald. G. Barlow

THAT the above list of projected Activities and Projects for the Museum Department in 2000 be accepted as information.

CARRIED

Pennsylvania Study Tour, 1999-2000

The reason for the study tour was outlined. The grant status was queried, and it was stated that a response should be given by mid

January. Motion:

Moved by R. Wismer, seconded by P. Millar

THAT the above itinerary of the Study Tour to Pennsylvania

be accepted as information. CARRIED

(At this point, Ald. Davies took her leave, and Ald. Barlow assumed the Chair.)

Draft Policies

The Museum Director outlined the highlights of the policies.

The Acting CAO was asked to confirm the Human Resources Policy as compared to Town policy.

Motion:

Moved by L. Pennachetti, seconded by P. Millar

THAT the revised Policies be accepted by the Museum

Committee and be ratified by Council.

CARRIED

Memorandums

a) School House Bookings: Staff was asked to prepare a cost analysis of the School House operation.

Correspondence

a) Email: Jane Holland, Museums Advisor, MCZCR, re: Museum Standards Assessment Performance.

The Conservation Standard was discussed, and the Museum Director stated that she will look into the issue further once Ms. Liolland returns to her office.

R & F

New Business

Mr. Pennachetti outlined the status of the Rural Job Strategy Fund (RJS), and announced that the Twenty Valley application has been finalized and approved. The Museum Director stated that proposals are being currently received from four firms for the Master Site Plan.

Mr. Pennachetti also announced a new initiative as a successor program to RJS.

Adjournment

There being no further business to discuss, the Chairman declared the meeting adjourned in the Beamsville Room

January 11, 2000

Minutes of the Community Services Committee of the Town of Lincoln held on Tuesday, January 11, 2000, at 7:30 p.m., in the Deansville Room. Present were: William W. MacMillan (Chairman), Alderman D. Good, Alderman G. Barlow.

Staff present: J. Pease (Director of Community Services)

ACCOUNTS

Motion:

Moved by Ald. D. Good, Seconded by Ald. G. Barlow

THAT Department payments in the amount of \$137.88 incurred in accordance with Council Policy A-94--218, have been authorized by Council, and be carried.

REPORTS

JOINT / MUSEUM AND COMMUNITY SERVICES, CM-00-03

Motion:

Moved by Ald. D. Good, Seconded by Ald. G. Barlow

That the Community Services Committee recommend to Council that the above Terms of Reference on the joining of the respective departments be accepted and acted upon.

CARRIED

FEASIBILITY STUDY, -. CM-00-08

Motion:

Moved by Ald. D. Good. Seconded by Ald. G. Barlow

That Council authorize the Community Services Director to hire Monteith Consulting Consultants to conduct a Feasibility Study for a Community Recreation / Leisure Centre at an upset budget limit of 535,000.00.

CARRIED

STATUS REPORT, CM-00-06 STATUS REPORT

Motion :

Moved by Ald. D. Good, Seconded by Ald. G. Barlow

That Committee receives this report as information.

CARRIED

MILLENNIUM PROJECTS, CM--00-17

Motion :

Moved by Ald. G. Barlow, Seconded by Ald. D. Good

That Council authorize the Community Services Department to proceed with the Four (4) millennium projects.

This includes - Canada Day Festival, Time Capsule, Memorial Tree Forest and enhanced Strawberry Festival.

CARRIED

COKRES PONDRANCE --- --

Letter received from Southern Ontario Thunderbird Club re:

"A Thunderbird" event. The Director of Community

Services respond with information regarding rental.

Application of Charles Daly Park for this year.

CARRIED ADJOURNMENT ..

There being no further business to discuss, the Chairman declared the meeting adjourned.

CI-1A1 RMAN , , iii. (Council or L- Town of Lincoln re: the above)

Moved by Ald. 17. Kelly, Seconded by Ald. A. Tanyluck -
That the Public Works Department approve the greenhouse
operator to pay for the extension of the water line;
Further, that if any property owners' section fee to
the property owner which shall be refunded to the greenhouse
owner at said time;
Further, only property owners fronting on the line may hook
into this water line.

Carried

Motion :

Moved by Ald. A. Danyluck, Seconded by Ald. K. Kelly
That Council authorize the award of the tender contract for
the extension of the Martin Road Waterline to Trenchline and
Roads Inc.;

Further, that MPI's inspectors be retained for administration
and inspection services;

Further, that the Mayor and Clerk be authorized to sign and
seal the contract documents on behalf of the municipality.

Carried

CORRESPONDENCE: ~-

Motion :

Moved by Ald. A. Danyluck, Seconded by Ald. B. Davies

That Council authorize the Hydro Transit Board of
Directors to retain the services of KPMG to develop the
qualification criteria for permanent Board members.

APPLICATIONS FOR TILE DRAINAGE: LOANS -- ~

Motion:

Moved by Ald. B. Culp, Seconded by Ald. D. Good

That the following Tile Drainage applications be approved:

(a) 1312714 Ontario Lixited, Part Lots 19 & 20, Concession
3 - \$1.5, 900.

(b) 131271.5 Ontario Limited, Part Lot 20, Concession 3 -
\$17,500.

((2) Derek Saunders, Part Lots 13 & 14, Concession 2 -
\$20,000. Carried (Council Jan 17/00)

CLOSED SESSION - - Motion:

Moved by Ald. R. Culp, Seconded by Ald. R. Gooc

That Council adjourn to closed session in order to address
a matter pertaining to labour relations or employee negotiations.

Carried

Upon conclusion of discussions in closed session, Council
re-convened in open session.

Motion:

Moved by Ald. H. Culp, Seconded by Ald. R. Kelly

That subject to the report of Mr. Bruce Peever, January 17,
2000, the contract with Fire Management Inc. be accepted subject
to review by the Town Solicitor (Grant. Black of Daniel, Wilson)

Carried

4E JOURNMENT

There being no further business to discuss, the Mayor declared
the meeting adjourned at 9:14 p.m. Lincoln Chambers

Monday, January 24, 2000

Memorandum of Public Meetings regarding amendments to the Town's Zoning By-
law held in the Council Chambers of the Town of Lincoln Municipal Offices

on Monday, January 24, 2000, at 7:00 p.m. Committee members in attendance:

Ald. R. Kelly, (Chairman), Ald. W. MacMillan, Ald. A. Danyluck and Mayor R.

Konkle and Ald. G. Barlow who is not part of the Committee but in

attendance. Staff in attendance: Kathleen Dale (Director of Planning and
Development) and Craig Larmour (Senior Planner).

PUBLIC MEETINGS

(A) FILE 10-17/99 ZONING BY-LAW AMENDMENT APPLICATION - DIRK AND TRACY
VAN ROOYEN W/S MAPLEGROVE RD., PT LT 7, CON 3(L) IN THE FORMER
TOWNSHIP OF CLINTON

The Chairman opened the public meeting and outlined the procedures under

the Planning Act and the purpose of the application. In attendance and/or who signed the attendance sheet were: Dirk and Tracy Van Rooyen, Wm. Linko, R. Speranjins, Kimberly Riordon, Lesley Provera, Vartan Semerjian, Peter Rempel, Glenn Hunt.

Dirk Van Rooyen indicated that he was in attendance to represent the application however had no comment at this time. Eric Adams had two basic questions regarding the application. Firstly, is the property required to produce its own agricultural products and secondly, if this is a commercial use should it not be directed to the urban area. The Director provided a response indicating that the applicant is able to ship their own produce however, a zoning by-law application is necessary to permit the shipping of other growers' produce. The Director explained that the Planning and Development Committee needs to take these matters into consideration in making a decision on this application. Mr. Adams further questioned what percentage of Mr. Van Rooyen's product was being processed and shipped at this time. Mr. Van Rooyen indicated that the curly willow production was in stage one of its overall process and that perhaps 10% of the operation was dedicated to the shipping of the willow production, however, 90% of the products shipped were generated from off-site. The Director then indicated that the purpose of this application is to recognize the shipping of produce generated by other growers and that if the application were approved the structures would be restricted to a maximum floor area.

A Committee member questioned the size of the greenhouse originally located on the property and the proximity of this proposed structure in relation to the previous location of the greenhouse. Dirk Van Rooyen indicated that the greenhouse that was destroyed measured approximately 30,000 square feet in area and was to be located in the exact location of the existing greenhouse.

The Chairman asked if there were any further comments or questions from the public. There being no further comments or questions from the public the Chairman declared the Public Meeting closed.

(B) FILE 9-02/99 - OFFICIAL PLAN AMENDMENT - OPEN SPACE AND RECREATION POLICIES

The Chairman opened the meeting and explained the procedures under the Planning Act and the purpose of the application. Those in attendance and/or who signed the attendance sheet were: Francine Critelli, V. Ragozins, J. Crossingham, C. Stephenson, C. Austin, S. Trochanowski, A. Trochanowski and Vern Adams.

John Crossingham

indicated that 10 acres of land per

spoke in opposition to the application. He firstly

years ago the Town was requiring the dedication of 2

1000 persons and now the Town requires 6 to 7 acres of

land per 1000 persons. Mr. Crossingham informed that in his opinion the

development charge process and the cash-in-lieu of parkland taxation

process basically amounts to the Town trying to catch up for its previous

shortfall. He indicated that in his opinion this process is considered to Public Meeting Minutes (00 01 24) Page 2/7

be an unfair tax burden on the future residents of the Town of Lincoln. He

also indicated that the Town's policies are not in keeping with the future

needs of the future residents. The Town will experience an aging

population that does not need soccer fields and other large open space

recreational opportunities.

A Council member questioned Mr. Crossingham on exactly who he thinks this

process is unfair to. Mr. Crossingham indicated that future residents will

be charged \$4,000 under the Town's current cash-in-lieu policy. He

indicated that this is unfair to the people who are not yet represented and

amounts to taxation without representation. He also informed that the soft

portion of the Development Charge for recreational opportunities was \$1,500

amounting in a total of \$5,500 for open space recreation. Mr. Crossingham

also indicated that in his opinion the charges implemented by the Town of

Lincoln are unreasonably high as compared to other municipalities and that

this is not a good policy because it creates an excessive burden to those who have not moved here.

A Committee member questioned whether or not developers explained the cost associated with open space and recreation in the Town to prospective purchasers. Mr. Crossingham indicated that these costs were hidden costs and built into the total cost of purchasing a lot.

A Committee member asked for specific information regarding comparisons with other municipalities such as Niagara-on-the-Lake, Grimsby and Mississauga. Mr. Crossingham responded that Mississauga is the genesis of the proposal of this Official Plan Amendment. Mr. Crossingham further informed that he had no information on Grimsby and that Niagara-on-the-Lake implements a process whereby they require 5% at the time of approval not 5% at Building Permit as proposed in this application.

A Committee member indicated that Lincoln is the fastest growing municipality in the Niagara Region and questioned that if this charge is excessive then why are people moving here. Mr. Crossingham provided no argument for this and said basically that he was appealing to a sense of equity and requested that the Town abandon this proposal as it is considered unfair.

A Committee member questioned the need to provide services for seniors primarily as the greatest growth of new residents are young families and that they have indicated a need for playing fields and arenas. Mr. Crossingham responded by stating that seniors don't look for parks the way that we do, that they are looking for linear walkways and trails more open space opportunities.

A Committee member questioned the accuracy of Mr. Crossingham's statement that the cash-in-lieu of parkland dedication fee is \$4,000 and that the development charge portion for recreational is \$1,500. The Director responded by indicating that a \$60,000 lot would require the cash-in-lieu of parkland dedication fee of \$3,000 and that she was unsure of the recreational portion of the development charge.

The Chairman asked if there were any further comments or questions from the public. There being no further comments or questions from the public the Chairman declared the Public Meeting closed.

(C) FILE 10-07-99 - ZONING BY-LAW AMENDMENT APPLICATION - CUESTA ESTATES AND WINERY CORPORATION, PT LTS 21 AND 22, CON 4 IN THE FORMER TOWNSHIP OF LOUTH

The Chairman opened the meeting and explained the procedures under the Planning Act and the purpose of the application. In attendance and/or who signed the attendance sheet were: Heidi Fast, Mark Neuveld, D. Beaird, Chamberlain, Gord and Ingrid Schmitt, Wayne Kluth, Steve Courson, Tom "a Kocsis, R. Mitchell, R. Peters, D. Rinker, Bill Carrigan, D. B. Ballinger,

Tom Powell, Lucien Preuier, Victor Peters, Enzo Persia, Vic Ragozins, Sandra Noe, Steve Morgan, Theresa Sersen, J. Warren, Isabella Fox, Alex Fox, Neil Sutherland, Lynda and Bob Bradley, Margaret and John James, H.

Gnys, B. Katzman, John Belanger, J. M. Minnis, K. Shirkie, Josef Zimmerman, Public Meeting Minutes (00 01 24)
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Tom Smart, John Giesbrecht, Frank and Mary Mikolich, Bd Lee, E.T. and Martin F. O'Brien, Christina and Eva Kremer, Marion Ballinger, William George, Andrea and Mary Kriluck, Rita Adams and Lynette Fast.

The Chairman further explained that the previous written comments submitted by all parties are recognized and that they do form part of the official documentation contained in the file whether or not they form part of the agenda this evening. The Chairman also requested that the party speaking to the application provide comments that are new to the application and do not feel a need to reiterate comments previously submitted. He advised that Council members do have complete information including the applicants submission and the comments received from the adjacent property owners.

Mr. Smart began by explaining that he would be requesting a deferral on this matter and that the deferral would be based on the staff comments and the late revisions to the comments of the Regional Planning and Development Department as well as consideration of the correspondence submitted by the Wine Council of Ontario. However, Mr. Smart indicated that if it was the Committee's desire, they were prepared to proceed with the application this evening. Mr. Smart continued with his description of the application indicating that the revised proposal being considered tonight modifies the

operation as it exists today. The proposed modifications are intended to reduce the impact of the proposal on the adjacent residents including improved site lines, improved facade, the elimination of: the tower, the stainless steel tanks currently located outside, the crane and loading facilities, the compressor and chiller and the tents. Mr. Smart also indicated that the structure was intended to be altered so that the events held on the property would be contained within the building however, he also stated that the front lawn area would occasionally be used for charity-type events. As well, Mr. Smart indicated that the proposal has been altered in order to enhance the protection of the cold water stream flowing through the property at its northerly limit. Mr. Smart indicated that these changes were substantial and that in his opinion the application is now in keeping with the policies of the Official Plan and the provisions of the Zoning By-law.

Mr. Smart indicated that he disagrees with the Planning and Development staff opinion regarding conformity with the Provincial Policy Statement. Mr. Smart made reference to the Niagara-on-the-Lake Official Plan which allows wineries similar to the ones proposed and that the Niagara-on-the-Lake Plan policies have been vetted against the Provincial Policy Statement and upheld. Consequently, it is his opinion that this proposal is in conformity with the Provincial Policy Statement. Mr. Smart also indicated that he did not agree with Planning and Development staff's opinion that the secondary use must be in relation to an on-site farm operation. It is Mr. Smart's opinion that the Provincial Policy Statement does not require that the secondary use be on the same site as the farm operation.

Mr. Smart submitted that the existing winery was established under a valid permit and that it was well known by the Town at the time of establishment of this facility that the grapes were coming from off-site. Mr. Smart informed that today's market requires that wineries be able to have flexibility to take grapes from other growers and not be limited to the produce generated on site.

Mr. Smart indicated that in his opinion this application conforms to the Provincial Policy Statement, the Regional Policy Plan and the Town of Lincoln Official Plan and that this application comes down to the interpretation of wording. Mr. Smart indicated that this is an agricultural operation, that it supports agriculture and agri-business and that in his opinion the scaled down proposal is compatible. Mr. Smart indicated that the traffic study submitted in support of the application was based on the 38,000 square foot proposal and that in consideration of the fact that this proposal has been scaled down there should be no further concern with respect to traffic. Mr. Smart then offered a comparison of this proposal with other Niagara facilities. He indicated that the 38,000 square foot proposal would not be the largest in the Niagara Region although it would be in the top 10%. Mr. Smart indicated that this current

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13,000 square foot proposal is mid-range, both in terms of lot size and the amount of space utilized. He made specific reference to the Jackson, Triggs and Pelletier Estates proposals recently approved. With respect to scale, Mr. Smart informed that this proposal amounts to 3.8% lot coverage and that the current zone provisions would allow for the construction of a residential dwelling much larger than this proposal and that the greenhouse 4 provisions do not have a maximum lot coverage restriction. Mr. Smart

concluded his comments on compatibility by stating that the policies do not require compatibility with adjacent uses alone but it requires compatibility with the surrounding agricultural uses.

Regarding staff's comments that the proposal would be better suited if located within the Industrial Park, Mr. Smart indicated that it is his opinion that a winery would not be permitted in the Industrial or Prestige Industrial Zones. He made reference to Section 6.40(b) which basically states that if a use is not listed specifically within a zone, then it is not permitted. In consideration of the fact that a winery is not listed as permitted use within either of those zones it is Mr. Smart's opinion that a winery would not be permitted.

Mr. Smart indicated that his clients are willing to accept that Site Plan

Control would be applied to these lands and that they would also accept a zoning by-law limitation on the size of structures permitted.

Mr. Smart indicated that the grape grower industry as a whole is that by applying the interpretation implied in the Planning and Development staff report that the Town is adversely impacting a number of existing operations.

Mr. Katzman, a shareholder in the Stoney Ridge proposal, also spoke to the application requesting a deferral of the matter in order to afford staff an opportunity to discuss the specific issues with all interested parties.

Mr. Katzman indicated that in his opinion there is a need to clarify the interpretation and definitions regarding estate wineries and wineries. Mr. Katzman indicated that the use proposed at this time is a scaled down version of the original proposal and that the aspects of the operation remaining reflect the minimum requirements of the Alcohol And Gaming Commission of Ontario. Mr. Katzman corrected Mr. Smart by indicating that this operation will process grapes produced on-site only.

Mr. Katzman outlined the background of what brought Stoney Vineland from Winona and indicated that he is understandintiod? t?a neighbours negative perception of them as an operation. Mr. Katzman indicated that in order to address these concerns, they have scaled down this proposal and that this operation as proposed is a bare bones operation. Mr. Katzman recognized that the people will remain indifferent regardless of what they try to accomplish on the property. However, he stated that Stoney Ridge is committed to modifying their operation to meet the neighbours concerns. Mr. Katzman informed that the issue for them is what is right for wineries to do business and that he sees the location of wineries in the Niagara Escarpment area as having an unfair advantage as there are no restrictions or limitations on wineries as a whole. In conclusion, Mr. Katzman again requested that the matter be deferred.

John Giesbrecht questioned whether the applicants were prepared to commit all of the information they put forward in this meeting to paper. Tom

Smart replied that yes indeed he was willing to put everything on paper.

Mr. Katzman indicated that they have not committed his presentation to writing however that they would be happy to do that.

Bill Carrigan questioned why Stoney Ridge will not comply with the rules of the Alcohol and Gaming Commission of Ontario. Mr. Katzman responded that Stoney Ridge does comply with the regulations and that they have an Inspector who visits the property in response to complaints filed by neighbouring property owners and that they have not been found in violation as a result of these inspections. Public Meeting Minutes Page 5/7

Peter Rempel attended and read a written submission outlining three main areas of concern. Firstly, the improper operation of the septic system servicing the property. Secondly, the lack of information regarding e loading and unloading facilities and the maneuvering of trucks on Regional Road No. 81 and thirdly, he objects to the application because this winery is not a farming operation nor is it farm related and in fact this proposal constitutes an illegal use of the lands. Mr. Smart responded to Mr. Rempelsl statements and indicated that an appropriate sewage disposal system would be designed for the property if the application is approved and that there is sufficient area in the front or the side yard to accommodate the required system. With respect to the movement of trucks on the property, Mr. Smart indicated that the site plan approval process would address the availability of sufficient area on the lands to allow for the maneuvering of vehicles on the property and not on the road allowance.

Jim Warren, the founder of Stoney Ridge, gave a brief history of the Stoney Ridge Estates operation indicating that it started as a hobby winery in the basement of a residence in Stoney Creek and that over time the operation moved to Winona and subsequently to the Vineland location. Mr. Warren expressed concern with the definitions contained within the Town of Lincoln Zoning By-law and the fact that they do not reflect the winery environment as it exists today. Mr. Warren concluded by statina that the Town 4 a certainly knew two years ago that Stoney Ridge began its operation by using grapes produced off-site.

Dennis Ballinger spoke to the application and provided graphs indicating

the size of this operation in relation to other winery operations located in the Niagara Region. Mr. Ballinger indicated that this site is too small in terms of its overall size as well as in terms of the amount of growing area associated with the operation. Mr. Ballinger also indicated that this location is more urban than rural and that the size of this operation is only one-third the average size of wineries referred to in his submission. Mr. Ballinger concluded by stating that no expansion should be permitted and no extension of the use past the temporary three year term should be permitted. Mr. Ballinger also provided graphs regarding water consumption on this operation. Mr. Ballinger indicated that there was a significant increase since August of 1998 and that the use of large amounts of water for this operation aggravate dry summer situations for Vineland. Mr. Ballinger also indicated that he is concerned about the site management and that past practices of Stoney Ridge have given evidence that they are incapable of running a legal operation. Mr. Ballinger also expressed a dissatisfaction with the traffic study stating that the survey was improperly timed being completed in the summer rather than in the fall at harvest. Mr. Ballinger also expressed disappointment in Stoney Ridge not following through with promised action. Mr. Ballinger concluded by stating that the Official Plan provides a framework for the consideration of such proposals and that this operation is in violation.

Charlene Stevenson, representing her family that operates a twenty-five acre vineyard on Cherry Avenue, indicated that they have a winery that processes grapes produced on-site only in a 3,600 square foot building. Ms. Stevenson questioned whether they should expect problems down the road with the expansion of their operation. The Director responded by indicating that estate wineries are permitted in the agricultural zone. The Director indicated that this use was added to the agricultural zone in 1993 in response to a growing trend of winery proposals. The Director explained that the estate winery provisions require that the majority of grapes are produced on-site and that the by-law restricts the gross floor area to a maximum of 500 square meters. The Director explained that proposals for estate wineries larger than 500 square meters are considered on a site specific basis and that larger farm parcels are taken into consideration for larger estate winery proposals.

Dan Rinker spoke in opposition to the application indicating that this application is two years too late and that this proposal has been in contravention since its establishment. Mr. Rinker also expressed concern regarding the adverse impact of the operation on adjacent property owners including noise, odour, and aesthetics. Mr. Rinker encouraged Council to not be manipulated by an application filed after the fact. Public Meeting Minutes Page 6/7

Rita Adams addressed Council in stating her concerns regarding the depreciation in aesthetics and economic value of her property. Ms. Adams continued by stating her concerns with respect to the following issues, safety risk, continuing nuisance, continuing presence and non-compliance @ with the Town's requirements. Ms. Adams expressed her concern with respect to the past acts and statements that were not followed through by Stoney Ridge and compelled the Town to take action against the applicant immediately. Ms. Adams indicated that Stoney Ridge's corporate interests were paramount and that this proposal represented a veiled attempt to gain estate winery status and retroactive approval from Council.

Marion Ballinger presented a petition with the names of 131 residents who were objecting to the intrusion on residents and the illegal establishment of the operation. On a personal note, Ms. Ballinger expressed concern that the traffic study does not reflect actuality and that it does not account for the turn around traffic on Brookside Drive. Ms. Ballinger also expressed concern regarding the outdoor events held at the Stoney Ridge site and requested that the matter be refused.

Diane Beard read a letter of objection from Helen and Jacob Dick who were not able to attend the public meeting. Ms. Beard continued by stating that this proposal has created much intrusion in her life and that the traffic generated by the site is hazardous to the area in general.

Bill George informed that the grape industry is a growing industry that is in transition. Mr. George indicated that in his opinion the Town's by-laws

are outdated and that they need to be revised. He personally welcomes discussion with the Town.

A member of the public expressed concern about the impact of increasing tourism in general and how it specifically affects this application.

Steve Morgan, a grape grower, indicated a need for coordination between legislative bodies. Mr. Morgan stated that it is incumbent upon Council to address these problems experienced by the grape growers in the Town of Lincoln.

Isabella Fox referred to Mr. Smart's earlier comment that there would be a reduction in the number of tanks presently located on this site. Ms. Fox questioned whether these tanks would be put out of commission or be relocated to another site. Mr. Smart responded by indicating that the tanks are in good condition and would be used on other properties in the ownership of Cuesta.

Enzo Persia questioned at which time the traffic study was carried out and completed. Mr. Smart answered by responding that the traffic study was finalized in August of 1999.

Alex Trochanowski advised that he is a student and encourages Council to work it out. Mr. Trochanowski indicated that farming is important and he thanked Stoney Ridge for buying the grapes produced on his families' site.

A Council member responded to Mr. Warren's comment that Stoney Ridge was initially welcomed to Vineland by stating that the original proposal was considered to be an interim solution only. Mr. Smart was questioned as to why this proposal was changed from an estate winery to a winery when the difference was known by the applicants. Mr. Smart responded by indicating firstly that there was no reference to this use being temporary with the exception of the temporary use by-law approved for the placement of tents on the property. Secondly, building permits clearly indicate the buildings proposed would be used long-range and there was no objection raised by the Building Department. On a separate matter Mr. Smart advised that the

complaints filed by neighbouring property owners were unsubstantiated and required no action by Stoney Ridge with the exception of the illegal discharge of waste water to the vineyard. Mr. Smart pointed out that this discharge was the result of vandalism on the septic bed. Public Meeting Minutes Page 7/7

A Committee member inferred that the minutes from previous meetings indicate that Stoney Ridge in this location was temporary only and that it was being proposed as an interim location while an application to the Niagara Escarpment Commission was being considered. The Committee member requested Mr. Smart to advise as to the status of that application to the Niagara Escarpment Commission. Mr. Smart indicated that the application to the Niagara Escarpment Commission was on hold until grapes were in production on this site. Mr. Smart also advised that his client has recently directed him to proceed with this application. The Committee then questioned whether or not the Zoning By-Law permits a winery in the industrial zones. The Director responded that in her opinion a winery is permitted in industrial zones and that it would fall under the definition of manufacturing.

A Committee member expressed a concern that because of this application the Town of Lincoln Council will be more reluctant to approve wineries on a temporary basis. The Committee questioned that if the larger equipment is to be removed why can the whole operation not be moved to an alternative location. Mr. Smart responded by indicating that this Vineland property has proven to be a successful location for Stoney Ridge. Mr. Smart indicated that the Building Department has approved all permits applied for and that in his review the term interim or temporary was never mentioned to Stoney Ridge. Mr. Smart indicated that the site originally considered to the south on the opposite side of Regional Road No. 81 is not appropriate because of a great number of traffic concerns associated with that proposal.

A Committee member stated that the existing estate winery definition was implemented in the 1993 revisions of the Zoning By-Law as a result of a growing number of applications for such use. The Committee member indicated that the Town has been proactive in all aspects of protecting agriculture and agricultural operations. The Committee member recognized

that there may be a need to review wineries in general and the definitions and provisions of the Zoning By-law and Official Plan. The Committee member addressed the public by stating that the municipality does not enjoy any special right with respect to enforcement of its' Zoning By-laws and is not in a position to take immediate action against Stoney Ridge. The Committee indicated that at such time as the Zoning By-law and/or Official Plan are updated, that they would appreciate input from both sides, the public and the grape growers themselves.

The Chairman asked if there were any further comments or questions from the public. There being no further comments or questions from the public the Chairman declared the public meeting closed.

SECRETARY CHAIRMAN Lincoln Chambers

Monday, January 24, 2000

Minutes of a meeting of the Planning and Development Committee held in the Council Chambers of the Town of Lincoln Municipal Offices on Monday, January 24, 2000, at approximately 10:15 p.m. committee members in attendance: Ald. R. Kelly, (Chairman), Ald. W. MacMillan, Ald. A. Danyluck and Mayor R. Konkle. Staff in attendance: Kathleen Dale (Director of planning and Development) and Craig Larmour (Senior Planner). Also in attendance: Ald. G. Barlow

SCHEDULED DELEGATIONS

There were none.

ACCOUNTS

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck THAT, Department payments in the amount of \$9,226.19 incurred in accordance with Council Policy A-94-218, having now been audited by Committee be ratified by Council.

CARRIED

REPORTS

(A) PL 00-27 - FILE 10-17/99

ZONING BY-LAW AMENDMENT APPLICATION - DIRK AND TRACY VAN ROOYEN W/S MAPLEGROVE RD, PT LT 7, CON 3(L) IN THE FORMER TOWNSHIP OF CLINTON

Dirk Van Rooyen provided a brief description of the proposal indicating that the building proposed is smaller than the 30,000 square foot greenhouse that previously existed on the property destroyed by heavy snowfall in the winter of 1999. Mr. Van Rooyen indicated that the proposal would accommodate a depot for area growers to drop off their produce for shipping primarily to the United States. The operation consists primarily of cut flowers. In a response to a question by a Committee member Mr. Van Rooyen indicated that the warehouse is required for equipment storage as well as the warehousing and shipping use. Mr. Van Rooyen indicated that that would change as the curly willow comes into production. A Committee member questioned how much curly willow was in production at this point. Mr. Van Rooyen responded by stating that 2 acres were planted in the spring and summer of 1999 and that approximately 6 rows are established. A Committee member questioned how long before the curly willow could be harvested. Mr. Van Rooyen advised that full scale harvest could not take place until year 3.

A Committee member questioned the amount of traffic generated by the site with respect to the number of trucks and the size of the trucks. Mr. Van Rooyen indicated that they own 4 of their own trucks that come and go from the site and that there are a number of growers they service who use vans and cubed vans. Mr. Van Rooyen estimated that the site received 5 to 6 trucks a day in addition to their own.

A Committee member questioned whether or not Mr. Van Rooyen agreed with the statement in the report that there is no evidence of an established curly willow operation. Mr. Van Rooyen indicated that he did agree with that statement, that it would take 3 years for the crop to come into harvest and that this proposal is intended to use insurance money provided for the destruction of the greenhouses and that the money must be utilized before the fall of 2000.

A Committee member questioned clarification of the term "stand alone" as referenced in the report. The Director indicated that because there is no

agricultural operation on this site the warehouse and shipping use is considered to be unrelated and therefore stand alone.

After considering PL 00-27, the Committee adopted the following recommendation: Motion

Moved by Ald. B. Davies, Seconded by Mayor Ray A. Konkle

Re: FILE 10-17/99

Zoning By-law Amendment

Dirk and Tracy Van Rooyen,

W/S Maplegrove Rd.,

PT LT 7, CON 3 (L)

"THAT, for the reasons outlined in PL 00-27, it is hereby recommended that the Zoning By-law Amendment application 10-17/99, in the name of Dirk and Tracy Van Rooyen BE REFUSED."

CARRIED

(A) PL 00-29 - FILE 10-07/99

ZONING BY-LAW AMENDMENT APPLICATION - CUESTA ESTATES AND WINERY CORPORATION, PT LTS 21 AND 22, CON 4, IN THE FORMER TOWNSHIP OF LOUTH

Tom Smart again put forward his request that Council defer this application for Zoning By-Law Amendment. Mr. Smart indicated that the difference of opinion regarding the Provincial Policy Statement and the question of whether or not the winery can be permitted in the industrial zone should be addressed prior to a decision being made on this application. Mr. Smart further requested that Committee provide specific direction to staff should they choose to defer the application.

General discussion then took place regarding the merits of deferring the application versus Council's making a decision at this time.

After considering PL 00-29, the Committee adopted the following recommendation:

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck

Re: FILE 10-07/99

Zoning By-law Amendment Application

Cuesta Estates and Winery Corporation

PT LTS 21 & 22, CON 4 (L)

"THAT, for the reasons outlined in PL 00-29, it is recommended that the Zoning By-law Amendment application 10-07/99, in the name of Cuesta Estates and Winery Corporation, BE REFUSED."

(C) PL 00-25 - FILE 18-1

APPLICATION TO NIAGARA ESCARPMENT COMMISSION
KEW VINEYARDS, S/S REGIONAL RD 81, EAST OF ABERDEEN RD,
PT LTS 12, 13 & 14, CON 4, FORMER TOWNSHIP OF CLINTON

Tom Smart advised that the Niagara Escarpment Commission is seeking a legal opinion with respect to this application as it is his opinion that a development permit is not required to facilitate the proposed agricultural building. Mr. Smart further indicated that he agrees with the Planning and Development staff recommendation for deferral.

After considering PL 00-25, the Committee adopted the following recommendation:

Motion

Moved by Ald. B. Davies, Seconded by Ald. W. MacMillan

Re: File: 18-1

NEC Application - Kew Vineyards

S/S Regional Rd 81, PT LTS 12, 13 & 14, CON 4 (C)

That for reasons outlined in PL 00-25 it is hereby recommended:

1. That the applicant provide supporting information, including justification for the size and a layout plan of the proposed building, a prior to further consideration by the Town. Planning&Devel Comm (00-01-24) Page 3/6
2. That the Niagara Escarpment Commission be advised of the Town's position and respectfully requested to defer the rendering of a decision until such time as the Town of Lincoln provides a 0 recommendation in this regard.

(D) PL 00-16 - FILE 9-02/99 - OFFICIAL PLAN AMENDMENT

PARK DEDICATION/CASH-IN-LIEU POLICIES

CARRIED

After considering PL 00-25, the Committee adopted the following recommendation:

Motion

Moved by Ald. Ray A. Konkle, Seconded by Ald. A. Danyluck

Re FILE 9-02/99

Official Plan Amendment -

Park ~education/Cash-in-Lieu Policies

THAT, for the reasons outlined in PL 00-16, it is hereby recommended that the Town of Lincoln Official Plan be amended as outlined in Attachment No.

2.

CARRIED

(E) PL 00-10 - FILE 12-226 - REQUEST FOR PARTIAL DISCHARGE OF SITE PLAN AGREEMENT - DANIEL DEAN HIGH AND KAREN CAMPBELL-HIGH - S/W CORNER NR 24 (VICTORIA AVE) AND GREENLANE ("OLD OAK COUNTRY BARN") FRUIT MARKET PART OF LOT 1, CON 2 IN THE FORMER TOWNSHIP OF CLINTON

After considering PL 00-10, the Committee adopted the following recommendation:

Motion

Moved by Ald. B. Davies, Seconded by Ald. W. MacMillan

Re: FILE 12-226

Request for Partial Discharge

of Site Plan Agreement

Daniel Dean High & Karen Campbell-High

S/W Corner NR 24 and Green Lane Rd

"Old Oak Country BarnM Fruit Market

"For the reasons outlined in PL 00-10 it is hereby recommended:

1. That the applicants' request for partial discharge of Site Plan Agreement be approved; and
2. That, upon receipt of the required \$350 fee, Instrument No. 618176 be discharged from the lands owned by Daniel Dean High and Karen Campbell-High and described legally as Part of Lot 1, Concession 2, former Township of Clinton, Town of Lincoln and designated as Part 1 on Reference Plan 30R-7878."

CARRIED

(Ff PL 00-23' - FILE 38-81(3)

EXTENSION TO DRAFT PLAN APPROVAL - VICTORIA SHORES

After considering PL 00-23, the Committee adopted the following recommendation:

Motion

Moved by Ald. W. MacMillan, Seconded by Ald. B. Davies

Re: FILE 38-81(3)

Extension to Draft Plan Approval

Victoria Shores

For the reasons outlined in PL 00-23, the Town grant a three-month extension to the draft plan approval for the Victoria Shores plan of subdivision (Regional File 261-89002).

CARRIED Planning/Devel Comm (00-01-24) Page 4/6

(G) PL 00-26 - FILE 9-01-00 - OFFICIAL PLAN AMENDMENT TOWN OF LINCOLN - PRESTIGE INDUSTRIAL LANDS

After considering PL 00-26, the Committee adopted the following recommendation: a

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck

Re: FILE 9-01/00 - Proposed Amendment to the Town of Lincoln Official Plan

"THAT, for the reasons outlined in PL 00-26, it is hereby recommended that Staff be authorized to review the Town's industrial land base and to investigate the need for additional lands to be included within the Urban Area Boundary of Beamsville to accommodate industrial development."

CARRIED

(H) PL 00-24 - FILE 5-10 - LAPSING/EXTENSIONS OF DRAFT PLAN APPROVAL FOR RECENTLY DELEGATED AND LOCAL SUBDIVISION APPLICATIONS

After considering PL 00-24, the Committee adopted the following recommendation:

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck

Re: FILE 5-10

Lapsing/Extensions of Draft Plan Approval
for Recently Delegated and Local
Subdivision Applications

For the reasons outlined in PL 00-24 it is hereby recommended that the
Director of Planning & Development be authorized to grant temporary
extension of up to 60 days to draft plan approval.

CARRIED

(I) PL 00-30 - FILE 38-86(2) - STATUS OF ARCHAEOLOGICAL CONCERNS
VINEWOOD PARK EXTENSION 3

After considering PL 00-30, the Committee adopted the following
recommendation:

Motion

Moved by Ald. A. Danyluck, Seconded by Mayor Ray A. Konkle

Re: FILE 38-86(2)

Status of Archaeological Concerns
Vinewood Park Extension 3 Draft Plan of
Subdivision

For the reasons outlined in PL 00-30, that the letter of Neil Ferris of the
Ministry of Citizenship, Culture and Recreation, be received for
information.

CARRIED

(J) PL00-28 - FILE 1-21 - 1999 PLANNING AND DEVELOPMENT DEPARTMENT
ACTIVITY SUMMARY AND 2000 WORK PROGRAM

After considering PL 00-28, the Committee adopted the following
recommendation:

Motion

Moved by Ald. A. Danyluck, Seconded by Mayor Ray A. Konkle

Re: FILE 1-21

1999 Planning and Development Department
Activity Summary and 2000 Work Program

"For the reasons outlined in PL 00-28, it is recommended that, in addition
to the ongoing processing of development applications, Planning and
Development Department staff give priority to the eighteen items listed
under the 2000 Work Program established therein."

CARRIED planning/Devel Comm (00-01-24) Page 5/6

(K) PL 00-19 - FILE 1-21 - STATUS OF ALL ACTIVE DEVELOPMENT APPLICATIONS
UP TO AND INCLUDING JANUARY 14, 2000

After considering PL 00-19, the Committee adopted the following
recommendation:

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck

RE: Status of All Active Development Applications

"THAT, PL 00-19, Status Sheets relating to All Active Official Plan
Amendment Applications, Zoning By-law Amendment Applications, Site Plan
Approval Applications, Plan of Subdivision and Plan of Condominium
Applications in the Town of Lincoln, up to and including January 14, 2000,
BE RECEIVED as information."

CARRIED

(L) Pt 00-21 - FILE 1-21 - STATUS OF ALL ACTIVE LAND DIVISION
AND COMMITTEE OF ADJUSTMENT APPLICATIONS UP TO AND INCLUDING
JANUARY 14, 2000

After considering PL 00-21, the Committee adopted the following
recommendation:

Motion

Moved by Ald. B. Davies, Seconded by Ald. W. MacMillan

Re: Status of all Active Land Division Committee
and Committee of Adjustment Applications

"THAT, PL 00-21, being the Status of Active Land Division Committee
and Committee of Adjustment Applications, up to and including January 14,
2000, BE RECEIVED as information."

CARRIED

CORRESPONDENCE

1. ~ecision and Order of the Board dated January 14, 2000, from Ontario Municipal Board - re: Minor Variance Application A17/99 (Guttier)
R&F -

NOTICE OF NEW BUSINESS *

There was none.

UNSCHEDULED DELEGATIONS

There was none

CLOSED SESSION

Motion

Moved by Mayor Ray A. Konkle, Seconded by Ald. A. Danyluck

That the Planning and Development Committee adjourn to closed session to consider a legal matter.

CARRIED

Upon conclusion of discussions in closed session, Committee reconvened in open meeting.

Motion

Moved by Ald. B. Davies, Seconded by Ald. W. MacMillan

That staff review the provisions for estate wineries from other municipalities in the Region and prepare a report to Planning and Development Committee. Further that we solicit comments from other bodies

as to this matter and, further the review include the review items 1, 2 and 3. PlanningjDevel Comm (00-01-24) Page 6/6

1. That the provisions for estate wineries within the Town's Zoning By-law be amended to make it clear that outside wine storage tanks are included within the size limit of 500 square metres; or that outside wine storage tanks be prohibited.

2. That the by-law be amended to require a minimum size of 8 hectares (2 acres) for an estate winery. b

3. That no new building permits be issued for estate wineries until the Town's Zoning By-law has been amended. (Interim Control By-law will be necessary) .

CARRIED

ADJOURNMENT

There being no further business to discuss, the Chairman adjourned the meeting .

SECRETARY CHAIRMAN jangd00.PDF