

**THE REGIONAL MUNICIPALITY**  
**PLANNING SERVICES COMMITTEE**

**REPORT 4-2005**

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Minutes of a meeting of the Planning Services Committee held in the Council Chambers and Committee Room 4, at Regional Headquarters in Thorold, Ontario on Wednesday, February 23, 2005 commencing at 2:05 p.m.

**ATTENDANCE**

Committee: Councillors Smeaton, Chair; Regional Chair Partington, Baty, Bodner, Gabriel, Hildreth, Hodgson, Marshall, Timms, Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning & Development; Farley, Director, Planning Services; Ms. Pilon, Legislative Assistant.

Others: Councillor Angelone.

**CLOSED SESSION**

40. Moved by Councillor Bodner  
Seconded by Councillor Baty

That this Committee do now meet in Closed Session for the purpose of receiving information of a confidential nature relating to legal and property matters.

Carried.

41. Moved by Councillor Bodner  
Seconded by Councillor Timms

That this Committee do now rise without report.

Carried.

**DEVELOPMENT IMPLEMENTATION SERVICES**

42. Issues and Actions  
Sheldrick/Modern Waste Transfer Station, Smithville  
Township of West Lincoln

Mr. Farley provided the Committee with an overview of the report, which addresses the concerns brought forward by the Concerned Citizens of West Lincoln with respect to the J.W. Sheldrick Sanitation Company's operation of the Sheldrick/Modern Transfer Station in Smithville and the possible expansion of the facility.

Ms. Magdalene Boilard and Mr. Edwin Cook, members of the Concerned Citizens of West Lincoln (CCWL) provided Committee with a presentation that set aside the odour issue and addressed the information that was submitted to the Ministry of the Environment (MOE) on the company's application for the transfer site and subsequent amendment, which the CCWL considers as misinforming. The CCWL addressed the 'present land use' described as a 'Waste Management Company'; the omission of information regarding the Christian School and its lands; the M1 Zoning of the land and its permitted uses; the lack of public meetings; the expansion of the site from 2.39 acres to 4+ acres without an amendment to their Certificate of Approval; their use of Global GIX Refractories land for their storage bins; the inability for the CCWL to obtain a copy of the Certificate of Approval under section 53 of the Ontario Water Resources Act and the lack of information on the dischargers to sewers, storm water and floor drains.

The CCWL addressed the responsibilities of the Region and the following planning issues: a conflict with the by-law that was passed by the Township of West Lincoln and Provincial law and they are disputing the M1 Zoning and the present use of the site by quoting the Planning Act, Section 1.1.3 and the definition of a Waste Management System; Sensitive Land Uses and Section 1.3.4.1 from the Provincial Policy Statement.

The CCWL noted the effects of proximity to the site are that the vacant land surrounding the site is no longer suitable for residential development; the school can no longer grow and their planned development of their remaining lands, purchased prior to the establishment of the waste facility, cannot take place due to its proximity and Stanpac Inc., who services the food, beverage and pharmaceutical industry, has been adversely affected by the odours, as their high standards of air quality are difficult to achieve when the smell of garbage invades the air around and inside the facility.

The CCWL noted that odours, traffic, diesel particulate, vermin, etc. are all important issues, however, the proximity to sensitive land use takes priority.

The CCWL also noted that the potential growth and prosperity of the area surrounding the transfer site will be irrevocably damaged if this situation is not corrected.

Mr. Webb, Land Use Planner for the proponent, noted that the company has addressed its responsibility to the community and has instituted an Odour Control Plan, which has seems to have abated the odours being emitted from the facility.

Councillor Trombetta noted that the Township of West Lincoln has had numerous meetings with the CCWL and the information they have requested is classified as client/solicitor information and therefore, considered as confidential information.

Councillor Bodner noted that the Elm Street Landfill/Compost site could be used as an example of where a private company is conducting a private and separate business within a Regional facility.

Councillor Trombetta advised the Committee that further investigation is required in regards to the relocation of the facility, it was, therefore:

Moved by Councillor Trombetta  
Seconded by Councillor Marshall

That Report DPD 10-2005, January 26, 2005, respecting the Issues and Actions, Sheldrick/Modern Waste Transfer Station, Smithville in the Township of West Lincoln, be received and comments on any expansion of the waste transfer station occur when there is an application through the Environmental Assessment Act and related planning changes.

That the owners of the Sheldrick/Modern Waste Transfer Station in Smithville be encouraged to work expeditiously with the Township to finalize a site plan for the transfer station to meet the Township's concerns.

That the odour control plan prepared by RWDI Consultants continue to be implemented as an effective, proactive approach to minimizing any offensive off-site odours from the existing facility.

That a copy of this report be circulated to the Township of West Lincoln, the Concerned Citizens Group, the John Calvin Christian School and the Sheldrick/Modern Company.

That staff be directed to investigate further the possible relocation of the transfer station to the Regional landfill site in the Township of West Lincoln and report back.

Carried.

43. Appeal of Consent Applications B18-B20/2003P & B21-B22/2003P  
H. Breunissen & K. Overbeeke and K. & M. Langendoen (respectively)  
Cream Street, north of Welland Road  
Town of Pelham

Mr. Richardson provided the Committee with an alternative to the proposed application that would, if approved by the Committee of Adjustment, be considered a reasonable compromise that would address the majority of the Planning Department's Issues of Concern.

The alternative would allow the creation of two lots changing parts one (1) and seven (7), for one lot and part five (5) for the other lot. There would be no development on the third lot created by parts two (2), three (3), four (4) and six (6), until such time as the Town of Pelham has amended their Official Plan, which would provide for the future development of those parts and the surrounding lands in a comprehensive manner, it was therefore;

Moved by Councillor Marshall  
Seconded by Councillor Hildreth

That Report DPD 23-2005, February 23, 2005, respecting the Appeal of Consent Applications B180B20/2003P & B21-B22/2003P, H. Breunissen & K. Overbeeke and K. & M. Langendoen (respectively), Cream Street, north of Welland Road in the Town of Welland, be received.

That the following be approved in principle, pending the receipt of further report:

That Regional Council withdraw the appeal to the Ontario Municipal Board of the decision by the Town of Pelham Committee of Adjustment to grant Consent Applications B18/2003/P-B20/2003P and B21/2003P-B22/2003P; inclusive.

That the applicants withdraw their application B19/2003P.

That the applicants shall apply for a zoning by-law amendment to amend the Town of Pelham zoning by-law to permit only existing uses only on parts 2, 3, 4 and 6.

That the applicants, the Town and the Region enter into a development agreement which shall provide that no development shall occur on parts 2, 3, 4 and 6 until the Town of Pelham has amended its Official Plan to provide for the future development of parts 2, 3, 4 and 6 and surrounding lands in a comprehensive manner.

That the applicants and the Town of Pelham be advised of Council's decision.

Carried.

44. Official Plan Amendment No. 49  
Grey Gables School Residence/Dormitory  
Decew Road, east of Merrittville Highway (Regional Road 50)  
City of Thorold

Moved by Councillor Gabriel  
Seconded by Councillor Trombetta

That Report DPD 24-2005, February 23, 2005, respecting the Official Plan Amendment No. 49, Grey Gables School Residence/Dormitory, Decew Road, east of Merrittville Highway (Regional Road 50) in the City of Thorold, be received.

That Amendment No. 49 to the City of Thorold Official Plan be approved.

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations.

That staff issue a declaration of final approval for the Amendment 20 days after notice of Council's decision has been given provided that no appeals have been lodged against the decision.

Carried.

#### **POLICY PLANNING**

45. Background Information Report  
Regional Policy Plan Amendment 198  
Hard Rock Paving Law Quarry Expansion  
Township of Wainfleet

Moved by Councillor Marshall  
Seconded by Councillor Bodner

That Report DPD 25-2005, February 23, 2005, respecting the Background Information Report, Regional Policy Plan Amendment 198, Hard Rock Paving Law Quarry Expansion in the Township of Wainfleet, be received for information

Carried.

**ADMINISTRATION**

46. The Niagara GTA Corridor  
Environmental Assessment Terms of Reference  
Draft for Consultation – January 2005

Moved by Councillor Trombetta  
Seconded by Councillor Baty

That Report DPD 26-2005 (PWA 32-2005), February 23, 2005, respecting The Niagara GTA Corridor, Environmental Assessment Terms of Reference Draft for Consultation – January 2005, be received for information.

That this report be forwarded to the Minister of Transportation as an indication of Regional Niagara support for the Environmental Assessment process outlined in its draft Terms of Reference document circulated January 2005, and as a statement of some concerns with regard to certain aspects of the proposed Environmental Assessment process.

Carried.

(Refer to Staff Directions)

*(Please note that Report DPD 26-2005 (CSD 32-2005) can be found behind the JNT RPTS Blue Book Tab)*

47. Review and Adjustment of  
Some Development Application Fees

The Committee discussed the possibility of raising the fees so that they are closer to market rates, however, some of the Committee members noted that the raising of the fees to that extreme could deter or cause distress to an individual application, it was, therefore;

Moved by Councillor Trombetta  
Seconded by Councillor Baty

That Report DPD 27-2005, February 23, 2005, respecting the Review and Adjustment of Some Development Application Fees, be received.

That the changes in the planning application fees charged by the Region for processing the following applications be approved as noted below:

- The local official plan amendment review fee be increased by \$500.
- The exemption fee for local official plan amendments from Regional approval be increased to \$800.
- Vacant land condominium applications be assessed the same review fee as regular subdivisions.
- The review fee for regular plans of condominium be increased to \$750.
- The fee to clear Regional/Provincial conditions of subdivision draft approval be increased to \$750.

That the Regional Clerk be instructed to ensure that the By-law necessary to implement the recommended fee changes be presented to Regional Council.

That the local municipalities and other interested parties be advised of the revised fees.

Carried.

(Refer to Staff Directions)

Councillor Timms requested that he be recorded as opposed to the aforementioned motion.

48. Implementation of Smarter Niagara Incentive Programs  
Local and Regional Partnerships in Community Improvement –  
Model Community Improvement Policies

Councillor Gabriel commended Regional Council for setting aside the funds for this initiative.

Moved by Councillor Gabriel  
Seconded by Councillor Baty

That Report DPD 28-2005, February 23, 2005, respecting the Implementation of Smarter Niagara Incentive Programs, Local and Regional Partnerships in Community Improvement – Model Community Improvement Policies, be received for information and circulated to the local municipalities for use in community improvement planning.

That Regional funding through the Smarter Niagara Incentive Program assist in implementing the model community improvement policies outlined in this report.

That amendments to the local Official Plans for community improvement policies set out the areas, incentives, and public process to be followed in developing community improvement plans.

Carried.

49. Minutes of the Smarter Niagara Steering Committee  
Wednesday, February 9, 2005

Moved by Councillor Gabriel  
Seconded by Councillor Timms

That the minutes of the Smarter Niagara Steering Committee meeting held Wednesday, February 9, 2005, be received and the recommendations therein be approved; and

That the information on high-rises, being included in the Model Urban Guidelines, be distributed to the Planning Services Committee, at their March 9, 2005 meeting.

That the presentation on the Eco-Capacity Initiative: Niagara's One Tonne Challenge Response, be scheduled as presentation at a future Public Health Services Committee meeting.

Carried.

50. Minutes of the Transportation Strategy Steering Committee  
Tuesday, February 8, 2005

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Correspondence Item PD 12-2005, the minutes of the Transportation Strategy Steering Committee meeting held Tuesday, February 8, 2005, be received.

That Planning staff prepare comments from a planning perspective on the 'Expansion of GO Transit Commuter Bus Services into Niagara'.

Carried.

**CORRESPONDENCE**

51. Moved by Councillor Trombetta  
Seconded by Councillor Bodner

That Correspondence Item PD 11-2005, a Letter to Minister of the Environment on the drift of source protection planning away from drinking water quality, costs, and duplication of the municipal planning system, be receive and circulated to the local municipalities for information.

Carried.

**ACCOUNTS**

52. Moved by Councillor Marshall  
Seconded by Councillor Timms

That the accounts list for the period ending January 31, 2005 in the amount of \$2,270.38, be approved for payment.

Carried.

**CORRESPONDENCE (Addendum)**

53. Moved by Councillor Trombetta  
Seconded by Councillor Bodner

That the following communications be received and dealt with as directed by this Committee at this time:

PD 13-2005      *Places to Grow* pamphlet released February 16, 2005, entitled 'Planning for Growth: Understanding the Draft Growth Plan for the Greater Golden Horseshoe'. (Full copies of the *Places to Grow* document have been ordered from the Province for the Planning Services Committee)

-- Received and referred to staff for report.

PD 14-2005      Provincial Policy Statement 2005. This publication was released February 21, 2005 and will take effect on March 1, 2005, as will a change to The Planning Act that states that all decision that affect a planning matter will 'be consistent with' such policy statements.

-- Received and referred to staff for report.

Carried.

### **OTHER BUSINESS**

54. 2005 Smarter Niagara Summit

Mr. Cambray advised the Committee that May 5, 2005, has been scheduled as the date for the 2005 Smarter Niagara Summit.

55. Municipal World Articles of Interest

Councillor Timms brought to the Committee's attention to articles in the February issue of 'Municipal World', respecting brownfield redevelopment and the preservation of built heritage.

Moved by Councillor Bodner  
Seconded by Councillor Timms

That staff review the possibility of subscribing to 'Municipal World' for all of the Regional Councillors who do not receive 'Municipal World' on a regular basis at the present time.

Carried.

### **STAFF DIRECTION**

Staff was directed to:

- include Niagara Economic and Tourism Corporate (NETCorp) when Niagara begins dealing with the bi-national components of the Niagara GTA Corridor. (Refers to Minute Item # 44)
- resurrect some of the past studies that have been completed on transportation in Niagara during the consultation process, i.e. Continental One. (Refers to Minute Item # 44)
- prepare a comparative long term strategy for Development Application Fees taking into consideration the possibility of raising the rates closer to market rates; the Niagara Peninsula Conservation Authority's fees and whether the fees should be structured more in the direction of Niagara's vision for the future. (Refers to Minute Item # 45)

**ADJOURNMENT**

The Committee adjourned at 4:40 p.m., to meet again at 2:00 p.m. on March 9, 2005 in Committee Room 4, at Regional Headquarters.

Bill Smeaton  
Chair

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Regional Clerk/Associate  
Director of Corporate Strategy