

THE REGIONAL MUNICIPALITY
PLANNING SERVICES COMMITTEE

REPORT 5-2005

Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, March 9, 2005 commencing at 2:05 p.m.

ATTENDANCE

Committee: Councillors Eke, Vice Chair; Regional Chair Partington; Baty, Burroughs, Hildreth, Hodgson, Marshall, Smeaton, Timms, Zimmerman.

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

Staff (Part Time): Messrs. Forgeron; Semple, Planners.

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to five members, pursuant to Part II, Section 11.7 of the Procedural By-law 7174-93.

PRESENTATION

56. Ontario Power Generation Tunnel Project
City of Niagara Falls

Mr. Everdell, Ontario Power Generation and Ms. Mee, Acres/Hatch Consulting provided the Committee with a presentation on the Niagara Tunnel Project.

Mr. Everdell provided the Committee with an overview of the scope of the work; the proposed tunnel profile; the tunnel construction details noting the locations of the outlet and intake; the Community Impact Agreement; the Transportation Impact Management; the re-use of the excavated materials; projects schedule and the expected results.

The Committee noted that the Ontario Power Generation has to take into consideration timing of the construction on Stanley Avenue

At this point in the meeting a quorum was achieved.

The Committee was advised that the Niagara Peninsula Conservation Authority is involved in the project and the possible impacts on the Welland River will be taken into consideration.

Mr. Everdell advised the Committee that the proposed damming on the Welland River may not be necessary with the construction of the tunnel.

The Committee was advised that the Community Impact Agreement that was signed in 1993 is still binding. The Committee questioned however, how an agreement for something totally different than what was originally proposed (one tunnel versus two; fewer workers; less traffic; smaller scale), be governed by the same agreement.

Mr. Cambray advised the Committee that he would follow up with the appropriate contract with the Town of Niagara-on-the-Lake as this was to have been done.

Councillor Eke on behalf of the Committee thanked Mr. Everdell and Ms. Mee for their presentation, noting that the Committee looks forward to future presentations on the projects progress.

DEVELOPMENT IMPLEMENTATION SERVICES

57. Appeal of Consent Application B-37/04
John Janzen and Abram and Maria Unger
East West Line and Four Mile Creek Road
Town of Niagara-on-the-Lake

Mr. Farley provided the Committee with an overview of the report, which recommends the appeal of the Town of Niagara-on-the-Lake's Committee of Adjustment as the application does not satisfy the policies of the Provincial Policy Statement, the Regional Policy Plan and the Niagara-on-the-Lake Official Plan.

Mr. Janzen, property owner, advised the Committee that the property was purchased in 2003 and that the Mr. Unger a full-time employee of Mr. Janzen's and his family occupy the home on the subject property.

The Committee was advised that Mr. Unger is a new farmer, who has obtained the necessary farm numbers to establish a farming operation on the property. The subject property fronts on the intersection of two major roadways, which is therefore susceptible to salt damage in the winter. With a farming operation close to the intersection the high volumes of traffic would be severely impacted by the spraying during the growing season.

Mr. Janzen requested that the Committee consider withdrawing the appeal to the Ontario Municipal Board.

The Committee discussed the location of the subject property and its proximity to adjacent residential and farming operations. The Committee also considered the young family's interest in farming, which should be encouraged, it was therefore;

Moved by Councillor Hildreth
Seconded by Councillor Hodgson

That Regional Council withdraw the appeal to the Ontario Municipal Board of the decision by the Town of Niagara-on-the-Lake Committee of Adjustment to grant approval to Consent Application B-37/04.

That the applicants and the Town of Niagara-on-the-Lake be advised of Council's decision.

Carried.

58. Official Plan Amendment 24
Ball Avenue West Area and Interlake Paper
Hartzel Road – Merritton Area Secondary Plan
City of St. Catharines

Mr. Farley provided the Committee with an overview of the report that recommends that the proposed Official Plan Amendment be approved, as it is generally consistent with Regional and Provincial planning policy as well as part of the Reclaiming Group Study jointly undertaken by the City of St. Catharines and the Region.

Mr. Rempel, a resident of Ball Avenue advised the Committee that he has lodged an appeal to the Ontario Municipal Board respecting the zoning of his property (distinguished as 6-1/2 in the report), as he was planning to sell and store items outside. Under the proposed amendments, he now can only sell items from inside the building.

Mr. Wilkinson provided the Committee with the history of the area and the reason for the Amendment to the Official Plan. The area had been zoned Industrial, and Mr. Wilkinson requested that he be permitted to put an addition onto his dwelling, but due to the Industrial zoning, it was not approved. He therefore, pursued the planning amendments to change the area to residential.

The Committee was advised by Mr. Chapman, Planning Manager, City of St. Catharines that the City Council approved what is being recommended in the staff report after hearing and considering all of the public's comments. Mr. Chapman noted that this has been a long process and for this area to progress, he urged the Committee to make a decision on the Amendment without further delay; it was therefore;

Moved by Regional Chair Partington
Seconded by Councillor Timms

That Report DPD 30-2005, March 9, 2005, respecting the Official Plan Amendment 24, Ball Avenue West Area and Interlake Paper, Hartzel Road – Merritton Area Secondary Plan in the City of St. Catharines, be received.

That Amendment 24 to the St. Catharines Official Plan be approved.

That all parties be notified of Regional Council's decision regarding 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 to the Ontario Municipal Board (OMB) have been lodged against the decision.

Carried.

59. Official Plan Amendment No. 74
Redesignate from Rural to Rural Residential
Zarb Subdivision Proposal
Beach Road and Pleasant Beach Road
City of Port Colborne

Mr. Berry, a resident of the City of Port Colborne, noted that it does not seem reasonable to put a development in the middle of farmland and there are no municipal services.

Mr. Berry advised the Committee that he has been involved in construction in excess of thirty years and the developments he has constructed always put in the services to a development in advance of building the residences.

Mr. Berry also advised the Committee of the flooding that occurs in this area and that the flooding from this development will impact on his property.

Councillor Bodner advised the Committee that a storm water management study has been completed and will address flooding in the area and will not impact on Mr. Berry's property.

Moved by Councillor Smeaton
Seconded by Councillor Zimmerman

That Report DPD 31-2005, March 9, 2005, respecting the Official Plan Amendment No. 74, Redesignate from Rural to Rural Residential, Zarb Subdivision Proposal, Beach Road and Pleasant Beach Road in the City of Port Colborne, be received.

That Amendment No. 74 to the City of Port Colborne Official Plan be approved.

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

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

Carried.

60. Year in Review: 2004 Development Applications

Moved by Councillor Marshall
Seconded by Councillor Smeaton

That Report DPD 33-2005, March 9, 2005, respecting the Year in Review: 2004 Development Applications, be received for information.

That copies of this report be circulated to local municipalities and interested agencies for their information.

Carried.

POLICY PLANNING

61. Overview of the Greenbelt Act and Plan

The Committee discussed the idea that the 10 Year Review of the Greenbelt Plan begin immediately in order to address the impacts of the Greenbelt Act and Plan on Niagara Region particularly along the Highway 406 corridor.

Moved by Councillor Hildreth
Seconded by Councillor Zimmerman

That Regional Council request that the Ministry of Municipal Affairs and Housing to reduce the parcel size permitted in the Specialty Crop area of the Greenbelt to 25 acres; and allow the establishment of a Niagara specific Advisory Group.

Carried.

Moved by Councillor Marshall
Seconded by Councillor Burroughs

That Report DPD 35-2005, March 9, 2005, respecting an Overview of the Greenbelt Act and Plan, be received and circulated to the local municipalities for information.

Carried.

Councillor Kirkby, a Councillor for the Town of Niagara-on-the-Lake introduced Mr. Thomas Kugler, a resident and Grape Grower in the Town of Niagara-on-the-Lake, who has been affected by the farm parcel size adopted by the Greenbelt Legislation.

Mr. Kugler apprised the Committee of his situation that has been created by the Greenbelt Legislation. Mr. Kugler and his family plans were to sever a 22 acre parcel of land from a 54 acre parcel of land. He invested the required 25% of the total cost (\$11,328.00) in vines, found a winery willing to buy all of the grapes he produced and arranged for financing for the mortgage and his business. However, now with the Greenbelt Legislation in place Mr. Kugler's plans have been disrupted and is asking for the Planning Services Committee's assistance.

Moved by Councillor Marshall
Seconded by Councillor Burroughs

That PD 20-2005, Mr. Kugler's letter dated March 6, 2005, providing the details of the severance and his present situation, be received; and

That Regional Council bring Mr. Kugler's unique circumstance to the attention of the Minister of Municipal Affairs and Housing and ask for relief.

Carried.

(Mr. Kugler's letter is included in the Planning Services Committee attachments in the Blue Book)

Councillor Kirkby requested and staff agreed not to circulate material on the Natural Heritage Map and fish habitat while she is away at the end of March and beginning of April in order to allow her the opportunity to address the issue of drainage ditches and the significant impact on farms.

(Refer to Staff Directions)

62. Background Information Report
Proposed Regional Policy Plan Amendment 1-2005
Port Colborne Energy Park
City of Port Colborne

Moved by Councillor Bodner
Seconded by Councillor Smeaton

That Report DPD 34-2005, March 9, 2005, respecting the Background Information Report, Proposed Regional Policy Plan Amendment 1-2005, Port Colborne Energy Park in the City of Port Colborne, be received.

That this report be circulated to local municipalities and to affected agencies to obtain initial comments.

That a joint Regional/City of Port Colborne public meeting as required under the Planning Act be arranged.

That the City of Port Colborne be requested to provide additional technical information as part of the review of this application.

That the application fee of \$7,500 be refunded to the City of Port Colborne.

Carried.

ADMINISTRATION

63. Minutes of the Greater Niagara Circle Route Committee
Meeting of Wednesday, February 23, 2005

Moved by Councillor Timms
Seconded by Councillor Bodner

That the minutes of the Greater Niagara Circle Route Committee meeting of Wednesday, February 23, 2005, be received and the recommendations contained therein approved.

Carried.

64. Minutes of the Ecological and Environmental Advisory Committee Meeting of Thursday, February 24, 2005

Moved by Councillor Burroughs
Seconded by Regional Chair Partington

That the minutes of the Ecological and Environmental Advisory Committee meeting of Thursday, February 24, 2005, be received.

Carried.

65. **CORRESPONDENCE**

Moved by Councillor Bodner
Seconded by Councillor Smeaton

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

PD 15-2005 Memo to Mayor Ron Bodner on Provincially Significant Wetland, Urban Boundaries and Babcock Wilcox property with earlier report from the City of Port Colborne.

-- Received.

PD 16-2005 Copy of a letter from the Town of Niagara-on-the-Lake to the Honourable John Gerretsen on recognizing Virgil in the Greenbelt Plan and including additional lands. (Note: The Greenbelt Plan came into effect on Monday, February 28, 2005 and the existing Virgil area is recognized.)

-- Received.

PD 17-2005 Memo to the Planning Services Committee on limiting "third party applications" to designate properties under the Ontario Heritage Act.

-- Received and the Town of Niagara-on-the-Lake will be informed.

PD 18-2005 Memo to the Planning Services Committee providing pages for the Urban Design Principles and Model Guidelines for high rise buildings.

-- Received.

PD 19-2005 Copy of a letter from the Town of Niagara-on-the-Lake to the Honourable John Gerretsen on the Greenbelt Legislation and the west boundary of St. David's. (Note: The Greenbelt Plan came into effect on Monday, February 28, 2005)

-- Received.

Carried.

PUBLIC MEETINGS

66. Joint Public Meeting
Regional Policy Plan Amendment 198
Expansion of Hard Rock Paving Quarry
Township of Wainfleet
Date: Tuesday, March 22, 2005
Time: 7:00 p.m.
Place: Council Chambers
Township of Wainfleet

Councillors: Eke, Smeaton, _____.

OTHER BUSINESS

67. Planning Services Committee Report Distribution

The Committee was advised and agreed to the public availability of the Planning Services Committee's reports starting on Wednesday, one week before the Committee meeting.

STAFF DIRECTIONS

Staff was directed to:

- work in conjunction with the Town of Grimsby staff to define the Town of Grimsby's Kemp Road Hamlet area. (Refers to Minute Item 61)

ADJOURNMENT

The Committee adjourned at 5:35 p.m., to meet again at 2:00 p.m. on March 30, 2005, in Committee Room 4, at Regional Headquarters.

Dave Eke
Vice Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate Director
of Corporate Strategy