

THE REGIONAL MUNICIPALITY
PLANNING SERVICES COMMITTEE

REPORT 6-2005

Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, March 30, 2005 commencing at 2:05 p.m.

ATTENDANCE

Committee: Councillors Smeaton, Chair; Baty, Bodner, Burroughs, Eke, Gabriel, Hildreth, Hodgson, Katzman, Marshall, Timms, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning & Development; Colosimo, Senior Planner; Ms. Gilroy, Regional Clerk/Associate Director of Corporate Strategy.

Staff (Part Time): Messrs. Gummo, Senior Policy Co-ordination Planner; Hutchings, Director, Social Assistance and Employment Opportunities, Community Services Department; Murphy, Manager, Policy and Development, Corporate Services Department.

CONFLICT OF INTEREST

Councillor Zimmerman declared an indirect pecuniary interest with respect to the matter of 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, which was dealt with at the Planning Services Committee meeting on March 9, 2005, as they are both members of the same association, and she therefore took no part in the discussion of, or voting on this matter.

DEVELOPMENT IMPLEMENTATION SERVICES

68. Appeal of Consent Application B01/2005P
Yvon and Ghislaine Pigeon
Canboro Road, west of Effingham Road
Town of Pelham

Mr. Colosimo, Senior Planner, provided an overview of Report DPD 36-2005, which recommends the appeal to the Ontario Municipal Board of the decision of the Town of Pelham's Committee of Adjustment as the application will create a flag-shaped

lot, which is contrary to the intent of the Town of Pelham Official Plan and the Region's support for infilling policies for this area.

Mr. Yvon Pigeon, the applicant, addressed concerns raised by the Town related to the zoning, and the location of the septic system. He provided pictorial evidence of other flag shaped lots in the immediate area, and stressed the fact that the property has not been farmed in over 50 years.

In response to questions from Committee, Mr. Colosimo advised that this application is not affected by the recent Greenbelt Legislation, as it was submitted prior to its enactment.

Following discussion, it was:

Moved by Councillor Hildreth
Seconded by Councillor Baty

That Report DPD 36-2005, March 30, 2005, respecting the Appeal of Consent Application B01/2005P, Yvon and Ghislaine Pigeon, Canboro Road, west of Effingham Road in the Town of Pelham, be received.

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 Application B01/2005.

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

Carried.

69. Official Plan Amendment No. 33
Vineland Dinner Theatre
Victoria Avenue, north of Rittenhouse Road
Town of Lincoln

Mr. Colosimo, Senior Planner, provided an overview of Report DPD 37-2005, which recommends approval of the Official Plan Amendment, as it will be a creative re-use of an existing building, will be consistent with the Region's Smarter Niagara initiatives and the new Provincial Policy statement, and will support the economic strategy of the Region's Twenty Valley/Jordan Harbour Tourism Area policies. He added that the applicant is encouraged to address the parking limitations on the subject property.

Ms. Sara Premi, Solicitor, representing the proponents, explained the re-use of the property and reiterated the comments made by Mr. Colosimo. She explained that the Town had completed a study of parking in the area and concluded that there was sufficient alternate parking in the immediate vicinity to accommodate the proposed theatre. She also pointed out that bus passengers could be dropped off around the corner on Rittenhouse Road, and that a graveled area along Victoria Avenue could be made available to accommodate bus passengers by the removal of a pole. She concluded that the parking issues could be adequately addressed.

Mr. Ken Dobrenski, a resident in the immediate area, questioned the results of the parking study undertaken by the Town, noting that most of the parking spaces included in its count are on residential streets. He asked if these residents had been notified of the proposed development. He expressed concerns about the drop-off of bus passengers, the hazards related to the entrance and egress to the property itself, and the potential for a liquor license being acquired in the future.

Mr. Don Smith, a neighbour, provided photos of the property and indicated that the driveway was partly on his property. He indicated that if the plan was approved, he would build a fence along the driveway, which would affect it as a point of entrance/egress to the site. He reiterated Mr. Dobrenski's concerns with respect to traffic volumes and site lines along Victoria Avenue.

Councillor Hodgson advised that a legal opinion had not been sought by the Town, but that historically this may have been a shared driveway. He further advised that the Town of Lincoln was in favour of the development as a viable re-use of the existing building, which will attract tourists to the area, and if not developed as a theatre, would remain as an empty building.

Ms. Premi advised that the driveway in question was not a mutual driveway in land title, and was owned by the Church. In response to questions, she further advised that the Region had signed an encroachment agreement, but it could not be signed by the applicant until he took possession of the property.

Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That Report DPD 37-2005, March 30, 2005, respecting the Official Plan Amendment No. 33, Vineland Dinner Theatre, Victoria Avenue, north of Rittenhouse Road in the Town of Lincoln, be received.

That Amendment No. 33 to the Town of Lincoln 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 that Council's decision on the Amendment is final if no appeals are lodged within twenty (20) days of giving notice of Council's decision.

Carried.

(Refer to Staff Directions.)

70. Official Plan Amendment No. 24
Medium Density Residential Development
Line 2 Road, east of Four Mile Creek Road
Town of Niagara-on-the-Lake

Moved by Councillor Marshall
Seconded by Councillor Hildreth

That Report DPD 38-2005, March 30, 2005, respecting the Official Plan Amendment No. 24, Medium Density Residential Development, Line 2 Road, east of Four Mile Creek Road in the Town of Niagara-on-the-Lake, be received.

That Amendment No. 24 to the Town of Niagara-on-the-Lake 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 that Council's decision on the Amendment is final if no appeals are lodged within twenty (20) days of giving notice of Council's decision.

Carried.

71. Official Plan Amendment No. 50
Sparrow Lakes Golf Course Expansion
Town of Pelham

Mr. Cambray advised the Committee that the Golf Course expansion was staying out of the wetlands and providing a stream buffer as previously set out in the Regional Policy Plan Amendment.

Moved by Councillor Eke
Seconded by Councillor Baty

That Report DPD 39-2005, March 30, 2005, respecting the Official Plan Amendment No. 50, Sparrow Lakes Golf Course Expansion in the Town of Pelham, be received.

That Regional Council approve Amendment No. 50 to the Town of Pelham's Official Plan.

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

That staff issue a notice of final decision 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.

72. Proposed Niagara Escarpment Plan Amendment PN 154 04
Recognize Two Testamentary Devise Parcels as One Lot
Dorothy Eller
Eller Road, west of Cataract Road
City of Thorold
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Mr. Colosimo, Senior Planner, provided an overview of Report DPD 40-2005, which does not oppose the proposed Niagara Escarpment Plan Amendment which will allow the recognition of two parcels created by testamentary devise as one building lot.

Ms. Dorothy Eller, speaking on behalf of her daughter and son-in-law, provided a chronological history of the property and its bequest to family members, and advised that the creation of the lots conformed to the definition of a lot as contained in the Niagara Escarpment Plan.

Moved by Councillor Gabriel
Seconded by Councillor Eke

That Report DPD 40-2005, March 30, 2005, Proposed Niagara Escarpment Plan Amendment PN 154 04, Recognize Two Testamentary Devise Parcels as One Lot Dorothy Eller, Eller Road, west of Cataract Road in the City of Thorold, be received.

That the Region not oppose the approval of the proposed Niagara Escarpment Plan Amendment PN 154 04 to allow the recognition of two parcels created by testamentary devise as one building lot subject to the applicant providing satisfactory confirmation to the Niagara Escarpment Commission and the Region of the merging in title of two additional testamentary devise parcels located to the south of the adjoining hydro transmission corridor.

That the Niagara Escarpment Commission, the City of Thorold and the applicant be notified of Council's decision.

Carried.

73. Background Information Report
Regional Policy Plan Amendment 3-2005
Agri-Plastics Manufacturing Business
Township of West Lincoln

Mr. Cambray provided an overview of Report DPD 45-2005, noting that the map contained in the report will be amended to more accurately show the boundaries of the subject lands.

Mr. Rick Brady advised that the Councillors for the Township of West Lincoln have been invited to an Open House at Agri-Plastics Manufacturing Business on Thursday, April 21, 2005, from 2:00 to 4:00 and invited Regional Councillors to also attend.

Moved by Councillor Marshall
Seconded by Councillor Baty

That Report DPD 45-2005, March 30, 2005, respecting the Background Information Report, Regional Policy Plan Amendment 3-2005, Agri-Plastics Manufacturing Business in the Township of West Lincoln, be received for information.

Carried.

74. Consent Summary
From February 1, 2005 to February 28, 2005

Moved by Councillor Baty
Seconded by Councillor Eke

That Report DPD 41-2005, March 30, 2005, respecting the Consent Summary from February 1, 2005 to February 28, 2005, be received.

Carried.

75. Regional Comments on Development Proposals
From February 1, 2005 to February 28, 2005

Moved by Councillor Timms
Seconded by Councillor Eke

That Report DPD 42-2005, March 30, 2005, respecting the Regional Comments on Development Proposals from February 1, 2005 to February 28, 2005, be received.

Carried.

(Refer to Staff Directions.)

POLICY PLANNING

76. Final Recommendation Report
Regional Policy Plan Amendment 192
Fenwick Urban Boundary Expansion
Town of Pelham

Moved by Councillor Baty
Seconded by Councillor Zimmerman

That Report DPD 43-2005, March 30, 2005, respecting the Final Recommendation Report, Regional Policy Plan Amendment 192, Fenwick Urban Boundary Expansion in the Town of Pelham, be received.

That Regional Policy Plan Amendment 192 to permit an expansion to the Fenwick Urban Area in the Town of Pelham be approved.

That an Amendment By-law be prepared for adoption by Council.

That notice of Council's decision be given in accordance with Planning Act requirements.

That a copy of this report be forwarded to the applicant and to the Town of Pelham.

Carried.

77. Overview and Significant Comments on *Places to Grow*
A Growth Plan for the Greater Golden Horseshoe

Committee members discussed the Places to Grow document, and expressed concerns about how it relates to the Greenbelt and the confusion this has caused.

Mr. Cambray, Commissioner of Planning and Development, explained that Report DPD 44-2005, reiterates the concerns previously submitted to the province on the first draft of the document. In summary, the report continues to stress that the Plan should include the recognition of the Region's "go south" strategy; including Highway 406; the necessary financial incentives, infrastructure investment and best practices to assist municipalities to implement the overall Plan; recognition of the importance of upper-tier municipalities in planning on a broader area basis; clarification of the Gateway Economic Zone, and tools to ensure meaningful public engagement.

A third draft is anticipated later this year.

Councillor Zimmerman questioned how municipalities will deal with those areas that have been removed from the Greenbelt area, and provided the example of a hamlet area in Grimsby.

Discussion continued with questions particularly related to the response to the Plan from the Niagara Economic and Tourism Corporation, the impact on the Plan of the current Economic Growth Strategy which is being developed, and the correlation between the Plan, the impact on development proposals and current tax issues.

Moved by Councillor Gabriel
Seconded by Councillor Eke

That Report DPD 44-2005, March 30, 2005, respecting an Overview and Significant Comments on *Places to Grow, A Growth Plan for the Greater Golden Horseshoe*, be received, **as amended**.

That this report recognize those areas such as the hamlet area in Grimsby that may be affected by both the greenbelt plan and this plan.

That this report be forwarded to the Province as Regional Niagara's comments on *Places to Grow*.

That copies of this report be circulated for information to the local municipalities and Smarter Niagara Steering Committee.

The Regional Chairman **and the Chair of the Planning Services Committee** present Niagara's position to the Legislative Standing Committee that likely will hold spring hearings on the *Places to Grow Act*.

Carried.

(Refer to Staff Directions.)

Following discussion, it was:

Moved by Councillor Timms
Seconded by Councillor Marshall

That the Niagara Economic and Tourism Corporation be requested to present their comments on the Places to Grow document to Regional Council,

Carried.

ADMINISTRATION

78. People Needing Housing: A Collaborative Housing Strategy for the Niagara Community

Mr. Gummo, Senior Policy Co-ordination Planner, provided an overview of Report DPD 47-2005 (COM 32-2005/CSD 41-2005), which recommends endorsement of the actions proposed a Niagara Regional Housing study. He pointed out that specific actions may require subsequent consideration by Council, and it is recommended that an interdepartmental team of senior Regional staff and Niagara Regional Housing staff be established to steer implementation of the Strategy and obtain community input for relevant recommendations.

Mr. Trojan, Chief Administrative Officer, reiterated Mr. Gummo's comments, noting that the financial implications had been discussed at the Corporate and Financial Service Committee meeting (earlier this day). Further discussion with the area municipalities will be undertaken to address related issues such as the forgiveness of development charges and tax rebates.

Moved by Councillor Eke
Seconded by Councillor Hildreth

That Report DPD 47-2005 (COM 32-2005/CSD 41-2005), March 30, 2005, respecting the People Needing Housing: A Collaborative Housing Strategy for the Niagara Community, be received.

That the actions proposed in the attached Appendix "A" People Needing Housing: A Collaborative Housing Strategy for the Niagara Community be undertaken with the understanding that specific actions may require subsequent consideration by Council.

That Regional staff proceed on the actions as described in this report.

That an interdepartmental team of senior Regional staff and Niagara Regional Housing staff be established to steer implementation of the Strategy and obtain community input for relevant recommendations.

Carried.

(Please note that Report DPD 47-2005 (COM 32-2005/CSD 41-2005) can be found behind the JNT RPTS Blue Book Tab)

79. Municipal Response to the Proposed Investigation of the Concept of Assessment Pooling

Moved by Councillor Katzman
Seconded by Councillor Timms

That Report DPD 46-2005 (CSD 42-2005), March 30, 2005, respecting the Municipal Response to the Proposed Investigation of the Concept of Assessment Pooling, be deferred to the next Planning Services Committee meeting on Wednesday, April 20, 2005.

Carried.

80. Comments on Extension of GO Transit Commuter Bus Services into Niagara

Mr. Cambrey advised that Report DPD 48-2005 was provided in response to a request at the February 23, 2005 Planning Services Committee that staff prepare comments from a planning perspective on the 'Expansion of GO Transit Commuter Bus Services into Niagara'. He stressed the importance of the relationship between transportation and land use, noting that transportation infrastructure needs to be located where the development is going.

During discussion, concerns were expressed with respect to the level of service provided by GO Transit to Niagara residents.

Moved by Councillor Eke
Seconded by Councillor Marshall

That Report DPD 48-2005, March 30, 2005, respecting the Comments on the Extension of GO Transit Commuter Bus Services into Niagara, be received for information and forwarded to the Transportation Strategy Steering Committee for consideration in the ongoing discussions on the expansion of GO-Transit Commuter Bus Services into Niagara and the development of Regional Transportation priorities.

Carried.

(Refer to Staff Directions)

81. Resource Membership in the Southern Ontario Gateway Council

Mr. Cambrey, Commissioner of Planning and Development, provided brief comments related to Report DPD 49-2005, noting that involvement in the Southern Ontario Gateway Council will allow Niagara-related transportation issues to be brought to the attention of that group.

Moved by Councillor Gabriel
Seconded by Councillor Hildreth

That Report DPD 49-2005 (PWA 54-2005), March 30, 2005, respecting the Resource Membership in the Southern Ontario Gateway Council, be received.

That Regional Niagara becomes a Resource Member of the Southern Ontario Gateway Council and that one staff member be authorized to provide appropriate input to that group.

That the organizers of the Southern Ontario Gateway Council be informed of Regional Council's decision.

That a copy of this report be forwarded to each local municipality for information.

Carried.

(Please note that Report DPD 49-2005 (PWA 54-2005) can be found behind the JNT RPTS Blue Book Tab)

82. Minutes of the Transportation Strategy Steering Committee
Tuesday, March 8, 2005

Moved by Councillor Marshall
Seconded by Councillor Baty

That Correspondence Item PD 21-2005, the minutes of the Transportation Strategy Steering Committee meeting held Tuesday, March 8, 2005, be received.

Carried.

83. Minutes of the Smarter Niagara Steering Committee for
Wednesday, March 9, 2005

Moved by Councillor Marshall
Seconded by Councillor Baty

That the minutes of the Smarter Niagara Steering Committee meeting held Wednesday, March 9, 2005, be received.

Carried.

PUBLIC MEETING

84. Joint Public Meeting
Proposed Regional Policy Plan Amendment 1-2005
Port Colborne Energy Park
City of Port Colborne
Date: Tuesday, April 19, 2005
Time: 6:30 p.m.
Place: Port Colborne City Hall

Councillors: Baty, Eke, Marshall

OTHER BUSINESS

85. Sheldrick/Modern Waste Transfer Station, Smithville
Township of West Lincoln

Councillor Timms conveyed questions he received from representatives of the Concerned Citizens of West Lincoln as to the process for their presentation at the February 23 Planning Services Committee and why there was a discussion in Closed Session. Mr. Cambrey explained that the Closed Session was necessary due to potential legal action on a property matter, and agreed to contact the representatives to explain.

(Refer to Staff Directions)

86. Heritage Incentives Program

Councillor Eke requested additional information with respect to the Heritage Incentives Program, which was included in Report DPD 22-2004, Implementation of Smarter Niagara Incentive Programs: Local and Regional Partnerships, which was approved by Planning Services Committee on February 11, 2004 and Regional Council on February 19, 2004. He questioned the eligibility criteria for the grant funding of 50% by the Region and 50% by the area municipality, and whether funds for this program had been included in the budget for 2004 and 2005. Mr. Trojan, CAO, advised that funds were included in 2004 for the Smarter Niagara Incentive Program in 2005.

(Refer Staff Directions.)

STAFF DIRECTIONS

Staff was directed to:

- Clarify whether an encroachment agreement has been signed by the Region with respect to the proposed Official Plan Amendment 33, Vineland Dinner Theatre (Refer to Minute Item 69)
- Provide Councillor Timms with copies of the letters on the development proposals on Lock, Main and Lakeport and Martindale Road, all in the City of St. Catharines, as listed in Report DPD 42-2005 (Refer to Minute Item 75)
- Contact the Commissioner of Corporate Services to discuss the best way to address the tax issues related to development and the Places to Grow document (Refer to Minute Item 77)
- Investigate possible reduction in Via Rail passenger service in Niagara.(Refer to Minute Item 80)
- Provide information on the heritage component of the Greater Niagara Incentive Plan (Refer to Minute Item 86)
- Prepare a letter for Committee's consideration in response to questions on the Sheldrick/Modern Waste Transfer Station, Smithville

ADJOURNMENT

The Committee adjourned at 4:55 p.m. to meet again at 2:00 p.m. on April 20, 2005, in Committee Room 4, at Regional Headquarters.

Bill Smeaton
Chair

Pam Gilroy
Regional Clerk/Associate
Director of Corporate Strategy