

THE REGIONAL MUNICIPALITY
PLANNING SERVICES COMMITTEE

REPORT 7-2005

Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, April 20, 2005 commencing at 2:09 p.m.

ATTENDANCE

- Committee: Councillors Smeaton, Chair; Regional Chair Partington; Bodner, Eke, Gabriel, Hildreth, Hodgson, Marshall, Smeaton, Timms, Zimmerman.
- Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning & Development; Farley, Director, Planning Services; Ms. Pilon, Legislative Assistant.
- Staff (Part Time): Messrs. Robson, Director, Office of Corporate Strategy; Gummo, Senior Policy Co-ordination Planner; Semple, Senior Planner; Ms. Emeneau, Planner.

PRESENTATION

87. Bike to Work Week

On behalf of the Regional Niagara Bicycling Committee, Mr. Cambray presented Councillor Smeaton, Chair and Councillor Eke, Vice Chair of the Planning Services Committee with Bike to Work Week t-shirts. Bike to Work Week is being held the week of May 9, 2005 and everyone is encouraged to bike to work during that week.

POLICY PLANNING

88. Final Recommendation Report
Regional Policy Plan Amendment 188
Niagara River Golf Course
Town of Fort Erie

The Committee was advised that the proponent has asked that this matter be deferred to the May 11, 2005 Planning Services Committee meeting.

Ms. Stella Ziff on behalf of the Niagara River Area Property Owners Group, advised the Committee that there are two very pertinent documents that should be included in the appendices of the report, the Peer Review commissioned by the Town of Fort Erie to assist its Planning Department to review and assess the applicant's Environmental Impact Study and the presentation made to the Fort Erie Council on behalf of the Niagara River Area Property Owners Group on February 7, 2005.

The Committee was advised that the two documents will be circulated with the report.

Moved by Councillor Marshall
Seconded by Councillor Eke

That Report DPD 58-2005, April 20, 2005, respecting the Final Recommendation Report, Regional Policy Plan Amendment 188, Niagara River Golf Course in the Town of Fort Erie, be deferred to the May 11, 2005 Planning Services Committee meeting.

Carried.

DEVELOPMENT IMPLEMENTATION SERVICES

89. Appeal of Consent Application B-11/05
Edward and Margaret Kozicki
Four Mile Creek Road, north of Line 3
Town of Niagara-on-the-Lake

Mr. Farley provided the Committee with a brief overview of the report that proposes the creation of a 0.38 acre parcel for a dwelling on a private effluent disposal system and a municipal water supply. However, the setbacks from the Four Mile Creek and an easement for an underdrain outlet would reduce the useable lot area to about 0.25 acres.

The Committee was advised that the lot proposed by this consent application would have a much smaller useable area than the one acre normally recommended by the Regional Plan and Regional Public Health staff for a dwelling with a septic system. Staff have serious concerns about the health and environmental impacts of creating and developing this lot and are therefore, recommending that Regional Council support the appeal to the Ontario Municipal Board of the decision by the Town of Niagara-on-the-Lake Committee of Adjustment.

Councillor Eke noted that the initial application in October 2003 for the 0.4 acre parcel was approved, and a house has been constructed on the lot, however, the conditions on the 0.38 acre parcel were not completed in the required time period, so the approval of the second parcel lapsed and as a result, the applicant submitted the current consent application for the 0.38 acre parcel.

Mr. Tony Kozicki, the proponent son, advised the Committee that they have applied for the use of a tertiary septic system that is within the guidelines of the Ontario Building Code.

Mr. Kozicki noted that they have met all the required setbacks and that they have followed the requirements of the Ontario Building Code to the letter and that the only outstanding requirement is the engineer's report for the Regional Public Health Department.

Mr. Kozicki advised the Committee that the installation of a Bio Filter system on the existing lot will alleviate the encroachment on the proposed lot and it will therefore, not affect any future sale of the property.

Mr. Hunter, Manager, Part VIII and Safe Water and Health Hazards, Public Health Department advised the Committee that the Public Health Department was unable to support the severance, but would be willing to re-assess the proposal if the applicant submits an engineer's report that would indicate that all existing and/or proposed sewage systems on Parts 1, 2, 3, 4 and 5 do not pose any risk of a cumulative adverse effect on the ground water sources and the Four Mile Creek.

Mr. Kozicki advised the Committee that they have complied with all of the requirements of the Ontario Building Code.

The Committee noted that they could not make a decision on this matter without the information that would be obtained with the fulfillment of the Public Health Department's requirements, an engineer's report that indicates all existing and/or proposed sewage systems on Parts 1, 2, 3, 4 and 5 do not pose any risk of a cumulative adverse effect on the ground water sources and the Four Mile Creek. The Committee therefore, suggested that the decision on this matter be deferred for three months, to allow the proponent the time required to fulfill the Public Health Department's requirements and ensure that the environment is protected.

Moved by Councillor Marshall
Seconded by Councillor Zimmerman

That Report DPD 51-2005, April 20, 2005, respecting the Appeal of Consent Application B-11/05, Edward and Margaret Kozicki, Four Mile Creek Road, north of Line 3 in the Town of Niagara-on-the-Lake, be deferred for three months.

Carried.

90. Official Plan Amendment No. 51
Rolling Meadows Community Development Area (Blackhorse Corners Community)
Highway 58 and Regional Road 20
City of Thorold
-

Moved by Councillor Gabriel
Seconded by Councillor Bodner

That Report DPD 50-2005, April 20, 2005, respecting the Official Plan Amendment No. 51, Rolling Meadows Community Development Area (Blackhorse Corners Community), Highway 58 and Regional Road 20 in the City of Thorold, be received.

That Amendment No. 51 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.

91. Official Plan Amendment No. 59
Proposed Hotel and Commercial Development
McLeod Road and Alex Avenue
City of Niagara Falls
-

Moved by Councillor Marshall
Seconded by Councillor Hildreth

That Report DPD 52-2005, April 20, 2005, respecting the Official Plan Amendment No. 59, Proposed Hotel and Commercial Development, McLeod Road and Alex Avenue in the City of Niagara Falls.

That Amendment No. 59 to the City of Niagara Falls 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.

92. Official Plan Amendment No. 52
Sewer Line Extension
Pelham Evangelical Friends Church
Town of Pelham

Moved by Councillor Gabriel
Seconded by Councillor Hildreth

That Report DPD 53-2005, April 20, 2005, respecting the Official Plan Amendment No. 52, Sewer Line Extension, Pelham Evangelical Friends Church in the Town of Pelham, be received.

That Regional Council approve Amendment No. 52 to the Town of Pelham 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 provided that no appeals have been lodged against the decision.

Carried.

93. Official Plan Amendment No. 114
Private/Public Arena Complex
Woodlawn Road, east of Seaway Drive
City of Welland

Mr. Conlin, Associated Engineering advised the Committee that the Arena Complex can share the parking with the Seaway Mall.

Moved by Councillor Marshall
Seconded by Regional Chair Partington

That Report DPD 54-2005, April 20, 2005, respecting the Official Plan Amendment No. 114, Private/Public Arena Complex, Woodlawn Road, east of Seaway Drive in the City of Welland, be received.

That Regional Council approve Amendment No. 114 to the City of Welland 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.

94. Consent Summary
From March 1, 2005 to March 31, 2005

Moved by Councillor Bodner
Seconded by Councillor Timms

That Report DPD 55-2005, April 20, 2005, respecting the Consent Summary from March 1, 2005 to March 31, 2005, be received.

Carried.

95. Regional Comments on Development Proposals
From March 1, 2005 to March 31, 2005

Moved by Councillor Eke
Seconded by Regional Chair Partington

That Report DPD 56-2005, April 20, 2005, respecting the Regional Comments on Development Proposals from March 1, 2005 to March 31, 2005, be received for information.

Carried.

POLICY PLANNING (Continued)

96. Final Recommendation Report
Wind Power Development
Regional Policy Plan Amendment 197
Official Plan Amendment No. 16
Township of Wainfleet

The Committee requested that the reference within the report to the abandoned CNR railway be changed to the Trans Canada Trail, now owned by the Niagara Peninsula Conservation Authority (NPCA).

Moved by Councillor Timms
Seconded by Regional Chair Partington

That Report DPD 57-2005, April 20, 2005, respecting the Final Recommendation Report, Wind Power Development, Regional Policy Plan Amendment 197, Official Plan Amendment No. 16 in the Township of Wainfleet, be received as **amended**.

That Regional Policy Plan Amendment 197 to permit up to 3 wind turbines per site on three sites (to a maximum of 8 in total) in the Township of Wainfleet be approved.

That the Regional Clerk ensure that a by-law is prepared for Council adoption.

That Official Plan Amendment 16 be approved with modifications to clarify the number of wind turbines permitted per site, land use compatibility and a schedule identifying the lands affected.

That notice of Council's decision regarding Regional Policy Plan Amendment 197 and Official Plan Amendment 16 be circulated in accordance with Planning Act requirements.

That the letter from the province respecting their recommendations, be included as an appendices to the report.

That a copy of this report be circulated to the Township of Wainfleet and Wind Energy Niagara.

Carried.

Conflict of Interest

Councillor Zimmerman declared an indirect pecuniary interest with respect to the matter of Report DPD 59-2005, April 20, 2005, respecting the Status Report, Raw Water for Agricultural Irrigation Feasibility Study as a member of the Grape Growers of Ontario is a member of the Technical Committee and she therefore took no part in the discussion or voting on this matter.

97. Status Report
Raw Water for Agricultural Irrigation Feasibility Study

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 59-2005, April 20, 2005, respecting the Status Report, Raw Water for Agricultural Irrigation Feasibility Study, be received for information and circulated to the local municipalities; and

That Communication PD 24-2005, the Proposed Phase 2 Field Study: Raw Water for Agricultural Irrigation and application for funding under the National Water Supply Expansion Program for Agriculture and Agri-Food Canada, be received and recommended for Provincial/Federal funding.

Carried.

98. Background Information Report
Proposed Regional Road Allowance Policies
Regional Policy Plan Amendment 2-2005

Moved by Regional Chair Partington
Seconded by Councillor Eke

That Report DPD 61-2005 (PWA 60-2005), April 20, 2005, respecting the Background Information Report, Proposed Regional Road Allowance Policies, Regional Policy Plan Amendment 2-2005, be received as **amended**.

That a copy of this report be circulated to the local municipalities, **the Smarter Niagara Steering Committee** and Provincial agencies for review and comments.

That three public meetings be held across Niagara to obtain comments on the proposed Policy Plan Amendment 2-2005.

Carried.

(Please note that Report DPD 61-2005 (PWA 60-2005) can be found behind the JNT RPTS Blue Book Tab)

ADMINISTRATION

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

Moved by Councillor Timms
Seconded by Councillor Marshall

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 received.

That Council provide direction to staff on whether to or not to proceed on a call for proposals for a study of the concept of assessment pooling.

Defeated.

(Please note that Report DPD 46-2005 (CSD 42-2005) can be found behind the JNT RPTS Blue Book Tab)

100. Overview of the 2005 Provincial Policy Statement

Moved by Councillor Gabriel
Seconded by Councillor Marshall

That Report DPD 60-2005, April 20, 2005, respecting an Overview of the 2005 Provincial Policy Statement, be deferred to the May 11, 2005 Planning Services Committee meeting.

Carried.

101. Niagara Peninsula Conservation Authority
Proposed Fee for Services Charges – 2005 - 2006

Moved by Councillor Eke
Seconded by Councillor Hildreth

That Report DPD 62-2005, April 20, 2005, respecting the Niagara Peninsula Conservation Authority, Proposed Fee for Services Charges - 2005 - 2006, be received.

That this report be sent to the Niagara Peninsula Conservation Authority (NPCA) for their consideration.

That Planning staff meet with NPCA staff to discuss the suggested revisions set out in Appendix 1 and arrive at an acceptable agreement.

That the revised fees in Appendix 1 be implemented pending the outcome of these discussions.

Carried.

102. Update on Consideration of a Possible
Heritage Program for Niagara

Moved by Councillor Timms
Seconded by Councillor Marshall

That Report DPD 63-2005, April 20, 2005, respecting the Update on Consideration of a Possible Heritage Program in Niagara, be received.

The Smarter Niagara Steering Committee through the Heritage Working Group proceed with plans to organize a Planning and Scoping Session to determine the parameters of a heritage stakeholder event in Niagara.

The results of the Planning and Scoping Session be reported to Council for further discussion and possible action.

This report be circulated to the area municipalities for information.

Carried.

103. Review of Development Applications
Niagara Economic and Tourism Corporation

Moved by Councillor Timms
Seconded by Councillor Bodner

That Report DPD 64-2005, April 20, 2005, respecting the Review of Development Applications, Niagara Economic and Tourism Corporation, be received for information.

Carried.

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

104. Regional Chairman's Agricultural Task Force - Next Steps

Mr. Cambray and Mr. Robson provided the Committee with an overview of the report, which recommends that the Regional Chairman's Agricultural Task Force act as the Niagara-specific Greenbelt Advisory Committee. The Regional Chairman's Agricultural Task Force believes that they are uniquely qualified to serve in the role of a Niagara-specific Greenbelt Advisory Committee to advise the Province of Ontario by monitoring Greenbelt implementation and its impact on agricultural viability.

Councillor Hildreth, a member of the Regional Chairman's Agricultural Task Force advised the Committee that the monitoring of the Greenbelt implementation is extremely important.

The Committee requested that the Agricultural Subcommittee be included on the list of invitations to the Breakfast and that the Regional Chairman's Agricultural Task Force report their findings through the Planning Services Committee, it was therefore:

Moved by Councillor Hildreth
Seconded by Councillor Bodner

That Report DPD 66-2005, April 20, 2005, respecting the Regional Chairman's Agricultural Task Force - Next Steps, be received as **amended**.

That the Regional Chairman's Agricultural Task Force be recommended to the Ministers of Municipal Affairs and Housing and Agriculture and Food to act as the Niagara-specific Greenbelt Advisory Committee.

That a Breakfast Forum meeting, with an invitation list similar to that used for the Breakfast Forum of January 22, 2003, **with the inclusion of the Agricultural Subcommittee**, be authorized for the purpose of updating that group on process to date, to conduct an issues identification exercise, and to seek advice on the mandate and priorities of the Regional Chairman's Agricultural Task Force.

That the results of the Breakfast Forum be presented to Council for its consideration.

That this report and the results of the Breakfast Forum be circulated to the Agricultural Subcommittee for comment and the local municipalities for information.

That a further report on the future role of the Agricultural Task Force be presented at the beginning of 2006 or sooner **circulated through the Planning Services Committee**.

Carried.

105. Minutes of the Greater Niagara Circle Route Committee
Wednesday, March 30, 2005

Moved by Councillor Timms
Seconded by Councillor Bodner

That the minutes of the Greater Niagara Circle Route Committee meeting held Wednesday, March 30, 2005, be received and the recommendations therein be approved.

Carried.

106. Minutes of the Ecological and Environmental Advisory Committee
Thursday, March 31, 2005

Moved by Councillor Timms
Seconded by Councillor Bodner

That the minutes of the Ecological and Environmental Advisory Committee meeting held Thursday, March 31, 2005, be received and the recommendations therein be approved.

Carried.

CORRESPONDENCE

107. Moved by Councillor Bodner
Seconded by Councillor Eke

That Communication PD 18-2005, a memo to the Planning Services Committee providing pages for the Urban Design Principles and Model Guidelines for high rise buildings, be received.

Carried.

108. Moved by Councillor Eke
Seconded by Councillor Timms

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

PD 22-2005 Letter from Brian Duxbury, Solicitor for the Skylon Tower, to the Ontario Municipal Board withdrawing its appeal of Regional Council's decision to approve Niagara Falls Official Plan Amendment 56, for the 58 Storey Hilton Hotel Expansion

-- Received.

PD 23-2005 Notice of Public Information Centres for the Niagara to GTA Corridor – Environmental Assessment Terms of Reference

-- Received.

Carried.

PUBLIC MEETING

109. Joint Public Meeting
Regional Policy Plan Amendment 3-2005
Agri-Plastics Manufacturing
Date: Monday, May 2, 2005
Time: 7:00 p.m.
Place: West Lincoln Council Chambers

Councillors: Hildreth, Eke, _____.

ADDENDUM

110. Implementation of Smarter Niagara Incentive Programs
Local and Regional Partnerships
City of Thorold
Brownfields and City Core Rejuvenation Community Improvement Plan

Moved by Councillor Gabriel
Seconded by Councillor Eke

That Report DPD 65-2005, April 20, 2005, respecting the Implementation of Smarter Niagara Incentive Programs, Local and Regional Partnerships, City of Thorold, Brownfields and City Core Rejuvenation Community Improvement Plan, be received.

That the Brownfields and City Core Rejuvenation Community Improvement Plan for the City of Thorold be supported, and that staff participation on a project steering committee and funding at the benchmark level of \$25,000 for local community improvement plans, be approved.

That a copy of this report be sent to all the local municipalities for information.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- Refer the storm water management problem on Main Street East in the Town of Grimsby from the housing development across from Wills Chev-Olds, to the Public Works Department.

ADJOURNMENT

The Committee adjourned at 5:10 p.m. to meet again at 2:00 p.m. on May 11, 2005, in Committee Room 4, at Regional Headquarters.

Bill Smeaton
Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate
Director of Corporate Strategy