

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

**REPORT 8-2005**

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Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, May 11, 2005 commencing at 2:10 p.m.

**ATTENDANCE**

- Committee: Councillors Smeaton, Chair; Regional Chair Partington; Baty, Burroughs, Eke, Gabriel, Hildreth, Hodgson, Marshall, Timms.
- Staff: Messrs. Cambray, Commissioner, Planning & Development; Farley, Director, Planning Services; Ms. Pilon, Legislative Assistant.
- Staff (Part Time): Messrs. Gedge, C.E.O. Niagara Economic and Tourism Corporation; Romanin, Senior Business Development Officer, Niagara Economic and Tourism Corporation; Ms. Emeneau, Planner.
- Others: Councillors Martin and Redekop.

**POLICY PLANNING**

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

Mr. Cambray provided the Committee with a brief overview of the report, which supports the approval of the Regional Policy Plan Amendment 188 to permit an 18-hole golf course on approximately 193 acres (74 hectares) in a "Good Agricultural Area" along the Niagara Parkway in the Town of Fort Erie in association with the recognition of an environmental area.

Mr. Cambray noted that it is one of the Region's strategic objectives to recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources.

The Committee was advised that the protection of the provincially and globally rare vegetation communities meets the intent of the Provincial Policy Statement that approval authorities should have regard for significant wetland features and that the recommended constraint area is intended to protect the key natural features of the site.

Mr. Cambray noted that staff are satisfied that this proposal will not have a significant impact on the agricultural activity in the area and that the location, with the nearby estate residential along the Niagara River Parkway, appears to be a suitable site for a golf course.

Mr. Rick Brady, Urban & Environmental Management appeared before the Committee on behalf of the proponents to provide the Committee with details of their proposed revisions to the Amendment.

Mr. Brady advised the Committee that the proponents have proposed to increase the size of the protected area from 19.3 hectares (as per staff's recommendation) to 29.5 hectares and increase the size of the area the Ministry of Natural Resources has identified as wetland within the protected area from 8.1 hectares (as per staff's recommendation) to 11.3 hectares.

The Niagara River Golf Course will avoid the crossing of aquatic features where ever possible, with clear span bridges as crossings if required, there will be no culverts created and a raised walkway will be used through the Pin Oak swamp, as a corridor for golfers to move between two of the courses holes.

The Committee was advised that there has been a Hydrologic Study perform on the property for eight seasons and the proponents have committed to continuing the monitoring program for the life of the course, whereby any differentials in water levels after the course's construction will be identified immediately through their very sophisticated water management plan.

The proponents have committed to preserving the Pin Oak swamp and Southern Arrowwood 100% in areas these species can be maintained.

Mr. Brady provided the Committee with a proposed revision to the Amendment that would provide the golf course with less area and more area to be protected.

Mr. Cambray advised the Committee that staff had an opportunity to walk the area and it was noted that the existing grade will be changed considerably in order to provide the golf course with features and staff is concerned about the natural environment in certain areas as the changes are made to grade of the property.

Mr. Brady noted that the Pin Oak swamp will remain as a low area, as it is today, a depression in the landscape and the area will be monitored for any water variations and the proponents are committed to maintaining the hydrology of the property so it remains in the state it is today.

Mr. Renato Romanin, Senior Business Development Officer, Niagara Economic and Tourism Corporation provided the Committee with a presentation in support of the proposed Niagara River Golf Course development in the Town of Fort Erie.

The Committee was advised that the Tourist Readiness Study report states “while Niagara is not currently recognized as a top golf destination, it is encouraging to note that the Region features many of these attributes. We believe that an opportunity exists for Niagara and its golf operators to capitalize on these strengths in order to create a world-class golf destination”.

The Niagara Economic and Tourism Corporation believes that the development of the Niagara River Golf Course will provide Niagara with a “world-class” golf course and an opportunity to position Niagara’s golf on a global scale.

Mr. James Thibert, General Manager, Fort Erie Economic Development and Tourism Corporation, noted that the Niagara River Golf Course is important to the Town of Fort Erie and will blend in with the Niagara Region.

Mr. Thibert noted that the proponents have demonstrated their willingness to preserve the environment through their proposed revisions to the Amendment.

Mrs. Stella Ziff appeared before the Committee on behalf of the Niagara River Area Property Owners Group. Mrs. Ziff noted that the proponents amendments to the original course layout distributed at today’s meeting, does not make the golf course look any smaller and that only portions of specific vegetation communities area being protected and not the features, functions or processes attributed to the whole wetland as detailed in the Ontario Wetland Evaluation Survey.

Mrs. Ziff noted that is was regrettable that the recommendations in Report DPD 58-2005 ignore the Ministry of Municipal Affairs and Housing’s comments and staff was again reminded by the Ministry in their May 6<sup>th</sup> letter of their comments.

Mrs. Ziff made reference to the negative comments made by the Ministry of the Environment (MOE) and the Minister herself, noting that in light of these negative comments, how could a “Constraint Area” be considered sufficient protection for a Provincially Significant Wetland as designated by the Ministry of Natural Resources and confirmed by an Ontario Wetland Environment Survey (OWES) prepared by Bradwill Consulting on the Niagara River Area Property Owners Group’s behalf.

Mrs. Ziff requested that the Committee refer Report DPD 58-2005 back to staff for a complete review of the concerns which have been raised by the Ministry of Municipal Affairs and Housing; Ministry of Natural Resources; Ministry of the Environment; the Peer Review and the Niagara River Area Property Owners Group.

Ms. Dorothy Graham the owner of a property located on Schweigler Road adjacent to the subject property advised the Committee that there is a significant amount of wildlife living on the subject property; endangered species of plants and trees and birds as well as the Provincial Significant Wetlands that have been mentioned.

Ms. Graham noted that any reduction in wildlife habitat is a reduction in wildlife itself and that a responsibility exists with the Town of Fort Erie, the Niagara Region and the authors of the Environmental Impact Study to preserve the ecological make up of the subject property.

Ms. Graham requested that the Committee further investigate comments in opposition, prior to making a decision.

Councillor Redekop appeared before the Committee on behalf of the Town of Fort Erie to request that the Committee approve Mr. Brady's suggested amendment.

Councillor Redekop advised the Committee that the process for the approval of the Niagara River Golf Course began in January 2004, which has entailed the balance of preserving the natural environment and development, the project will have impacts on the natural environment as any development of this size would.

The Committee was advised that the property is now designated and zoned as "Agricultural", which could result in the Provincially Significant Wetlands (PSWs) not being protected. The owner of the property is seeking approval to place a golf course on the property, which would create economic development for the Town of Fort Erie. In the event that the project is denied, the property will remain in its current state, possibly sold and the Town of Fort Erie residents would experience lose of an investment as well as a park, the golf course.

Councillor Redekop noted that issues respecting the use of fertilizers and buffers would be taken into consideration in the Site Plan Agreement.

The Committee was advised that if the property was farmed the farmer would be allowed to clear the land, however, Niagara's farmers have historically been advocates of Niagara's Tree By-law.

The Committee noted that the proposed development supports tourism and development moving to the Southern tier of Niagara, which is part of Niagara's strategy.

Moved by Regional Chair Partington  
Seconded by Councillor Timms

That Report DPD 58-2005, May 11, 2005, respecting the Final Recommendation Report, Regional Policy Plan Amendment 188, Niagara River Golf Course in the Town of Fort Erie, be received.

That the Official Plan for the Niagara Planning Area be amended as follows:

Notwithstanding the land use provisions of Section 6, Agriculture and Rural Area Policies in the Regional Policy Plan, a golf course, golf practice area and accessory facilities are permitted on 64.5 hectares (160 acres) of land on a site located southwest of the Niagara Parkway, north of Townline Road on parts of Lots 11, 12, 13 and 14, South East Angle in the Town of Fort Erie, with no development on the 29.5 hectare (73 acres) environmentally protected area as shown on Schedule A of the proposed by-law.

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

That all parties be notified, in accordance with Planning Act requirements, of Regional Council's decision with respect to Regional Policy Plan Amendment 188.

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

Carried.

### **DEVELOPMENT IMPLEMENTATION SERVICES**

112. Official Plan Amendment No. 25  
To Permit Additional Commercial Uses  
215 Ontario Street  
City of St. Catharines

Moved by Councillor Timms  
Seconded by Councillor Eke

That Report DPD 67-2005, May 11, 2005, respecting the Official Plan Amendment No. 25, to Permit Additional Commercial Uses, 215 Ontario Street in the City of St. Catharines, be received.

That Official Plan Amendment No. 25 to the St. Catharines 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 provided no appeals to the Ontario Municipal Board (OMB) have been logged against the decision.

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.

113. Official Plan Amendment No. 51  
Lot Area Reduction  
Pentti and Paula Piironen  
Canboro Road, west of Garner Avenue  
Town of Pelham

Moved by Councillor Hildreth  
Seconded by Councillor Baty

That Report DPD 68-2005, May 11, 2005, respecting the Official Plan Amendment No. 51, Lot Area Reduction, Pentti and Paula Piironen, Canboro Road, west of Garner Avenue in the Town of Pelham, be received.

That Regional Council approve Amendment No. 51 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.

**Conflict of Interest:**

Councillor Baty declared an indirect pecuniary interest with respect to the matter of Report DPD 69-2005, May 11, 2005, respecting the Official Plan Amendment 53, Cherry Ridge Subdivision (Phase II), Fenwick Sanitary Sewer Area, 1473944 Ontario Limited (Domenic Dilalla), Memorial Drive, west of Balfour Street in the Town of Pelham as he and his son own property adjacent to the subject property and therefore took no part in the discussion of or voting on this matter.

114. Official Plan Amendment No. 53  
Cherry Ridge Subdivision (Phase II)  
Fenwick Sanitary Sewer Area  
1473944 Ontario Limited (Domenic Dilalla)  
Memorial Drive, west of Balfour Street  
Town of Pelham

Moved by Councillor Eke  
Seconded by Councillor Gabriel

That Report DPD 69-2005, May 11, 2005, respecting the Official Plan Amendment 53, Cherry Ridge Subdivision (Phase II), Fenwick Sanitary Sewer Area, 1473944 Ontario Limited (Domenic Dilalla), Memorial Drive, west of Balfour Street in the Town of Pelham, be received.

That Regional Council approve Amendment No. 53 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.

115. Official Plan Amendment No. 75  
Proposed Mini-Warehouse/Storage Facility  
266 Killaly Street West  
City of Port Colborne

Moved by Councillor Hildreth  
Seconded by Councillor Baty

That Report DPD 70-2005, May 11, 2005, respecting the Official Plan Amendment No. 75, Proposed Mini-Warehouse/Storage Facility, 266 Killaly Street West in the City of Port Colborne, be received.

That Amendment No. 75 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 decisions.

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 seven members, pursuant to Part II, Section 11.7 of the Procedural By-law 7174-93.

116. Official Plan Amendment No. 60  
Expansion of Niagara Square Retail District  
McLeod Road and Montrose Road  
City of Niagara Falls

Moved by Councillor Marshall  
Seconded by Councillor Gabriel

That Report DPD 71-2005, May 11, 2005, respecting Official Plan Amendment 60, Expansion of Niagara Square Retail District, McLeod Road and Montrose Road in the City of Niagara Falls, be received.

That Amendment Nb. 60 to the City of Niagara Falls Official Plan be approved, subject to two modifications:

- that the text be modified to indicate the map change involves a redesignation from "Open Space" and "Residential" to "Major Commercial", and
- that the Map Schedule be modified by adding the Niagara Square Shopping Centre to the area affected by the Amendment.

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.

117. Consent Summary  
From April 1, 2005 to April 21, 2005

Moved by Councillor Hildreth  
Seconded by Councillor Marshall

That Report DPD 72-2005, May 11, 2005, respecting the Consent Summary from April 1, 2005 to April 21, 2005, be received.

Carried.

118. Regional Comments on Development Proposals  
From April 1, 2005 to April 22, 2005

Moved by Councillor Hildreth  
Seconded by Councillor Marshall

That Report DPD 73-2005, May 11, 2005, respecting the Regional Comments on Development Proposals From April 1, 2005 to April 22, 2005, be received.

Carried.

At this point in the meeting a quorum was achieved.

**POLICY PLANNING (Continued)**

119. VIA Rail Service between Toronto and Niagara

Moved by Councillor Eke  
Seconded by Councillor Marshall

That Report DPD 74-2005, May 11, 2005, respecting the VIA Rail Service between Toronto and Niagara, be received.

That Regional Niagara inform VIA Rail that it wishes to maintain, and preferably improve, the existing level of rail passenger service between Toronto and Niagara.

That this report be circulated to the local municipalities of Grimsby, Lincoln, St. Catharines and Niagara Falls and the Transportation Strategy Steering Committee for their review and comment.

Carried.

120. Regional Niagara Submission on the  
Provincial Secondary Land Use Program (PSLUP)  
Secondary Uses within Hydro Corridors  
Two Year Planning Process

Moved by Councillor Baty  
Seconded by Councillor Eke

That Report DPD 75-2005, May 11, 2005, respecting the Regional Niagara Submission on the Provincial Secondary Land Use Program (PSLUP), Secondary Uses within Hydro Corridors, Two Year Planning Process, be received.

This report be approved and the full submissions received from the City of Niagara Falls and the Town of Lincoln be supported and forwarded to the Ministry of Municipal Affairs and Housing in response to the Provincial Secondary Land Use Program for hydro corridors;

The Province be requested to amend the Provincial Secondary Land Use Program guidelines and Public Use Principles for hydro corridors to:

- give priority to the Regional and local municipal planned public uses over private uses, licences or easements; and
- include a process to incorporate any future additions/revisions to the Region's planned public uses in hydro corridors; and

That this report be circulated to the local municipalities, the Ontario Realty Corporation and the Ministry of Municipal Affairs and Housing.

Carried.

### **ADMINISTRATION**

121. Overview of the 2005 Provincial Policy Statement

Moved by Councillor Eke  
Seconded by Councillor Timms

That Report DPD 60-2005, April 20, 2005, respecting an Overview of the 2005 Provincial Policy Statement, be deferred to the June 1, 2005, where it is to be listed as the first item on the agenda.

Carried.

122. Minutes of the Transportation Strategy Steering Committee  
Tuesday, April 19, 2005

Moved by Councillor Timms  
Seconded by Councillor Hodgson

That Correspondence Item PD 25-2005, the minutes of the Transportation Strategy Steering Committee meeting held Tuesday, April 19, 2005, be received.

Carried.

123. Minutes of the Smarter Niagara Steering Committee for  
Wednesday, April 20, 2005

The Committee congratulated Councillor Gabriel, the members of the Smarter Niagara Steering Committee, Working Groups and staff for organizing an excellent Smarter Niagara Summit.

Moved by Councillor Eke  
Seconded by Councillor Gabriel

That the minutes of the Smarter Niagara Steering Committee meeting held Wednesday, April 20, 2005, be received.

Carried.

124. Minutes of the Ecological and Environmental Advisory Committee for  
Thursday, April 28, 2005

Moved by Councillor Eke  
Seconded by Councillor Hodgson

That the minutes of the Ecological and Environmental Advisory Committee meeting held Thursday, April 28, 2005, be received.

Carried.

**CORRESPONDENCE**

125. Moved by Councillor Hildreth  
Seconded by Councillor Eke

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

PD 26-2005            Peer Review for the Niagara River Golf Club in the Town of Fort Erie received from the Niagara River Area Property Owners Group

-- Received and Considered with DPD 58-2005

PD 27-2005            Copy of the presentation to the Town of Fort Erie's Council on behalf of the Niagara River Area Property Owners Group

-- Received and Considered with DPD 58-2005

PD 28-2005 Memo to the Planning Services Committee on Heritage Incentives Funding

-- Received.

PD 29-2005 Letter to the Ontario Municipal Board withdrawing appeal of decision to approve Consent Applications in the Town of Pelham

-- Received.

PD 30-2005 Invitation to attend a Tour of Active and Rehabilitated Pits and Quarries in the Niagara Region on Friday, June 10, 2005

-- Received.

PD 31-2005 Letter from the Ministry of Municipal Affairs and Housing on the Niagara River Golf Club Proposal, Town of Fort Erie requesting reconsideration of the recommendations in DPD 58-2005 due to the Provincially Significant Wetland.

-- Received and considered with DPD 58-2005

PD 32-2005 Staff letter to Ms. Carol Jones responding to questions on the Sheldrick Waste Transfer Station, Township of West Lincoln. (Note: Copy of Ms. Jones' letter is attached)

-- Receive and approved for distribution to Ms. Jones.

Carried.

(Refer to Staff Directions)

### **PUBLIC MEETING**

126. Regional Policy Plan Amendment 196  
Expansion to Northwest Niagara Falls Urban Area  
City of Niagara Falls  
Date: May 18, 2005  
Time: 7:00 p.m.  
Place: Niagara Falls Council Chambers

Councillors: Baty, Smeaton, \_\_\_\_\_.

**STAFF DIRECTIONS**

Staff was directed to:

- prepare a report on their interpretation of the new Heritage Act, for the Committee at the June 1, 2005 meeting. (Refers to Minute Item 125)

**ADJOURNMENT**

The Committee adjourned at 4:40 p.m. to meet again at 2:00 p.m. on June 1, 2005, in Committee Room 4, at Regional Headquarters.

Bill Smeaton  
Chair

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Regional Clerk/Associate  
Director of Corporate Strategy