

REGIONAL MUNICIPALITY
PLANNING SERVICES COMMITTEE

REPORT 10-2005

Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, June 22, 2005 commencing at 2:05 p.m.

ATTENDANCE

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

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

Staff (Part Time): Mr. Nicholson, Senior Policy Coordinator Planner; Forgeron, Senior Planner; Campbell, Planner.

POLICY PLANNING

148. Final Report on Approval, Modifications and Deferral
Official Plan Amendment 31
Town of Lincoln Comprehensive Official Plan

Mr. Cambray provided the Committee with an overview of Report DPD 87-2005, the Final Report on Approval, Modifications and Deferral Official Plan Amendment 31, Town of Lincoln Comprehensive Official Plan, noting an amendment to **Page 10, Modification 20, by adding "lands having inherent physical hazards" after the word "including" in the 6th line**, to address the Niagara Peninsula Conservation Authority's concerns respecting development and hazard lands. He noted the cooperative effort between the Town of Lincoln and Niagara Region.

Councillor Hodgson noted that the reference **"in 2007" is to be removed from Modification 11 and Modification 35**, as the Town of Lincoln will make the appropriate update to their Official Plan.

Moved by Councillor Hodgson
Seconded by Councillor Eke

That Report DPD 87-2005, June 22, 2005, respecting the Final Report on Approval, Modifications and Deferral Official Plan Amendment 31, Town of Lincoln Comprehensive Official Plan, be received **as amended**.

That Official Plan Amendment 31 (consolidated document titled “**2004 10 28 Version with Modifications**”) to the Town of Lincoln Official Plan be approved with the modifications and deferral identified in Appendix 1 of this report **and noted in these minutes**.

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.

That the Town of Lincoln be encouraged to initiate further amendments to its Official Plan consistent with the policies and mapping contained in the 2005 Greenbelt Plan and the Provincial Policy Statement.

That a copy of this report be forwarded for information purposes to the Town of Lincoln, all commenting agencies and other stakeholders who requested copies of the final report.

Carried.

Mr. Cambray thanked Mr. Forgeron for all of his work on the Town of Lincoln’s major amendment to its comprehensive Official Plan.

DEVELOPMENT IMPLEMENTATION SERVICES

149. Official Plan Amendment No. 77 and
Appeal of Consent Application B03-05-PC
Wendy Bas
East Site of Miller Road, south of Third Concession Road
City of Port Colborne

Mr. Farley provided the Committee with an overview of Report DPD 89-2005, the Official Plan Amendment No. 77 and Appeal of Consent Application B03-05-PC Wendy Bas, East Side of Miller Road, south of Third Concession Road in the City of Port Colborne.

Mr. Farley noted that consent application B03-05-PC does not meet the Provincial Policy Statement and the Regional Policy Plan, therefore, staff is recommending the approval of one 2.01 acres farm retirement lot, rather than the two non-farm residential lots on the 2.01 acres parcel of land applied for.

Mrs. Bas advised the Committee that they have owned the farm since 1975, and are bona fide farmers who have made a long term commitment to agriculture. Mrs. Bas noted that Mr. Bas has some health problems that will affect his ability to continue to farm. The Bas' plan on retiring and their daughter plans on taking over the operation of the farm. They have by applying for the second lot planned for their daughter's retirement lot in the future.

Mrs. Bas advised the Committee that the poultry operation next door, is no longer in operation and would not affect their plans for the severance.

Moved by Councillor Hodgson
Seconded by Councillor Hildreth

That Report DPD 89-2005, June 22, 2005, respecting the Official Plan Amendment No. 77 and Appeal of Consent Application B03-05-PC Wendy Bas, East Side of Miller Road, south of Third Concession Road in the City of Port Colborne, be received.

That Amendment No. 77 to the City of Port Colborne Official Plan, be approved.

That the Region withdraw its appeal on consent application B03-05-PC.

That all parties be notified of Regional Council's decision regarding these applications 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.

(Refer to Staff Directions)

POLICY PLANNING (Continued)

150. Overview of the 2005 Provincial Policy Statement

Moved by Councillor Bodner
Seconded by Councillor Hildreth

That Report DPD 60-2005, April 20, 2005, respecting the Overview of the 2005 Provincial Policy Statement, be received for information and circulated to local municipalities and interested parties.

Carried.

(Refer to Staff Directions)

151. A Healthy Landscape - Healthy Communities
Revisions to Environmental Policies
Proposed Regional Policy Plan Amendment 187

Moved by Councillor Gabriel
Seconded by Councillor Baty

That Report DPD 88-2005, June 22, 2005, respecting A Healthy Landscape – Healthy Communities Revisions to Environmental Policies, Proposed Regional Policy Plan Amendment 187, be received and circulated for review and comment to the local municipalities, the Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, the Ecological and Environmental Advisory Committee, the Agricultural Sub-Committee, the Niagara North and South Federations of Agriculture, and other interested organizations and individuals.

That three public meetings be held to provide the opportunity for public input under the Planning Act.

That staff offer to meet with interested groups and individuals to discuss the revised Amendment.

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.

DEVELOPMENT IMPLEMENTATION SERVICES (Continued)

152. Consent Summary
From May 13, 2005 to June 3, 2005

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 90-2005, June 22, 2005, respecting the Consent Summary from May 13 2005 to June 3, 2005, be received.

Carried.

153. Regional Comments on Development Proposals
From May 13, 2005 to June 3, 2005

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 91-2005, June 22, 2005, respecting the Regional Comments on Development Proposals from May 13, 2005 to June 3, 2005, be received for information.

Carried.

ADMINISTRATION

154. Initiation & Approval of ZPL0201, Waterfront Trail Construction:
Investing in the Lake Ontario Waterfront Trail: Phase 3
To Support Healthy Communities through Partnerships

Moved by Councillor Timms
Seconded by Councillor Hildreth

That Report DPD 92-2005 (CSD 88-2005), June 22, 2005, respecting the Initiation & Approval of ZPL0201, Waterfront Trail Construction: Investing in the Lake Ontario Waterfront Trail: Phase 3, to Support Healthy Communities through Partnerships, be received.

That the budget allocation from the approved 2005 Planning Capital Budget for project ZPL0201 Waterfront Trail Construction in the amount of \$370,800 gross and \$222,480 net be approved and allocated to the Trail section listed in this report.

That Capital Levy Reserve financing of \$222,480 be approved for project ZPL0201.

That the Regional Clerk be authorized to ensure that the appropriate by-laws are prepared for presentation to Regional Council.

That copies of this report be circulated for information purposes to the Waterfront Regeneration Trust; the Regional Public Works Department; all Provincial and Federal Members of Parliament for Niagara; the local trail partners in Grimsby, Lincoln, St. Catharines (Rotary Club Lakeshore), Niagara-on-the-Lake, Port Colborne, Fort Erie, Wainfleet and the Niagara Peninsula Conservation Authority; the Regional Niagara Bicycling Committee, the Greater Niagara Circle Route Committee and the Niagara Freewheelers Bicycle Touring Club.

Carried.

(Please note that Report DPD 92-2005 (CSD 88-2005) can be found behind the JNT RPTS Blue Book Tab)

155. Minutes of the Tree By-Law Advisory Committee
Thursday, May 19, 2005

Moved by Councillor Eke
Seconded by Councillor Baty

That the minutes of the Tree By-Law Advisory Committee meeting held Thursday, May 19, 2005, be received.

Carried.

156. Minutes of the Greater Niagara Circle Route Committee
Wednesday, May 25, 2005

Moved by Councillor Timms
Seconded by Councillor Hildreth

That the minutes of the Greater Niagara Circle Route Committee meeting held Wednesday, May 25, 2005, be received and the recommendations therein be approved.

Carried.

157. Minutes of the Ecological and Environmental Advisory Committee
Thursday, May 26, 2005

Moved by Councillor Baty
Seconded by Councillor Eke

That the minutes of the Ecological and Environmental Advisory Committee meeting held Thursday, May 26, 2005, be received.

Carried.

158. Minutes of the Smarter Niagara Steering Committee
Wednesday, June 1, 2005

Moved by Councillor Baty
Seconded by Councillor Eke

That the minutes of the Smarter Niagara Steering Committee meeting held Wednesday, June 1, 2005, be received.

Carried.

(Refer to Staff Directions)

159. Minutes of the Transportation Strategy Steering Committee
Tuesday, May 31, 2005 – PD 39-2005

Moved by Councillor Baty
Seconded by Councillor Eke

That PD 39-2005, being the minutes of the Transportation Strategy Steering Committee meeting held Tuesday, May 31, 2005, be received.

Carried.

CORRESPONDENCE

160. Moved by Councillor Hildreth
Seconded by Councillor Timms

That Correspondence Item PD 45-2005, a resolution from the City of Cambridge requesting support for an Amendment to the Occupiers Liability Act to exempt municipalities and volunteers from any liability resulting from the use of trails by the public, be received and supported; and

That Niagara Region contact the City of Cambridge, to jointly submit our concerns respecting the Occupiers Liability Act to Minister Gerretsen, Ministry of Municipal Affairs and Housing and Minister Bradley, Ministry of Tourism and Recreation at the Association of Municipalities.

Carried.

161. 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 40-2005 Copy of letter to the Ministry of Natural Resources and to Hard Rock Paving objecting to the quarry license under the Aggregate Resources Act, pending completion of the review of the Regional Policy Plan Amendment

-- Received and Approved

PD 41-2005 City of St. Catharines' submission for the Provincial Secondary Land Use Program (PSLUP)

-- Approved and to be included in the Region's submission to the Ministry of Municipal Affairs and Housing as part of the overall review of future proposed uses along hydro corridors

PD 42-2005 Letter thanking planning staff for help in the "Doors Open Niagara" Promotion. "Doors Open" is an annual program in which historic buildings are open to the public

-- Received and Planning staff is authorized to assist with mapping for the 2006 event

PD 43-2005 Copy of letter to Ms. Linda Jeffery, Chair, Standing Committee on General Government on Bill 7 – VQA Wine Stores Act 2003 from the Niagara Escarpment Commission

-- Received and referred to staff for a report

PD 44-2005 Article from the Globe and Mail, May 28, 2005, on the value of nature not only to help combat obesity, but for good mental health. It provides support for environmental policies (DPD 88-2005)

-- Received

PD 46-2005 Flyer for the 2006 World Canals Conference to be held on September 12 – 15, 2006, Bethlehem, Pennsylvania

-- Received and Planning staff is to prepare a presentation for the event

Carried.

PUBLIC MEETING

162. Joint Public Meeting
Regional Policy Plan Amendment 4-2005 and
Township of Wainfleet Official Plan Amendment
Reeb Quarry, Township of Wainfleet
Date: Tuesday, June 28, 2005
Time: 7:00 p.m.
Place: Wainfleet Council Chambers

Councillors: Baty, Timms, _____.

OTHER BUSINESS

163. Draft Irrigation Report - Presentation

Mr. Cambray advised the Committee that the consultant who prepared the draft report on irrigation is expected to make a presentation to the Planning Services Committee on July 13, 2005.

STAFF DIRECTIONS

Staff was directed to:

- (i) provide the Committee with the Solicitor's comments at the June 30, 2005 Council meeting on the Niagara Region's liability, if they approve a residence in close proximity to a dormant poultry farm operation, that becomes a viable operation in the future; whether the poultry operation's rights have expired and whether the condition of the building would be taken into consideration. (Refers to Minute Item # 149)
- (ii) recirculate the June 9, 2005 memorandum respecting Further Information on the Changes to the Ontario Heritage Act (re: DPD 85-2005) for discussion at the July 13, 2005 Planning Services Committee meeting. (Refer to Minute Item # 150)

- (iii) provide further information at the July 13, 2005 Planning Services Committee meeting on the Ontario Heritage Act, to address:
- Whether the Ontario Heritage Act takes precedence over the Provincial Policy Statement.
 - Whether grandfathering is in effect, with districts established prior to the approval of the Ontario Heritage Act.
 - The municipality's recourse if the standards are not met.
- (Refers to Minute Item # 150)
- (iv) ensure that a representative from the City of St. Catharines is invited to the next meeting on heritage, as they were invited to the last meeting. (Refers to Minute Item # 158)

ADJOURNMENT

The Committee adjourned at 4:40 p.m. to meet again at 2:00 p.m. on July 13, 2005, in Committee Room 4, at Regional Headquarters.

Bill Smeaton
Chair

Janet Pilon
Legislative Assistant

Anne Hepplewhite
Acting Regional Clerk/Associate
Director of Corporate Strategy