

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PLANNING AND PUBLIC WORKS COMMITTEE**

**REPORT 8-2007**

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Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, June 6, 2007 commencing at 1:10 p.m.

**ATTENDANCE**

- Committee: Councillors Smeaton, Co-Chair; Partington, Regional Chair; Augustyn, Badawey, Baty, Burroughs, Bylsma, Casselman, D'Angela, Goulbourne, Hodgson, Lepp, Martin, Puttick, Salci, Timms, Trombetta
  
- Staff: Messrs. Trojan, C.A.O., Cambray, Commissioner, Planning & Development Department; Neville, Commissioner, Public Works Department; Farley, Director of planning Services; Cousins, Director, Transportation Services; Friesen, Director, Waste Management Services; Gohier, Acting Director, Water & Wastewater Services; Ms. Gilroy, Regional Clerk; Ms. Staines, Legislative Assistant.
  
- Other: Messrs. Colosimo, Senior Planner; Kyne, Director, Legal Services; Semple, Senior Planner
  
- Guests: Mr. Bryan Biller, Mr. Alan Baker, Mr. Edward Feiertag, Mr. Fred Manzo, Mr. Fred Paul

**PRESENTATIONS**

245. Woodlawn Road

Mr. Bryan Biller requested that consideration be given to improving Woodlawn Road between Claire Avenue to South Pelham before the work is scheduled in 2011. This section remains the last unimproved section without sidewalk or trail and with open ditches, presenting pedestrian/bicycle safety issues in the near term. Mr. Biller pointed out the busy intersection at Claire and Woodlawn came within 98% of meeting traffic warrant requirements for lights in a November/December 2006 count, and noted that further development on the south end of Trillium Avenue and in the southeast corner of Woodlawn-South Pelham Road will increase the amount of traffic in this area. Mr. Biller noted that both South Pelham Road and Woodlawn have inadequate sidewalks or shoulders for safe pedestrian and bicycle travel.

It was noted that the schedule for improvements is based on traffic volumes and capital budget approval. If Council directs, the priority could be changed at the next budget approval discussions. Signals will likely be installed later this year at the intersection, and when the road is re-built it will be to urban cross-section.

Councillor Goulbourne noted that the City of Welland assessed the need for sidewalks, etc., several years ago with a ten-year plan developed. The plan for new sidewalks in this area is in synch with the Region's plan for 2011, and Councillor Goulbourne would like to stay with that schedule. The stone path may be an interim solution.

### **SPEAKERS – COMMITTEE REPORTS**

246. Final Recommendations Report  
Regional Policy Plan Amendment 4-2006  
Urban Area Modifications  
Town of Fort Erie  
**DPD 72-2007**

Mr. Edward Feiertag, a resident on Farr Avenue for 25 years, spoke to his desire to change the urban boundary south of Michener Road, west of Schooley Road and north of Rebstok Road. When he purchased his property it was designated residential development by the Town, but not the Region. A farmer has been operating on this property, but has found it difficult due to trespassers, etc. Mr. Feiertag is in favour of the Region's position to allow development in the south part of Niagara.

Mr. Alan Baker lives in the area of Nigh Road in Part 7 on the drawings. The Town has requested expansion to reflect the rear lot lines of existing properties. Mr. Baker anticipated this would allow a strip of lands along Nigh Road as it is a serviced road. However the present proposal is for a subdivision. Mr. Baker recommended adjustments to incorporate development should be done after the Ridgeway Plan is adopted. For Part 1, the Region does not support the urban boundary change because sufficient serviced land already exists within the urban boundary. Mr. Baker is not against development, but it should be in line with the boundary as it exists.

Mr. Fred Manzo is a property owner in Part 5 on the drawings in the area of Dominion Road and Bernard Road. The Region's approval of expanding the urban boundary from 200 feet to 550 feet on Bernard is okay with Mr. Manzo. Mr. Manzo pointed out that his property is 7.7 acres, not 9.5 acres as shown on the records. Planning staff will contact Mr. Manzo regarding the steps to be taken to have the size of the property corrected for assessment purposes.

Mr. Fred Paul represented his client who owns the property designated as the Creekside Subdivision in Part 7. His client supports the Region's position to

expand the boundary to create efficiencies in the sizing of lots with less strip development and better relationship between lot frontage and depth.

Councillor Smeaton thanked the presenters for attending the meeting.

### **ITEMS FOR CONSIDERATION**

247. Implementing “Grow South”  
Local and Regional Partnerships  
City of Welland Official Plan Review  
**DPD 69-2007**

Mr. Cambray noted this was an important issue for both the City and the Region providing an opportunity to align local and Regional planning policy in the context of the provincial initiatives in planning.

Discussion took place on the reasons for partially funding the City’s Official Plan Review. Mr. Cambray agreed to amend the recommendation to reflect the partnership with the City of Welland related to broader Niagara issues.

Moved by Councillor Goulbourne  
Seconded by Councillor Badawey

That Report PWA 69-2007, June 6, 2007, respecting the Implementing “Grow South”, Local and Regional Partnerships, City of Welland Official Plan Review, be received ***as amended***;

That the Official Plan Review in the City of Welland be supported, and that staff participation on a project steering committee and funding at the level of \$50,000 be approved ***to enable alignment of local and Regional planning policy, contribute to the Region’s Growth Management Strategy, and define Welland’s role in the Gateway Economic Centre in the Province’s Places to Grow Plan***; and

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

Carried.

248. How to Achieve National Heritage Designation  
For the Welland Canals Corridor  
**DPD 70-2007**

Councillor Timms noted the importance of bringing to the Council’s Business Planning Strategy sessions a number of issues included with the National Heritage Designation, including the need for Smart Growth planning to define the limits of what is designated and the water quality issues. Authorizing staff to undertake

some preliminary work on information sources and local discussions would allow a more informed decision at the Business Planning meeting.

It was suggested that the priority for this work be decided at the Council Business Planning Session and work not be authorized until that priority was decided.

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report DPD 70-2007, June 6, 2007, respecting How to Achieve National Heritage Designation for the Welland Canals Corridor be received and forwarded for consideration at Regional Council's Business Planning Strategy sessions;

That due to the timing and interest, staff be authorized to undertake some preliminary work on information sources and local discussions; and

That this report be circulated for information to the local municipalities in the Region.

Moved by Councillor Casselman  
Seconded Councillor Lepp

That the Recommendations be divided and a separate vote taken on each of the three recommendations.

Carried.

Upon a vote being taken, the recommendation that Report DPD 70-2007, June 6, 2007, respecting How to Achieve National Heritage Designation for the Welland Canals Corridor be received and forwarded for consideration at Regional Council's Business Planning Strategy sessions **was Carried**.

Upon a vote being taken, the recommendation that due to the timing and interest, staff be authorized to undertake some preliminary work on information sources and local discussions **was Defeated**.

Upon a vote being taken, the recommendation that this report be circulated for information to the local municipalities in the Region **was Defeated**.

249. Initiation of Budget, Transfer of Financing and Approval of the 2007 Vehicle and Equipment Replacement Program, Phase 1  
**PWA 98-2007 (CSD 90-2007)**

Moved by Councillor Burroughs  
Seconded by Councillor Hodgson

That Report PWA 98-2007 (CSD 90-2007), June 6, 2007, respecting the Initiation of Budget, Transfer of Financing and Approval of the 2007 Vehicle and Equipment Replacement Program, Phase 1, be received;

That financing (Fleet Equipment Replacement Reserve Fund) in the amount of \$767,630 gross and net be initiated for Project ZSS0701 Vehicle and Equipment Replacement Program from the approved 2007 Roads Capital Program;

That financing in the amount of \$1,582,937 be transferred from Project ZSS0501/SS0599 2005 Vehicle and Equipment Replacement Program to Project ZSS0701 2007 Vehicle and Equipment Replacement Program;

That financing (Waste Management Reserve Fund) in the amount of \$35,000 gross and net be initiated for Project ZGL0705 New Vehicle – Disposal from the approved 2007 Waste Management Capital Budget;

That staff be authorized to proceed with the proposed 2007 Vehicle and Equipment Replacement Program Phase 1 as outlined in this report; and

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

Carried.

*(Please note that Report PWA 98-2007 (CSD 90-2007) can be found behind the JNT RPTS Blue Book Tab)*

250. Amendment to By-law to Appoint By-law Enforcement Officers  
For Purposes of By-law #39-2002 (the Sewer-use By-law)  
**PWA 100-2007**

Moved by Councillor Trombetta  
Seconded by Councillor Baty

That Report PWA 100-2007, respecting the Amendment to By-law to Appoint By-law Enforcement Officers For Purposes of By-law #39-2002 (the Sewer-use By-law), be received;

That for the purposes of administration and enforcement of Niagara Region By-law #39-2002, regional staff, as listed in this report, be authorized and appointed as by-law enforcement officers and designated as Provincial Offences Officers; and

That the Regional Clerk be directed to ensure that the necessary By-law be presented to Regional Council.

Carried.

251. Planning Review Committee

Moved by Councillor Trombetta  
Seconded by Councillor Baty

That the Minutes of the Planning Review Committee meeting held Monday, May 14, 2007, be received and the recommendations contained therein be approved.

Carried.

252. Greater Niagara Circle Route Committee

Councillor Baty pointed out that under the heading "Regrets", Councillor John Durley represents the Town of Pelham, not the City of Welland.

Moved by Councillor Baty  
Seconded by Councillor Timms

That the Minutes of the Greater Niagara Circle Route Committee meeting held Wednesday, May 23, 2007, be received and the recommendations contained therein be approved.

Carried.

253. Meeting Minutes

Moved by Councillor Trombetta  
Seconded by Councillor Augustyn

That the minutes of the following meetings be received and the recommendations contained therein be approved:

Waste Management Planning Steering Committee meeting held Tuesday, May 15, 2007;

Transportation Strategy Steering Committee meeting held Wednesday, May 9, 2007;

Water Strategy Implementation Committee meeting held Wednesday, May 9, 2007.

Carried.

254. Motion – Transportation Strategy Steering Committee

It was explained that area municipalities are trying to get together to discuss the potential for inter-municipal transit, and that a meeting scheduled for today had to be moved to June 26<sup>th</sup> to accommodate all parties who wanted to be represented at the meeting. This date is after the June 20<sup>th</sup> deadline for the Letter of Intent to be received by the Federation of Canadian Municipalities (FCM) for potential funding, and this motion will “keep the door open” until the meeting has taken place.

Moved by Councillor Augustyn  
Seconded by Councillor Goulbourne

That Opportunities Niagara take the lead to prepare the Letter of Intent and accompanying information for a submission to the Federation of Canadian Municipalities’ (FCM’s) Green Municipal Fund;

That this be done in cooperation and consultation with Regional and municipal staff; and

That this Letter of Intent be circulated to St. Catharines, Niagara Falls, Welland, Fort Erie, Port Colborne and Thorold for comments prior to the June 20<sup>th</sup> deadline for submission to FCM.

Carried.

**ITEMS FOR DEBATE**

255. Final Recommendations Report  
Regional Policy Plan Amendment 7-2005  
Urban Area Expansion  
City of Niagara Falls  
**DPD 71-2007**

Mr. Cambray advised that a letter from Cytec Canada Inc. was received asking that discussion of this report be deferred, but Planning staff recommended that this small urban boundary expansion proceed.

In response to a question about traffic congestion, it was noted that a Traffic Impact Study has been prepared for the EA process. The design of the entrance to the proposed subdivision will have to be approved in conjunction with Public Works Department and CN Rail. This will be determined in the final design of the site. Concern was raised that Cytec have appropriate access to the closed landfill site for testing purposes.

Moved by Councillor Puttick  
Seconded by Councillor Lepp

That Report DPD 71-2007, June 7, 2007, respecting the Final Recommendations Report, Regional Policy Plan Amendment 7-2005, Urban Area Expansion, City of Niagara Falls, be received;

That Regional Policy Plan Amendment 7-2005 to permit an expansion to the Urban Area in the City of Niagara Falls be approved;

That a By-law be prepared for adoption of Regional policy Plan Amendment 7-2005 by Council.

That Notice of Council's decision regarding Regional Policy Plan Amendment 7-2005 be given in accordance with Planning Act requirements; and

That a copy of this report be forwarded to the City of Niagara Falls and the applicant.

Carried.

256. Final Recommendations Report  
Regional Policy Plan Amendment 4-2006  
Urban Area Modifications  
Town of Fort Erie  

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**DPD 72-2007**

Mr. Cambray noted the major issue with Part 1 of the Policy Plan Amendment 4-2006 shown on Page 4. This represents a major addition to the urban area boundaries which Planning staff does not support. The other 17 parts of the Amendment are supported.

Councillor Martin noted two areas of concern. First, a key issue in this discussion is the Anger Avenue Wastewater Treatment Plant and the trucks that have to come down Gilmore and Central Avenue through the middle of town and then to the Parkway where roads are not up to the standard necessary to handle these trucks. Secondly, a 50 estate residential development is proposed, but it would be necessary for septic tanks to service these residences when they are right next to the treatment plant. For these reasons, Councillor Martin asked that the second recommendation regarding Part 1 of the Policy Plan Amendment be deferred to allow time for further discussions among the Town, Region and Province.

Moved by Councillor Puttick  
Seconded by Councillor D'Angelo

That Report DPD 72-2007, June 7, 2007, respecting the Final Recommendations Report, Regional Policy Plan Amendment 4-2006, Urban Area Modifications, Town of Fort Erie, be received, **as amended**;

That Parts 2 to 18 of Amendment 4-2006 as modified and shown in Schedules A-1, A-2, A-3, and A-4 contained in Appendix I to this report be approved;

That Part 1 of Policy Plan Amendment 4-2006 involving the proposed Urban Area expansion lands located east of Thompson Road and west of the Niagara River Parkway **be deferred**;

That notice of Council decision be circulated in accordance with the Planning Act requirements; and

That copies of this report be forwarded to the Town of Fort Erie.

Carried.

### **CONFLICT OF INTEREST**

Councillor Trombetta declared an indirect pecuniary interest with respect to any matters related to the MTO project to widen the QEW as a family member is employed by the contractor for this project, and she therefore took no part in the discussion of, or voting on, this matter.

257. **Matter of Public Safety**

Councillor Hodgson raised his concern respecting a recent meeting with Walker Industries wherein he was advised that Walker had signed a contract with Dufferin Construction Co. regarding the provision and hauling of aggregates for the MTO project to widen the QEW through St. Catharines. This would involve trucking 600,000 tonnes of aggregates through Beamsville, and recycling material from the project bringing the total to 1,000,000 tonnes of material being trucked through the community over four construction seasons. Previous experience in a similar construction project several years ago resulted in a tragic accident and extensive road damage resulting from the heavy truck traffic.

Moved by Councillor Hodgson  
Seconded by Councillor Bylsma

That with respect to the provision and hauling of aggregates for the MTO project to widen the QEW through St. Catharines, the Planning and Public Works Committee recommends that the Region of Niagara Transportation Department take a leadership role in consultation with MTO project management, contractors and suppliers, Niagara Regional Police and affected area municipalities, to ensure that:

- A pro-active plan is in place to protect public safety;
- A pro-active plan is in place to mitigate and compensate for damage to private and public property;
- Dedicated resources are in place such that problems can be effectively reported and dealt with in a timely fashion; and
- To ensure that there is clarity, transparency and accountability in enforcement.

Carried.

### **ITEMS FOR INFORMATION**

258. **Smarter Niagara Summit 2007**

Councillor Casselman commended staff for the excellent conference, Summit 2007, Four Pillars of a Complete Niagara. The speakers and topics were well chosen, and by using the focus of Four Pillars it gave the audience an appreciation of how they contribute to sustainability in the Niagara Region.

259. Moved by Councillor Trombetta  
Seconded by Councillor Salci

That the following reports be received for information:

DPD 73-2007	Follow-up to Smarter Niagara Summit 2007: Four Pillars of a Complete Niagara
DPD 74-2007	Consent Summary For May 1, 2007, to May 21, 2007
PWP 36-2007	2007 Niagara Frontier International Bridge Passenger Vehicle Origin – Destination Survey
PWP 37-2007	Project/Studies Activity Report Waste Management Services Division
PWP 38-2007	Funds Available for Public Transportation
Minutes	Regional Chair's Agricultural Task Force Meeting held Tuesday, May 8, 2007

Carried.

260. Correspondence Items

Moved by Councillor Trombetta  
Seconded by Councillor Salci

That Correspondence Item PD 35-2007, a letter from Waterfront Regeneration Trust inviting the Niagara Region to join in celebrating 15 years of waterfront regeneration and trail building by attending the September 19-20, 2007 "Trail Ahead – Waterfront Conference" in Toronto, be received and Regional Planning staff to attend.

Carried.

261. Moved by Councillor Trombetta  
Seconded by Councillor Salci

That the following Correspondence Items be received for information:

PD 36-2007	Withdrawal of Provincial Consent, Kozicki Town of Niagara-on-the-Lake
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PD 37-2007 Letter from the City of Niagara Falls delegating to the Regional Municipality of Niagara the Protection of a Significant Community Tree, a red oak tree, under the Region's Tree and Forest Conservation By-law. This is the first such delegation as provided for in the Tree By-law.

PWC 22-2007 Correspondence from the Town of Pelham, May 14, 2007, respecting the traffic islands on Highway #20 in Fonthill

Carried.

262. Correspondence Items from Addendum

Moved by Councillor Trombetta  
Seconded by Councillor Timms

That PWC 23-2007, a letter to Premier McGuinty from T. Hudak, MPP for Erie-Lincoln, regarding the proposed compost facility in the Town of Lincoln be received and be referred to the Planning Department for review with the Policy Plan Amendment respecting this site.

Carried.

263. Moved by Councillor Bylsma  
Seconded by Councillor Augustyn

That PWC 24-2007, a letter from Donna Unrau on behalf of Campden residents regarding a proposed compost facility in the Town of Lincoln and three separate petitions to Regional Council, be received and be referred to the Planning Department for review with the Policy Plan Amendment respecting this site.

Carried.

264. Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That the following correspondence items be received for information:

PWC 25-2007 Letter from J. Slobodzian, Ontario Ministry of Transportation, and Mr. P. Hudspith, URS Canada Inc., May 28, 2007, respecting the Niagara to GTA Corridor Planning and Environmental Assessment Study – Phase 1, Notice of Public Information Centre #1

PWC 26-2007 Tender for 2007-T-112, Contract RN 07-12, Reconstruction of Regional Road 27 (River Road) between Hewitt Road and Gents Road, Township of Wainfleet

Carried.

With reference to PWC 25-2007, it was noted that a meeting is being arranged including Councils from the Region and the City of Hamilton to review the Economic Impact Study. The Public Information Session listed above is the first of four looking at all modes of transportation (not a scoped EA) moving from the border crossings to the GTA through Niagara.

### **CLOSED SESSION**

265. Moved by Councillor D'Angela  
Seconded by Councillor Timms

That this Committee do now meet in Closed Session for the purpose of receiving information of a confidential nature relating to property and personnel matters.

Carried.

There being a lack of ordinary quorum, the Committee Chair determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Part 15, Section 15.8.2 of the Procedural By-law 120-2005.

266. Status Report – Ontario Municipal Board Hearing  
Township of Wainfleet  
**DPD 75-2007 - CONFIDENTIAL**

Moved by Councillor Salci  
Seconded by Councillor Timms

That Confidential Report DPD 75-2007, June 6, 2007, respecting the Status Report – Ontario Municipal Board Hearing, Township of Wainfleet, be received, and the recommendations contained therein be approved.

Carried.

### **CONFLICT OF INTEREST**

Councillor Timms declared an indirect pecuniary interest with respect to development charges, and therefore took no part in the discussion of, or voting on this matter.

267. A Proposed Disposition of Land by the Municipality  
Niagara Convention and Civic Centre (NCCC)  
City of Niagara Falls  
**PWA 101-2007 (CSD 95-2007)**

Moved by Councillor Augustyn  
Seconded by Councillor Bylsma

That Report PWA 101-2007 (CSD 95-2007) June 6, 2007, respecting A Proposed Disposition of Land by the Municipality, Niagara Convention and Civic Centre (NCCC), City of Niagara Falls, be received and referred for consideration at the Regional Council meeting of June 14, 2007, pending further information as requested by Committee.

Carried.

268. Moved by Councillor Augustyn  
Seconded by Councillor D'Angela

That this Committee do now rise with report.

Carried.

#### **STAFF DIRECTIONS**

Staff was requested to:

- Provide map showing "Wine Country Routes" to Councillors (See Minute Item #253 – TSSC minutes, Page 19) – *Transportation staff*
- During budget process, highlight roads forming part of "Wine Country Routes" so priority can be reviewed (See Minute Item #253 – TSSC minutes, Page 19) - *Transportation staff*
- Provide information at next Council meeting respecting action of the Township on a possible quarry pipe (See Minute Item #266) – *Planning staff*

#### **ADJOURNMENT**

The Committee adjourned at 4:05 p.m., to meet again on Wednesday, June 27, 2007 in Council Chambers, Regional Headquarters.

Bill Smeaton  
Co-Chair

Betty Staines  
Legislative Assistant

Pam Gilroy  
Regional Clerk