

REGIONAL MUNICIPALITY
PLANNING SERVICES COMMITTEE

REPORT 18-2005

Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, December 7, 2005 commencing at 2:05 p.m.

ATTENDANCE

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

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

Staff (Other): Messrs. Lockyer, Treasurer/Director, Financial Management & Planning; Gummo, Senior Policy Coordination Planner; Campbell, Planner; Nicholson, Senior Policy Coordinator Planner.

DEVELOPMENT IMPLEMENTATION SERVICES

283. Official Plan Amendment 79
Lakeshore Residential Development
Northeast corner of Silver Bay Road and Firelane 7
City of Port Colborne

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 151-2005, December 7, 2005, respecting the Official Plan Amendment No. 79, Lakeshore Residential Development, Northeast Corner of Silver Bay Road and Firelane 7 in the City of Port Colborne, be received.

That Amendment No. 79 to the City of Port Colborne 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 twenty (20) days after notice of Council's decision has been given, provided that no appeals have been lodged against the decisions.

Carried.

284. Official Plan Amendment No. 35
Recognition of and Site Expansion for St. Edward School
Fourth Avenue (R.R. 77), east of Nineteenth Street
Town of Lincoln

Mr. Bill Amadio, legal representative for the Niagara Catholic School Board, advised the Committee that his client agrees with the recommendations in the report.

Moved by Councillor Hildreth
Seconded by Regional Chair Partington

That Report DPD 152-2005, December 7, 2005, respecting the Official Plan Amendment No. 35, Recognition of and Site Expansion for St. Edward School, Fourth Avenue (R.R. 77), east of Nineteenth Street in the Town of Lincoln, be received.

That Amendment No. 35 to the Town of Lincoln Official Plan to recognize an existing school in an agricultural area and to facilitate a site expansion 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.

POLICY PLANNING

285. Final Recommendation Report
Regional Policy Plan Amendment 187
A Healthy Landscape - Healthy Communities
Proposed Environmental Policies

Mr. Cambray advised the Committee that Amendment 187 would replace the existing environmental policies in the Regional Policy Plan with a comprehensive new approach to maintaining and enhancing environmental quality in Niagara.

The Committee requested that "cosmetic pesticide" be used in policy 7.C.1.5. and that a date for the phasing out of pesticide use be included in the documentation.

Mr. Cambray advised the Committee that he would report back to Regional Council with a suitable date.

The Committee was advised that there are some minor changes on municipal drains coming from the Town of Niagara-on-the-Lake and that the map will be amended to reflect those changes.

The Committee asked staff to review inclusion of the Lavign Drain on the Greenbelt map in the hopes that a remedy can be obtained.

The Committee was advised that if the Lavign Drain cannot be changed but it does not impede farming operations. Staff are also to check for municipal drains in the Town of Lincoln.

The Committee was advised that in the event the Ontario Municipal Board approves a road link that would break a tree line in Fenwick for a development, that decision would prevail.

The Committee discussed the manner in which Planning staff determined the areas depicted on the map.

The Committee was advised that staff used a variety of sources including the Ministry of Natural Resources, air photos, field checks, the Niagara Peninsula Conservation Authority and information obtained from the municipalities.

Councillor Austin Kirkby, Town of Niagara-on-the-Lake thanked staff for meeting with the Niagara-on-the-Lake representatives and for addressing their concerns. It was appreciated.

Councillor Kirkby noted her concern respecting the Lavign Drain, which should be a municipal drain and that she has asked staff to look into it to determine whether there is anything that can be done to remove it from the Greenbelt map.

Ms. Joanne Phelan appear before the Committee on behalf of her mother-in-law Ms. Beatrice Phelan, who owns the property (20+ acres) that has been in her family for over thirty years on Willoughby Drive. Ms. Phelan advised the Committee that the family is concerned that the land, which has been designated as environmental conservation area, could not be considered as a potential development area when an opportunity arises.

Ms. Phelan was advised that the land at this time would remain as environmental conservation area, until such time as services were available and it was decided to develop the area. At that time the designation on the land may changed to enable development based on more detailed studies.

Mr. Helmut Rempel, Driftway Farms in the City of Thorold, advised the Committee that he is concerned about wildlife (blackbirds, wild turkeys and deer) over population, which causes damage; crop loss without compensation and spreads disease. Mr. Rempel noted that the Province does not recognize that there is a problem.

Mr. Rempel was advised that the Niagara Region does not have jurisdiction over wildlife and that the Ministry of Natural Resources should be contacted for assistance on these matters.

Mr. Rempel noted that the policy 7.A.1.1 respecting 30% wetlands, contributes to the overpopulation of wildlife in the area.

Mr. Rempel noted that the individuals who own the land that is being affected by these policies should be compensated.

Mr. Rempel suggested that policy 7.C.1 contain the wording "within Niagara Region's jurisdiction".

Mr. James Parkin, Regional and Urban Planning and Resource Development appeared before the Committee on behalf of Walker Industries Holdings Limited.

Mr. Parkin advised the Committee that his clients have reviewed the staff report and noted that several of their concerns have been addressed, however, there is language in several of the policies and some of the previously raised concerns, which have not been addressed.

The Committee was provided with a letter addressed to the Planning Services Committee and an e-mail dated December 7, 2005, that lists the concerns which are attached to these minutes.

Mr. Parkin in addition to the concerns listed noted that there is a hedgerow on property owned by Walkers in the Town of Fort Erie, that may be overlooked that does not require protection. Staff should review the property in question.

Mr. Parkin was advised that staff would be in contact with him to discuss these points.

Mr. John Watson, Welland advised the Committee that his land is on the south side of Buchner Road in the City of Welland. Mr. Watson advised that Committee that a depression on his land has been designated as fish habitat and that he disagrees with the designation, since the depression has held no running water, even after severe rainfalls.

Mr. Watson noted that definition of a fish habitat is under consideration at this time and that the Niagara Region should be holding off approving this report until such a time the definition of a fish habitat is in place.

Mr. Watson was advised that staff would visit his property and determine whether or not the designation is accurate.

The Committee noted that Regional Council does have the authority to amend the map, if following an investigation the area is determined to be inaccurately depicted on the map.

Dr. John Bacher, Preservation of Agricultural Lands (PALS) advised the Committee that the policies clarify the major changes in Provincial policy and that the Growth Management Plan underscores the importance of this document.

Dr. Bacher noted that he agrees with and is pleased to see the comments made by the Niagara Woodlot Association.

Mr. Joyce Sankey, Niagara Falls Nature Club advised that Committee that they are in support of the policies, however, they should be stronger when dealing with Provincially Significant Lands and Woodlots.

The Niagara Falls Nature Club thanked the Niagara Region for protecting the woodlots.

Mr. Rick Brady, Urban & Environmental Management Inc. thanked staff for dealing with the concerns he submitted. Mr. Brady noted that there is one matter in the City of Niagara Falls, where there are two depressions in the landscape on Lundy's Lane (Fernwood), which are depicted by two blue lines on the map.

Staff advised Mr. Brady that this would be a similar situation to the example in Fenwick, where the Ontario Municipal Board's decision would determine whether or not the lines remain on the map.

Committee agreed that the Niagara River Golf Course would be in a similar situation and with regard to referral to the Ontario Municipal Board the Fernwood property should also be shown as referred to the Board.

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 11, Section 11.7 of the Procedural By-law 7174-93.

Mr. Andrew Pluhar, Villamora Land Ltd., advised the Committee that his family has two parcels of land, Ridge Road/Highway 3/Nigh Road in the Town of Fort Erie and Port Robinson Road/Highway 406 in the City of Thorold, on which he would like to have some development.

Mr. Pluhar was advised that staff would be in contact with him to discuss his situation on both parcels of land to answer his questions.

Moved by Councillor Eke
Seconded by Councillor Gabriel

That Report DPD 155-2005, December 7, 2005, respecting the Final Recommendation Report, Regional Policy Plan Amendment 187, A Healthy Landscape – Healthy Communities, Proposed Environmental Policies, be received **as amended**.

That Regional Policy Plan Amendment 187 attached as Appendix 1 to this report be approved, **subject to minor alterations that have been noted in these minutes and brought to the attention of Regional Council on December 15, 2005**.

That the Regional Clerk ensure that the required Amendment document and by-law are prepared for Council adoption.

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

That a copy of this report be forwarded to all local municipalities, the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources and the Ministry of the Environment.

Carried.

(Please note that the background information is available upon request from the Planning & Development Department)

286. Background Information Report
Regional Policy Plan Amendment 9-2005
Expansion to the Zooz Theme Park
Town of Fort Erie

Mr. Rick Brady, Urban & Environmental Management Inc., advised the Committee that there is an area of brush that has been designated under the Environment Protection Act which the proponents strongly disagree with.

Moved by Councillor Baty
Seconded by Councillor Eke

That Report DPD 156-2005, December 7, 2005, respecting the Background Information Report, Regional Policy Plan Amendment 9-2005, Expansion to the Zooz Theme Park in the Town of Fort Erie, be received for information.

Carried.

287. Niagara Region Growth Management Strategy –
Review and Up-date of the Niagara Regional Policy Plan

The Committee noted that the Terms of Reference should promote a philosophy of growth management that encourages and enables growth in Niagara Region, it was therefore;

Moved by Councillor Timms
Seconded by Councillor Baty

That staff be directed to proceed as indicated in this report by: organizing the Technical Support Committee; bringing the Terms of Reference ***including encouraging and enabling growth in Niagara Region*** forward for ratification by Council; and bringing the results of the consultant and work program selection process forward for ratification by Council, it being understood that Council ratification will include both the consultant team and the specific work program proposed by the successful consultant.

Carried.

Mr. Rick Brady, Urban & Environmental Management Inc. appeared before the Committee on behalf of Mountainview Homes to advise the Committee that Mountainview Homes feels that this is important and needs to be done with the participation from the private sector, it was therefore;

Moved by Councillor Gabriel
Seconded by Councillor Baty

That Report DPD 157-2005, December 7, 2005, respecting the Niagara Region Growth Management Strategy – Review and Up-date of the Niagara Regional Policy Plan, be received ***as amended***.

That staff be directed to proceed as indicated in this report by: organizing the Technical Support Committee; bringing the Terms of Reference ***including encouraging and enabling growth in Niagara Region*** forward for ratification by Council; and bringing the results of the consultant and work program selection process forward for ratification by Council, it being understood that Council ratification will include both the consultant team and the specific work program proposed by the successful consultant.

That the Technical Support Committee be requested to prepare an issue discussion paper for circulation and consultation with the public to provide for early public input and contribute to refining the Terms of Reference.

That this report be circulated to the Area Municipalities, Niagara Regional Housing, Niagara Economic Development Corporation and ***the private sector interests*** with an invitation to collaborate in the Niagara Region Growth Management Strategy.

Carried.

288. Erie Canal: History, Planning and Compatible Development
2005 New York State Canal Conference

Moved by Councillor Baty
Seconded by Councillor Timms

That Report DPD 138-2005, December 7, 2005, respecting the Erie Canal: History, Planning and Compatible Development, 2005 New York State Canal Conference, be deferred to a future meeting.

Carried.

ADMINISTRATION

289. Name of the New Committee

The Committee agreed by consensus to name the new Committee consisting of the Planning Services Committee and the Public Works and Utilities Committee, the Planning and Public Works Committee.

290. Day and Time of Meetings

The Committee noted that the public meeting portion of the meetings will be held at 2:00 p.m. and that the regular time of the meetings can be revisited at a later date.

Moved by Councillor Bodner
Seconded by Councillor Eke

That the Planning and Public Works Committee meet on Wednesdays at 1:00 p.m.

Carried.

DEVELOPMENT IMPLEMENTATION SERVICES (Continued)

291. Consent Summary
From November 1, 2005 to November 20, 2005

Moved by Councillor Timms
Seconded by Councillor Baty

That Report DPD 153-2005, December 7, 2005, respecting the Consent Summary from November 1, 2005 to November 20, 2005, be received.

Carried.

292. Regional Comments on Development Proposals
November 1, 2005 to November 20, 2005

Moved by Councillor Timms
Seconded by Councillor Baty

That Report DPD 154-2005, December 7, 2005, respecting Regional Comments on Development Proposals, November 1, 2005 to November 20, 2005, 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 five members, pursuant to Part 11, Section 11.7 of the Procedural By-law 7174-93.

ADMINISTRATION (Continued)

293. 2006 Current Budget Status
Standing Committee Presentation

Mr. Lockyer presented the 2006 Current Budget Status, highlighting the following:

- Objectives
- Process
- What's included/excluded
- Summary of Budget Reduction Scenarios
- Results of CMT Review to Date
- Next Steps

Moved by Councillor Eke
Seconded by Councillor Gabriel

That the presentation respecting the 2006 Current Budget Status, Standing Committee Presentation, be received.

Carried.

294. Proposed 2006 Current Budget
Planning and Development Department

Moved by Councillor Eke
Seconded by Councillor Gabriel

That the presentation respecting the Proposed 2006 Current Budget, Planning and Development Department (PD 96-2005), be received.

Carried.

295. Minutes of the Ecological and Environmental Advisory Committee
Wednesday, October 5, 2005

Moved by Councillor Eke
Seconded by Councillor Gabriel

That the minutes of the Ecological and Environmental Advisory Committee meeting held Wednesday, October 5, 2005, be received and the recommendations therein be approved.

Carried.

296. Minutes of the Transportation Strategy Steering Committee
Tuesday, November 15, 2005 – PD 89-2005

Moved by Councillor Eke
Seconded by Councillor Gabriel

That the minutes of the Transportation Strategy Steering Committee (PD 89-2005) meeting held Tuesday, November 15, 2005, be received.

Carried.

297. Minutes of the Smarter Niagara Steering Committee
Wednesday, November 16, 2005

Moved by Councillor Eke
Seconded by Councillor Gabriel

That the minutes of the Smarter Niagara Steering Committee meeting held Wednesday, November 16, 2005, be received.

Carried.

CORRESPONDENCE

298. Moved by Councillor Gabriel
Seconded by Councillor Baty

That Communication PD 97-2005, respecting the Places to Grow – Proposed Growth Plan for the Greater Golden Horseshoe (November, 2005), be received and referred to staff for a report in January 2006.

Carried.

299. Moved by Councillor Eke
Seconded by Councillor Gabriel

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

PD 90-2005 Strengthening Ontario's Heritage, a guide to Identifying, Protecting and Promoting our Communities Heritage.

-- Received.

PD 91-2005 A 'Thank You' letter from the Niagara Regional Local Architect Conservation Advisory Committee (L.A.C.A.C.), on a successful Heritage Places in Niagara Summit, held at the Beacon Harbourside on Thursday, November 10, 2005.

-- Received.

PD 92-2005 Newspaper article describing two-year reforestation program to create forest corridors between St. Catharines and Jordan.

-- Received.

PD 94-2005 Letter from the Ontario Municipal Board agreeing to a three month adjournment to April 19, 2006 for the hearing of Regional Policy Plan Amendment 161, Miller Road Application, City of Niagara Falls.

-- Received.

PD 95-2005 Information regarding proposed Generic Regulations to be implemented by the Niagara Peninsula Conservation Authority.

-- Received and referred to staff.

Carried.

PUBLIC MEETING

300. Regional Policy Plan Amendment 9-2005
Zooz Theme Park
Town of Fort Erie
Date: Monday, February 6, 2006
Time: 6:00 p.m.
Place: Town of Fort Erie Council Chambers

Councillors: Baty, _____, _____.

ADJOURNMENT

The Committee adjourned at 5:30 p.m. to meet again at 1:00 p.m. on January 11, 2005, in Council Chambers, at Regional Headquarters.

Bill Smeaton
Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk