

Council rejects Parliament Oak input from advisory committee

By Evan Loree, Local Journalism Initiative Reporter The Lake Report

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Niagara-on-the-Lake town council appears to be at odds with one of its voluntary advisory committees over what the group's role is.

Council has rebuffed the urban design committee for getting “off track” in a discussion about a development proposal from Two Sisters Resorts Corp. to replace the old Parliament Oak school with a hotel.

During its last meeting, council decided to ignore the committee after it suggested the town outright reject Two Sisters’ plans.

The move has sparked a conversation about the primary function the advisory committee serves, what falls inside and outside of its jurisdictions and if this is the way it should operate.

The urban design committee is a subcommittee of council made up of volunteer residents who provide expert input on development applications.

The town requires the members have expertise in architecture, urban design or planning.

When selecting new members, the town prioritizes applicants that are members of the Ontario Professional Planners Institute, the Ontario Association of Landscape Architects or the Ontario Association of Architects, to name a few.

Coun. Erwin Wiens said the urban design committee can be helpful when it stays “on track,” but claimed it has gotten “off track” with its recommendations on the Parliament Oak hotel proposal.

In a report to council July 25, the urban design committee suggested council reject Two Sisters’ applications.

In response, Wiens asked if the committee should even be commenting on the zoning and planning issues of the application.

Kirsten McCauley, the town’s director of community and development services, quoted the committee’s operating terms, which state the mandate of the committee is to provide advice on aesthetic impacts.

“They could provide some information on how they feel about the proposal, but the intent of the committee is to provide urban design comments,” she said at the meeting.

She explained that the committee was instructed to comment on the design of the proposed hotel but that it’s not its job to replace staff in reviewing the application

Town heritage planner Denise Horne instructed the committee on this during its monthly meeting in June, saying that staff were looking for input on “potentially physical and aesthetic impacts,” not broader planning issues.

During that meeting, the committee was much more focused on the planning of the hotel than the design of it.

Committee member Peter Neame argued that the applications from Two Sisters, if approved, would have significant impacts on the town.

“These are major changes to the official plan and the zoning bylaw. Not minor ones,” he said.

Neame argued the purpose of the committee should be to shed light on these issues.

The operating terms also state: “The primary role of the committee is to assist staff in interpreting policy for specific sites and projects, as well as to define areas of concern that need to be resolved.”

Lake Report columnist Brian Marshall, who sits on a similar committee, said the urban design committee is “charged with making expert recommendations to council and staff with respect to planning applications.”

And David Snelgrove, a member of the urban design committee, said he was “disappointed” by the decision to reject the committee’s input, though he declined to comment on his reasons.

He felt the committee had met its mandate in its work on the Parliament Oak Hotel.

In a letter to The Lake Report, resident and architect Connie Tintinalli wrote, “Land use is an important part of urban design. It is not outside the purview of urban design.”

The role of the committee was not the only item of discussion. Decision deadlines for development proposals came up as well.

“Under Bill 23 (the More Homes Built Faster Act), we have some very, very tight timelines with some financial ramifications if we don’t meet those timelines,” Wiens said.

He argued the committee needs to stay on topic if the town is to meet its new deadlines.

The province no longer requires that the town form an urban design committee and the committees may become less common over time, Wiens added.

The deadlines he referred to were not introduced in Bill 23 but in Bill 109, The More Homes for Everyone Act, which passed on April 14 last year.

The bill amended Ontario’s Planning Act by introducing a system of fines to penalize towns for processing development applications too slowly.

The new penalties and deadlines were to start Jan. 1 but were deferred until July 1 this year with the passing of Bill 97, the Helping Homebuyers, Protecting Tenants Act.

Notably, the amended act explains that applications submitted before July 1 are not subject to the new penalties.

Two Sisters Resorts Corp. submitted the application for the Parliament Oak hotel in March so those penalties don't apply.

McCauley described the new deadlines outlined in Ontario's amended Planning Act as "very tight."

A staff report from December 2022 outlines which applications are affected and how much time the town has to process each.

Some applications affected by the legislation are to be processed in 90 days and others within 120.

Under the new rules, municipalities must now reach a decision on planning applications before the deadline or refund 50 per cent of the application fee.

The refund rate rises to 75 per cent 60 days past deadline and to 100 per cent after 120 days.

Developers are also permitted to submit non-decisions and refusals to the Ontario Land Tribunal, which settles land disputes, should council fail to reach a decision within 90 days of receiving the application.

In an interview, Wiens pointed out that the land tribunal has a record of ruling in favour of developers.

In addition to recommending council reject Two Sisters' application, the urban design committee also suggested staff investigate the need for an additional commercial district.

These amendments, the committee stated, would effectively turn 325 King St., the Parliament Oak property, into a commercial area, similar to Queen Street.

At the June meeting, Neame questioned the completeness of the application.

He pointed out that the town's official plan requires applicants to provide an economic impact study when asking to rezone an area for commercial use.

He argued the application could not be considered complete without the study.

"It should be part of the package that the proponent is providing," he said.

No market impact study was provided by Two Sisters.

McCauley told The Lake Report the town requires a market impact analysis for any new major retail project that expands beyond existing commercial areas.

"The hotel is not considered a major retail development. Therefore, a market impact analysis was not requested," she said in a statement.

When asked by Wiens nearly a month after the committee meeting if the town had ever approved an incomplete application, McCauley said staff were "very thorough" and the need for "additional information" may come up during the review process.

Columnist Marshall described the senior staffer's comments as "doublespeak."

Urban design committee member Chrys Kaloudis bolstered Neame's arguments that the committee should, in fact, be discussing the broader planning issues.

She said the proposal was "a land use issue," first and foremost.

"I respect what we're supposed to do. It's hard to talk only about (the hotel design) given what this particular project is trying to do," she added.

Kaloudis described the proposal as "far outside" the parameters of the town's official plan.

Later, she told The Lake Report building projects like these have "long-term implications" and the public has to know that the process is "fair" and "above board."

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