

# Minutes

## Planning Advisory and Hearing Committee

**Meeting ID:** 2018-03  
**Meeting Date:** Mon April 16, 2018 07:00 PM  
**Location:** City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario, K6J 3P9  
**Chair:** Maurice Dupelle, Councillor  
**Prepared By:** Ely Daniels, Administrative Assistant

The Planning Advisory & Hearing Committee Meeting

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**Attendance Committee Members:**

Leslie O'Shaughnessy, Mayor  
André Rivette, Councillor  
Bernadette Clément, Councillor  
David Murphy, Councillor  
Elaine MacDonald, Councillor  
Maurice Dupelle, Councillor  
Carilyne Hébert, Councillor  
Claude E. McIntosh, Councillor  
Justin Towndale, Councillor  
Denis Carr, Councillor  
Jack Lindsay, Lay Member  
Ron Symington, Lay Member

**Attendance Staff:**

Dana McLean, Development Coordinator  
Ely Daniels, Administrative Assistant  
John St Marseille, General Manager, Infrastructure and Municipal Works  
Mark A. Boileau, General Manager, Planning, Development and Recreation  
Mary Joyce-Smith, Division Manager, Planning  
Nick Sutherland, Planner  
Tracey Bailey, General Manager, Financial Services

**Regrets:**

Mark A. MacDonald, Councillor

**Attendance Media:** One (1) member of the media was present.

**Attendance Public:** Three (3) gallery members were present.

**Welcome and Call Meeting to Order by Chairman:**

Chair Maurice Dupelle called the meeting to order at 7:05 p.m.

**Roll Call:**

Roll call was conducted by Recording Secretary, Ely Daniels.

**Adoption of the Agenda - Additions and Deletions:**

Motion to adopt the Agenda as presented.

Moved By: David Murphy, Councillor  
Seconded By: Carilyne Hébert, Councillor

**Motion Carried**

**Adoption of the Minutes:**

Motion to endorse the following Minutes as presented.

**1 February 20, 2018 Planning Advisory and Hearing Committee Meeting**  
Click for detail --> 

Moved By: Bernadette Clément, Councillor  
Seconded By: Carilyne Hébert, Councillor

**Motion Carried**

**Declaration of Conflict of Interest:**

There were no disclosures of interest declared.

**Business Arising from the Minutes:** None

**Presentation(s):** None

**Review of Public Notice Requirements by PAC Secretary:**

PAC Secretary Mary Joyce-Smith advised that a Notice of Public Meeting was advertised in the Standard-Freeholder on Saturday, March 24th, 2018 with respect to a City initiated review of the Cornwall Brownfields and Heart of the City (HOTC) Community Improvement Plans (CIPs) in order to change the Tax Increment Grant Program; to add new criteria for new construction multi-storey development; and minor textual changes. The Notice was also posted on the City's website fulfilling Public Meeting Notice requirements. She added that Development Coordinator, Dana McLean would provide a presentation for PAC

discussion and final recommendation to Council.

## **PUBLIC MEETING ITEM(S) - PUBLIC HEARING:**

### **1 CPPEG recommendation for Proposed Amendments to the City of Cornwall's Heart of the City Community Improvement Plan and Brownfields Community Improvement Plan**

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Dana McLean provided an overview of her report offering proposed amendments to the HOTC CIP and Brownfields CIP criteria, premised on the principle of setting a controlled fiscal approach into the future, but still offering sufficient equitable incentives to developers to build such projects. The result of this change will continue to support new development within the community improvement policy area. Additional parameters will be provided for funding criteria to allow incentives which represent forgone revenue, but provide a higher percentage of the deferred tax income to be contributed to the tax base at an earlier point. This will help support normal growth within the community, and be able to sustain the current level (or increase) of municipal services. She added that the proposed amending items to the existing Heart of the City CIP and Brownfields CIP are intended to address clarity and items not currently covered under the existing programs, which will assist in providing funding systems to complete the renovation / rehabilitation of these areas.

Chair, Councillor Maurice Dupelle, asked if there were any comments from the audience.

Adam McGrath at 216 710 Cotton Mill Street, stated he had a question regarding Development Charges; which play a role into the tax increment portion of the Brownfields grant. He added that Development Charges come at the onset of the construction and generally end up being financed. He suggested to consider them the same way as the Tipping Fees with a fast payback, which would be easier for developers. He added that as a resident of Cornwall, the proposed changes are definitely warranted, but as a developer, he stated that the Cotton Mill development would not have gone forward in the same fashion had these proposed changes been in effect.

Jack Haines, Montreal Road, asked for clarification on whether the tax increment grant value would remain the same and suggested that the whole priority area should be re-evaluated. He added that residents of Cornwall are all taxpayers, and the priority area should cover almost everything.

Development Coordinator, Dana McLean replied that the Tax Increment grant value will remain the same always depending on the type of development and new assessment being proposed. She also stated that under HOTC, Development Charges are exempt in the priority areas only.

Chair, Councillor Maurice Dupelle, then asked 3 times for comments from the audience. As no further comments were received on this item, the Public Meeting portion was closed by the Chair.

#### **PAC DISCUSSION OF PUBLIC MEETING ITEM(S):**

As no further comments were received on this item, Chair, Councillor Maurice Dupelle opened the floor to PAC.

Mayor Leslie O'Shaughnessy advised that the City is now faced with having to put \$ 500,000 into the reserve for Brownfields, so these amendments will help replenish those reserves faster in order to allow the City to do more without impacting the existing tax base. He asked whether that was the reasoning behind the proposed amendments.

Development Coordinator, Dana McLean stated that it was absolutely the reason and that this is foregone revenue that will allow the City to get new development, new taxes, and environmental clean up which is a huge component.

Mayor Leslie O'Shaughnessy also asked whether those committed projects with respect to the Cotton Mills would fall under this new pay scale.

Development Coordinator, Dana McLean advised that those committed projects will not fall under this new pay scale as their amounts have already been pre-authorized. She added that if the developer wished to reapply under this new system, he would receive less tax increment money back.

Councillor David Murphy asked about grand-fathering already pre-existing projects that have not yet been built.

Development Coordinator, Dana McLean replied that as per past approved projects, there is a clause that if construction has not started within one year, the developer would have to reapply, and this has not changed.

PAC Lay Member Jack Lindsay asked whether the applicants who have registered an application, but are still waiting for approval would fall under these new rules.

Development Coordinator, Dana McLean replied that there are currently no applications pending, so it is a non issue.

Councillor Denis Carr asked what do the CIP's mean in terms of value for the City's Downtown and Le Village.

Development Coordinator, Dana McLean replied that 228 applications have been approved thus far for Heart of the City, with 13.5 million in approved funding which include the two Cotton Mills projects still left to be completed. This amounts to 67.2 million in total expenditure by the developers. With regards to Brownfields, 29 applications have been approved with 10.7 million in approved funding, which amounts to 55.5 million in expenditure by the applicants.

PAC Lay Member Ron Symington stated that there are quite a few areas throughout the city that could have bulk fuel storage not yet identified. Since Brownfields cover such a wide area, should a developer who encounters this when they start digging, apply for the program at that point, or do they have to apply before the project starts.

Development Coordinator, Dana McLean replied that the developers must first apply for the incentive program before commencing any study or remediation/rehabilitation work, however, she added that they have been receptive to those developers who find something while they are digging.

Councillor Bernadette Clément stated that members of PAC are cognizant of Mr. McGrath's points, and that it is clear that changes are being made and that many developers have benefited from these incentive programs in the past, and will continue to benefit from them, however, changes are needed in order to look forward and plan long term.

After a further brief discussion, there was a motion to recommend:

- i.) THAT the proposed Amendments to the City's Heart of the City CIP and Brownfields CIP as identified in Section C of this report be approved in full;
- ii.) THAT Council pass a Resolution of Support and Endorsement , as proposed in the Attachment of the report, demonstrating its commitment to updating of the Heart of the City CIP and Brownfields CIP;
- iii.) THAT based on Council's passing of an Amending Bylaw, under Sections 17 and 28 of the Ontario Planning Act and Bill 130 Provisions staff send a copy of the Bylaw with supporting cover letter to the Ministry of Municipal Affairs and Housing (MMAH Kingston Office) for information; and

iv.) THAT Planning staff subsequently consolidate the Heart of the City CIP and Brownfields CIP based on the amendments, once the final Notice of Decision of the Municipality passes its appeal period and it comes into force.

Moved By: Denis Carr, Councillor  
Seconded By: Jack Lindsay, Lay Member

**MOTION APPROVED**

**OTHER / NEW BUSINESS:**

None

**INFORMATION:**

PAC Secretary Mary Joyce-Smith advised that there were two items for information provided in the Agenda; a Committee of Adjustment summary report where Senior Planner, Karl Doyle details the file activity of the COA for the year 2017 and the first quarter of 2018; and the second item is an Information Report prepared by Planner, Nick Sutherland which provides an overview of changes to the Land Use Planning and Appeal System and update of primary elements of Bill 139 related to various Planning practises/procedures in Ontario.

Lay Member Ron Symington asked who is the Local Appeal Body now.

PAC Secretary Mary Joyce-Smith replied that PAC is and has been the approval authority and this will remain the same. She emphasized that the Planning report received by PAC on development proposals will now form the official record that will be forwarded to the LPAT should there be an appeal. She also explained the two (2) past test being conformity and consistency with the PPS and Official Plan policy. Finally, she stated "the fact that we have a current Official Plan puts us in a more favourable position when receiving proposals and defending appeals".

Councillor Bernadette Clément asked how will these modern changes going to make things easier and run in a timely fashion. Is the theory that there will be a reduction on the number of frivolous types of appeals.

Planner, Nick Sutherland replied that LPAT have introduced statutory rules regarding the conduct of proceedings which limit oral testimony and the evidentiary record to allow for time efficient and cost-effective proceedings as well as level the playing field between experts and citizens. They have also implemented a mandatory case management conference process for major planning matters in order to narrow issues, mediate conflicts and promote settlement. This will empower the Tribunal to actively guide the proceedings to level the playing field and make it less adversarial for parties and participants. This approach to hearings gives adjudicators a more active role to simplify and expedite the hearing process, and in some cases, address inequalities between parties.

**NEXT SCHEDULED MEETING:**

The next scheduled PAC Meeting will be held on Tuesday, May 22nd, 2018 or at the call of the Chair.

**ADJOURNMENT:**

Motion to adjourn the PAC Meeting at 7:50 p.m.

Moved By: David Murphy, Councillor  
Seconded By: Jack Lindsay, Lay Member

**MOTION APPROVED**

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**Councillor Maurice Dupelle, Chair**