

**AMENDMENT NO. 36  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWN OF PELHAM**



TOWN OF PELHAM  
CERTIFICATE  
OFFICIAL PLAN OF THE  
TOWN OF PELHAM  
AMENDMENT NO. 36

The attached schedule constituting Amendment No. 36 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning Services Committee and was adopted by the Corporation of the Town of Pelham by By-law No. 2119 (1999) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 18th day of October, 1999.

Ralph Brune Sheryl Missette  
MAYOR CLERK

This Amendment to the Official Plan of the Town of Pelham which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, as Amendment No. 36 to the Official Plan for the Town of Pelham.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approval Authority

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 2119 (1999)

Being a by-law to adopt Amendment No. 36 to the  
Official Plan of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN  
ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, R.S.O. 1990, AS  
AMENDED, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 36 to the Official Plan of the Town of Pelham, consisting of the attached Text, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforementioned Amendment No. 36 to the Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED THIS 18TH DAY OF OCTOBER, 1999 A.D.

Ralph Brimmer  
MAYOR

Sheryl Missette  
CLERK

TOWN OF PELHAM  
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Sheryl Missette  
CLERK

**AMENDMENT NO. 36**

**TO THE OFFICIAL PLAN**

**FOR THE TOWN OF PELHAM**

**PLANNING AREA**

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The Amendment which will be incorporated into the Town of Pelham Official Plan.

### PART C - BACKGROUND

Background material relevant to the Official Plan Amendment.

### NOTE:

Parts A and C are explanatory sections providing information regarding the Amendment and do not form a part of the body of the Official Plan Amendment. Only Part B constitutes the actual Amendment to the Official Plan of the Town of Pelham.

**PART A**

**PREAMBLE**

## PART A

### PURPOSE

The Purpose of this amendment is to:

1. To include the subject lands inside the Fonthill Urban Boundary;
2. To re-designate lands to "Area of Natural Scientific Interest", "Special Deferred Urban Residential Area", and "Deferred Urban Residential Area", and
3. To introduce new policies
  - (a) to recognize the significance of the Fonthill Kame Delta (Earth Science Area of Natural Scientific Interest), and
  - (b) to provide development in an environmentally sound manner (Special Deferred Urban Residential Area).
  - (c) to require that a Secondary Plan be prepared addressing specific natural heritage issues.

### LOCATION

The subject land, consisting of 34 hectares (84 acres) are located on the north side of Regional Road #20 (Highway #20) between Lookout and Haist Streets. The legal description of the property is Lot 3, Conc. 7, in the Town of Pelham.

### BASIS

The basis of this amendment is to:

- ▶ include the subject lands inside the Fonthill Urban Area
- ▶ protect the Fonthill Kame Delta ANSI values associated with the subject lands
- ▶ establish a planning framework to guide the preparation of a Secondary Plan
- ▶ provide the opportunity for residential development on the subject lands including the potential to develop a unique "Pelham" style comprehensively planned neighbourhood
- ▶ provide an alternative growth area in response to anticipated need

**PART B**

**THE AMENDMENT**



The intent of this amendment is to redesignate agricultural lands and provide policies for lands which are to be included in the Urban Area for Fonthill. The amendment introduces new land use designations and policies for the preservation and protection of the significant features of an Earth Science Area of Natural and Scientific Interest (ANSI) and for the consideration of low density residential development (Special Urban Residential) contiguous to the significant Earth Science ANSI features through a subsequent Secondary Plan process.

- To the north and west of the existing Urban Area of Fontheil comprising approximately 34 hectares and is generally defined by Regional Road 20 to the south, Lookout Street to the west, Lookout Golf Course to the north, and Haist Street to the east.

Firstly, Schedule A, Land Use, will be amended by designating the lands as "Area of Natural Scientific Interest", "Special Deferred Urban Residential Area", "Deferred Urban Residential Area", and identifying the subject lands as being within the Urban Area of Fonthill.

b) Notwithstanding subsection 5.3 above, it is a requirement of this Plan that a Secondary Plan be prepared for the expanded Urban Area located on the west side of Fonthill and bounded by Lookout Street to the west, Regional Road 20 to the south, Haist Street to the east and Lookout Golf Course to the north.

### 1.60 *Earth Science Area of Natural Scientific Interest*

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**1.60.1 Permitted Uses**

- (a) The predominant use of land designated Earth Science ANSI shall be for conservation; forest and wildlife management; non-intensive recreation uses such as viewing and interpretive centres, and trail activities except the use of trail bikes and all terrain vehicles; single detached dwellings; and essential watershed management and, flood and erosion control.
- (b) Accessory uses, buildings and structures which will not conflict with the policies of this Plan and are compatible with the ANSI area.

**1.60.2 Policies**

- (a) Development within ANSI areas will not be permitted except for permitted uses.
- (b) When new development or redevelopment of a permitted use is proposed on a site the siting and orientation of the development, including site modification required to accommodate the development, shall be done in such a manner that the physical impact on the features of the ANSI is minimized.
- (c) In considering development proposals Council will require the proponent to submit adequate information, including site plans, in order for the Municipality, in consultation with the Ministry of Natural Resources and Regional Niagara to ascertain the effects which any development may have on the ANSI.
- (d) Council will support and encourage the acquisition of ANSI areas by Federal, Provincial and other public agencies as well as private agencies.
- (e) The identification of lands designated as an Area of Natural Scientific Interest in this Plan does not imply a commitment to purchase such areas, nor is it implied that such areas under private ownership are free and open to the public.
- (f) When new development or redevelopment is proposed on a site, of which a part lies within an Area of Natural Scientific Interest, those lands may not be acceptable as conveyance of park land as may be required by the Town.
- (g) Lands abutting an Area of Natural Scientific Interest are to be developed in accordance with the requirements of that particular land use designation. However, development on such lands should not adversely affect any abutting Area of Natural Scientific Interest. An Environmental Impact Study will be prepared by a proponent in accordance with Policy

1.59.2(d) of this Plan, including a visual and landscape assessment, which demonstrates that a development will not negatively impact the area.

- (h) Prior to any alterations, or works to or within a watercourse located within an Area of Natural Scientific Interest, written authorization is required from the Ministry of Natural Resources under the Lakes and Rivers Improvement Act and may be required by the Niagara Peninsula Conservation Authority pursuant to the Fill, Construction and Alterations to Waterways Regulation.

### *1.61 Special Deferred Urban Residential Area*

The Special Deferred Urban Residential area is located next to the Lookout/Haist Street Area of Natural Scientific Interest. It is the intent of this Plan to provide for the development of lands designated Special Deferred Urban Residential Area in an environmentally sound manner, including the protection of the interpretive, educational and scientific value of the Ice-Contact Slope, Upper Terrace and Storm Beaches features of the ANSI.

#### *1.61.1 Permitted Uses*

- (a) The predominant use of land designated Special Urban Residential shall be estate style single detached residential units.
- (b) Uses, buildings and structures accessory to single detached residential units.
- (c) Parks.

#### *1.61.2 Policies*

- (a) In recognition of the importance and prominence of the Area of Natural Scientific Interest before any development commences a Secondary Plan shall be prepared which will address the following:
  - i. the impact of development on views to and from the Ice Contact Slope, Upper Terrace and Storm Beaches features of the ANSI, including the height, siting and orientation of dwelling units;
  - ii. the method of stormwater management to ensure appropriate quality and quantity of flow requirements based upon a subwatershed study are implemented, as the area is located within the headwaters of Twelve Mile Creek;
  - iii. the location of roads and open space linkages, including walkways and bicycle paths;

- iv. the location of engineering services and public utilities;
  - v. design guidelines addressing the scale, design parameters and massing of development and boulevard and landscaping treatments;
  - vi. the location of the neighbourhood park and opportunities for viewing and interpretive stations; and
  - vii. an implementation strategy for the recommendations of the Environmental Impact Study.
- (b) The Secondary Plan will be adopted as an amendment to the Official Plan.
  - (c) Until such time as Policy 1.61.2(b) above has been approved, existing uses are permitted.

#### ***1.62 Deferred Urban Residential Area***





It is the intent of this Plan to provide for the development of lands designated Deferred Urban Residential Area in a comprehensive manner based upon a Secondary Plan, one which incorporates contiguous lands which are designated Special Deferred Urban Residential Area and Earth Science Area of Natural Scientific Interest.

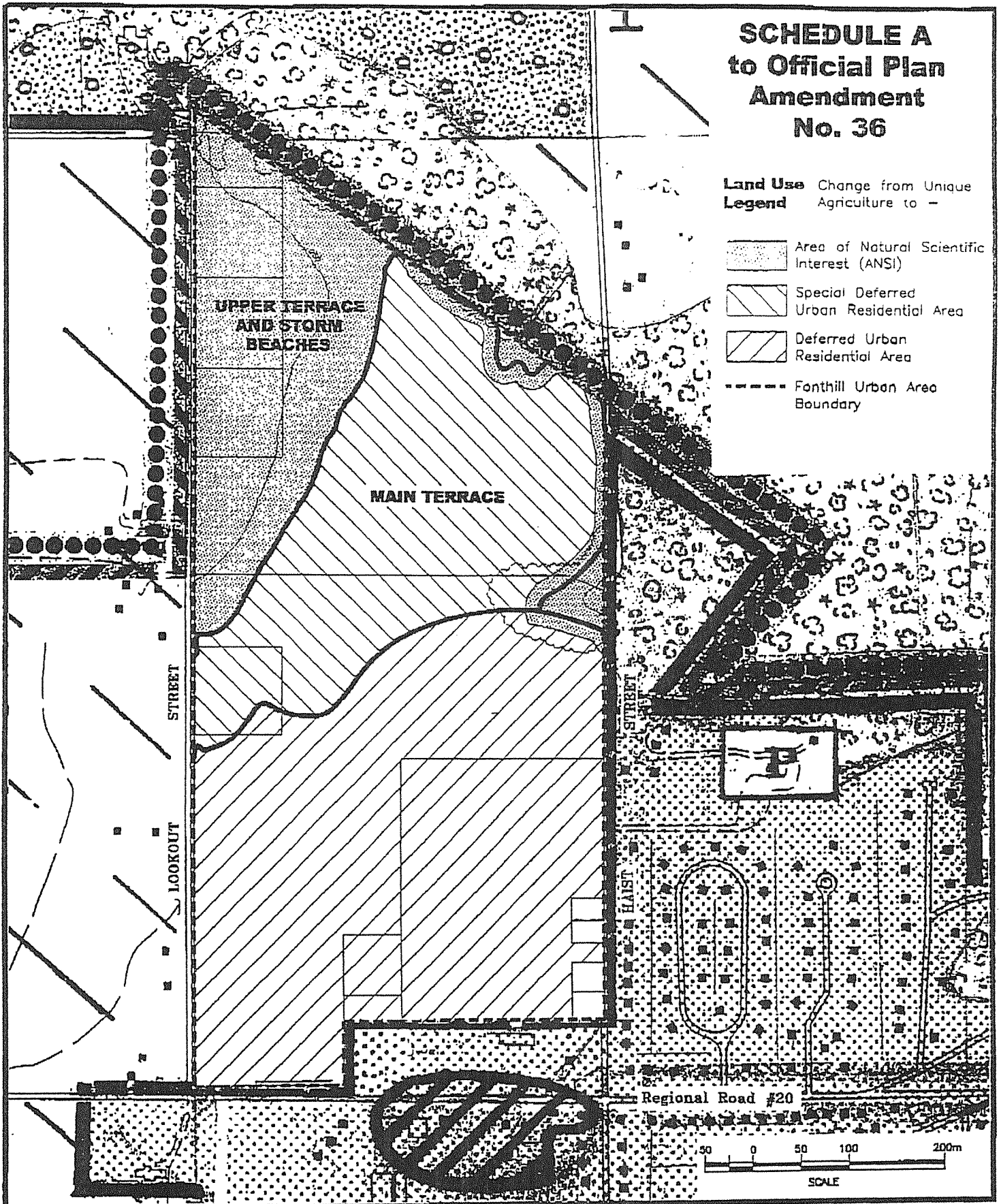
##### ***1.62.1 Policies***

- (a) Development of the lands shall be in accordance with "The Urban Residential Area" policy section of this Plan.
- (b) Until such time as Policy 1.62.1(a) above has been approved, existing uses are permitted.

# **SCHEDULE A to Official Plan Amendment No. 36**

**Land Use** Change from Unique  
**Legend** Agriculture to -

-  Area of Natural Scientific Interest (ANSI)
-  Special Deferred Urban Residential Area
-  Deferred Urban Residential Area
-  Fonthill Urban Area Boundary



**PART C**

**APPENDICES**

## LIST OF APPENDICES

- Appendix A-1 Notice of Public Meeting  
A-2 Affidavit re  
- Giving Notice of Public Meeting  
- Giving Notice of Adoption
- Appendix B-1 Minutes of General Committee Meeting September 14, 1998  
B-2 Minutes of General Committee Meeting October 12, 1999
- Appendix C Written Submissions or Comments  
C-1 Regional Niagara Planning and Development Department
- Appendix D-1 Affidavit re  
- List re Oral Submissions at Public Meetings
- Appendix E-1 Planning Report dated September 11, 1998  
E-2 Planning Report dated October 6, 1999
- Appendix F-1 Affidavit re  
- Information under Section 6(2) of Ont. Reg. 198/96 is provided  
and is true
- Appendix G-1 List of Public Bodies Given Notice Which Did Not Respond
- Appendix H-1 Information re Applicant Initiating the Amendment

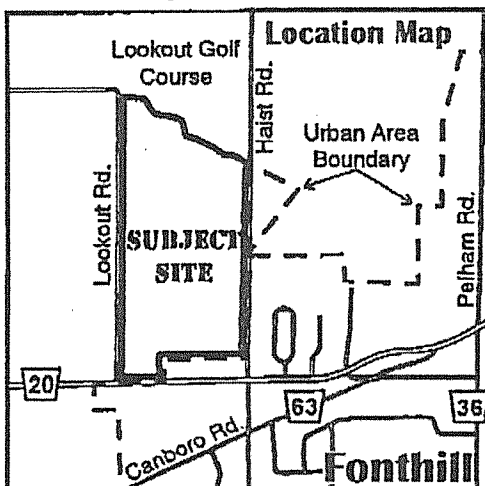
**NOTICE OF PUBLIC MEETING  
PROPOSED AMENDMENTS TO  
THE REGIONAL NIAGARA POLICY PLAN AND THE TOWN OF PELHAM OFFICIAL PLAN  
NORTHWEST FONTHILL URBAN BOUNDARY EXPANSION  
IN THE TOWN OF PELHAM**

**Purpose of the Meeting**

The purpose of the meeting is to receive comments and answer questions from the public regarding an application by Mori Nurseries and Oscar Weiland to amend the Regional Niagara Policy Plan and the Town of Pelham Official Plan.

**Nature and Purpose of the Amendments**

The purpose of the Amendments is to expand the existing Urban Area of Fonthill to permit residential development on about 34 hectares (84 acres) located north of Regional Road 20, west of Haist Road and east of Lookout Street in the Town of Pelham.



This will be a joint Regional and Town of Pelham public meeting and is being held under the provisions of Section 17 of the Planning Act at the following time and place:

**DATE:** Monday, September 14, 1998  
**TIME:** 7:00 p.m.  
**LOCATION:** Town of Pelham Fire Station #1  
 177, Regional Road 20 (Highway 20), Fonthill

If a person or public body that files a notice of appeal of a decision by the Regional Municipality of Niagara or by the Town of Pelham regarding this Amendment application does not make oral submissions at a public meeting or make written submissions to the Regional Municipality of Niagara or to the Town of Pelham before the proposed Amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

If you wish to be notified of the adoption of the proposed Official Plan Amendments you must make a written request to:

**For Notification of the Regional Policy Plan  
Amendment Contact:**

Mr. Thomas R. Hollick, Regional Clerk  
 Regional Municipality of Niagara  
 2201 St. David's Road, P.O. Box 1042  
 Thorold, Ontario, L2V 4T7

**For Notification of the Local Official Plan Amendment  
Contact:**

Mr. Murray Hackett, CAO/Clerk  
 Town of Pelham  
 20 Pelham Town Square, P.O. Box 400  
 Fonthill, Ontario, L0S 1E0

A copy of the proposed Amendments and background materials related to the Amendments will be available for inspection at the public meeting. For more information contact:

Mr. Drew Semple  
 Regional Municipality of Niagara  
 (905) 984-3630

or

Mr. Jack Bernardi  
 Town of Pelham  
 (905) 892-2607, Ext. 16



THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE  
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 36

LOT 3, CONC. 7

AFFIDAVIT

I, JACK BERNARDI, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) On the 10th day of August, 1999, I did cause to be sent by prepaid First Class Mail and in envelopes addressed to the respective public bodies whose names and addresses are shown on the list attached hereto and marked as Schedule "A" to this Affidavit.
- (3) On the 19th day of August, 1999, I did cause to be published in newspapers having sufficient general circulation in the area to which the proposed official plan would apply, a notice of the public meeting. The said notice appeared in the newspapers shown on the list attached hereto and marked as Schedule "B" to this Affidavit.
- (4) On the 1st day of November, 1999, I did cause to be sent by prepaid First Class Mail and in envelopes addressed to the respective persons whose names and addresses are shown on the list attached hereto and marked as Schedule "C" to this Affidavit, a copy of the Notice of Adoption of Official Plan Amendment No. 36

SWORN BEFORE ME AT THE TOWN OF PELHAM )  
IN THE REGIONAL MUNICIPALITY OF NIAGARA )  
THIS 2ND DAY OF NOVEMBER, 1999 A.D. )

Cheryl Miclette  
CHERYL MICLETTE, CLERK

J. Bernardi  
) JACK BERNARDI

## SCHEDULE "A"

**Notice of Public Meeting**  
**Amendments to the Regional Niagara Policy Plan**  
**And the Town of Pelham Official Plan and Zoning By-law**  
**Expansion to Urban Area Boundary**  
**Mori/Welland Property**  
**Town of Pelham**

Ms. Barb Konyi, Manager  
Plans Administration Branch, Central & Southwest  
Ministry of Municipal Affairs and Housing  
14<sup>th</sup> Floor, 777 Bay Street  
Toronto, ON  
M5G 2E5

Mr. R.W. Crawford  
Manager  
Planning & Transportation  
District School Board of Niagara  
191 Carlton Street  
St. Catharines, Ontario  
L2R 1S1

Mr. Joad Durst, Area Supervisor  
Ministry of Natural Resources  
4890 Victoria Avenue North  
P.O. Box 5000  
Vineland, ON  
L0R 2E0

Mr. Paul Dockrill  
Supervising Planner  
Ontario Hydro, Land Management  
7676 Woodbine Avenue, Suite 300  
Markham, ON  
L3R 2N2

Mrs. Diane Bode  
Secretary  
Regional Branch  
Enbridge Gas  
Box 1051  
Thorold, ON  
L2V 5A8

Mr. Murray Hackett  
Chief Administrative Officer/Clerk  
Town of Pelham

Mr. A. L. Burt  
General Manager  
Niagara Peninsula Conservation Authority  
Centre Street  
Allanburg, ON  
L0S 1A0

Mr. Domenic Maniccia  
Acting Manager of Operations  
Niagara Catholic District School Board  
Catholic Education Centre, 427 Rice Road  
Welland, ON  
L3C 7C1

Mr. Hardy Wong, Director  
West Central Region, Ministry of Environment  
P.O. Box 2112  
9<sup>th</sup> Floor, 119 King Street  
Hamilton, ON  
L8N 3Z9

Mr. Keith Walker  
Vice-President/Corporate Secretary  
Enbridge Gas  
P.O. Box 650  
Scarborough, ON  
M1K 5E3

Ms. A. Love  
Corporate Secretary  
TransCanada Pipelines  
P.O. Box 1000, Station M  
Calgary, Alberta  
T2P 4K5

Ms. Adele Arbour  
City Planner  
City of Thorold

Mr. Travers Fitzpatrick  
Planning Director  
City of Welland

Mr. Martin Kilian, Planner  
Niagara Escarpment Commission  
232 Guelph Street  
Georgetown, ON  
L7G 4B1

**SCHEDULE "B"**

Welland Tribune

Voice of Pelham

# SCHEDULE "C"

## LIST OF PERSONS SENT NOTICE OF ADOPTION NOVEMBER 2, 1999

JOHN BACHER  
134 CHURCH ST  
ST CATHARINES ON L2R 3E4

TUFTS  
321 TICE RD  
RIDGEVILLE ON L0S 1M0

NEIL McGREGOR  
R R #1  
PORT ROBINSON ON L0S 1K0

L ROBERTS  
200 HWY 20 UNIT 507  
RIDGEVILLE ON L0S 1M0

B ATTALI  
200 HWY 20 UNIT 410  
RIDGEVILLE ON L0S 1M0

LARRY BOWLBY  
1512 HAIST ST  
FONTHILL ON L0S 1E0

WAYNE JOHNSON  
1900 EFFINGHAM ST  
R R #1  
RIDGEVILLE ON L0S 1M0

JOHN SAYLOR  
26 BIGELOW CR  
FONTHILL ON L0S 1E1

DON & HELGA MacRAE  
327 TICE RD  
RIDGEVILLE ON L0S 1M0

PAUL & BETTY SAMUEL  
1619 EFFINGHAM ST  
RIDGEVILLE ON L0S 1M0

PAUL HAIST  
1578 LOOKOUT ST  
RIDGEVILLE ON L0S 1M0

MARJORY FREEMAN  
1574 LOOKOUT  
R R #1  
RIDGEVILLE ON L0S 1M0

DONALD HAIST  
1584 LOOKOUT ST  
R R #1  
RIDGEVILLE ON L0S 1M0

ALLAN HAIST  
26 CAPRI ST  
THOROLD ON L2V 4S8

JIM & DOROTHY MILLS  
LOOKOUT VILLAGE B610  
R R #1  
RIDGEVILLE ON L0S 1M0

JOE TERGSESIK  
1520 LOOKOUT ST  
R R #1  
RIDGEVILLE ON L0S 1M0

STEVE & URSULA RADBONE  
1617 LOOKOUT ST  
RIDGEVILLE ON L0S 1M0

ANTHONY KRUYSSSE  
200 HWY 20 UNIT 302B  
RIDGEVILLE ON L0S 1M0

DOREEN BRUSH  
1508 HAIST ST  
FONTHILL ON L0S 1E0

LES SMITH  
200 HWY 20 UNIT 409B  
RIDGEVILLE ON L0S 1M0

THOMAS ROBERTS  
1615 HAIST ST  
FONTHILL ON L0S 1E0

JIM GARRETT  
R R #1  
NIA-ON-THE-LAKE ON L0S 1J0

STUART ELLIS  
BOX 338  
ST CATHARINES ON L2R 6V5

LIISA HARJU  
1746 CREAM ST  
FENWICK ON L0S 1C0

WALLY PRISTANSKI  
1617 EFFINGHAM ST  
RIDGEVILLE ON L0S 1M0

JIM & JOHN FEDONI  
1599 LOOKOUT ST  
RIDGEVILLE ON L0S 1M0

JEAN HAAPAMAKI  
P O BOX 819  
FONTHILL ON L0S 1E0

NICK REPCHULL  
P O BOX 819  
FONTHILL ON L0S 1E0

DOUG ANDREY  
1524 LOOKOUT ST  
R R #1  
RIDGEVILLE ON L0S 1M0

OSCAR WEILAND  
BOX 538  
FONTHILL ON L0S 1E0

GC-163/98

GENERAL COMMITTEE

GC-14/98

September 14, 1998

Minutes of a regular General Committee meeting held on Monday, September 14<sup>th</sup>, 1998 at 7:00 p.m. at Pelham Fire Station #1, 177 Regional Road #20 (formerly Highway #20).

ATTENDANCE: Acting Mayor, Councillor W. B. Walker;  
Members of the Committee -  
Councillors U. Brand, G. Berkhout,  
R. Hatt, C. Kuckyt & S. Matthews  
Absent - Mayor R. Beamer;  
Staff in attendance - (Full Time)  
Director of Planning Services  
J. Bernardi, Director of Operations  
L. J. Hodge, Director of Building  
& By-law Enforcement E. Cronier,  
Director of Fire Services J. Phelps  
& Recording Secretary (Deputy Clerk)  
C. Miclette; Also in attendance  
were members of the press, Mr. Glen  
Barker, Planning Consultant and  
interested citizens.

1. CALLED TO ORDER:  
The meeting was called to order by Acting Mayor W. B. Walker.
2. ADOPTION OF AGENDA:  
RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the agenda for the September 14<sup>th</sup>, 1998 regular General Committee meeting, be adopted. CARRIED, CHAIR, ACTING MAYOR W. B. WALKER
3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:  
Councillor C. Kuckyt disclosed a pecuniary interest with respect to Item #4 - Public Meeting under the Planning Act - Urban Area Boundary Expansion - due to the fact that she owns property within one of the candidate areas.  
  
There were no other disclosures of pecuniary interest noted by members of the Committee.

At this point in the meeting, Councillor Kuckyt left the hall, due to the disclosure of pecuniary interest noted earlier in the meeting.

4. PUBLIC MEETING UNDER PLANNING ACT:

Proposed Amendments to Regional Niagara Policy Plan and the Town of Pelham Official Plan - Northwest Fonthill Urban Boundary Expansion - Mori Nurseries & Oscar Weiland:

Chair, Councillor W. B. Walker noted that this was a Joint Meeting of the Regional Municipality of Niagara and the Town of Pelham. He then introduced Regional Councillor Jane Hughes, Regional Councillor George Marshall, Members of Pelham Council, as well as Regional Planning Staff, Mr. Corwin Cambray and Town Planning Staff, Planning Consultant Mr. Glen Barker and Director of Planning Services Jack Bernardi.

(I) Chair Walker recited the required form of notice and then turned the meeting over to Planning Consultant, Mr. Glen Barker of BLS Planning Associates.

Mr. Glen Barker informed those in attendance of his responsibility to the municipality.

Mr. Barker then proceeded with an overview of the application as well as the technical information report (P-35/98).

Mr. Barker noted that a number of additional steps, such as rezoning, subdivision approval, etc., which will all require public input, if, in the future, the Region and Town approve the Official Plan Amendment application.

Mr. Barker then noted and reviewed the various studies which had been submitted by various companies on behalf of Mori/Weiland in support of their application for an official plan amendment, as follows:

Planning Analysis - He noted that Mr. Zdravko Weing had been retained to provide a planning assessment of the appropriateness of including the subject Area 1 within the Urban Area Boundary. The report noted that the planning analysis focused on Policy 5.6 of the Regional Plan and Mr. Barker indicated that this matter will have to be addressed.

Agricultural Characteristics of and Agricultural Context for the Proposed Urban Expansion area 1 - He noted that the firm of AgPlan Ltd. Had been retained to assess the characteristics of the subject Area 1. He also noted that a total of three reports were authored by the firm and that this also included a climatic analysis.

Economic and Market Implications - He noted that the firm of Clayton Research had been retained to undertake an assessment of the economic and market implications of including this area within the Urban Area Boundary.

Aggregate Resource Inventory and Aggregate Resource Extraction Issue - He noted that the firm of Geoconcepts Limited in conjunction with Planning and Engineering Initiatives Ltd. had been retained to assess the resource inventory that exists on the subject lands and to assess the planning implications of aggregate extraction if the lands were included.

Sanitary and Water Servicing Review & Alternatives - He noted that the firm of Martin Engineering Inc. had been retained to review the studies on existing sanitary and water servicing along with future servicing proposals in order to determine the feasibility of connecting the subject lands to existing Town services.

Traffic Impact Assessment - He noted that the firm of RGP Transtech Inc. had been retained to undertake a traffic impact assessment which was to examine the traffic operational implications of developing the subject area.

Stage One - Archaeological Assessment - He noted that the firm of Archaeological Services Inc. had been retained to conduct a Stage One background assessment for the lands in order to identify any archaeological sites and to assess the archaeological potential of the property. He also noted that the assessment involved three analytical stages which were comprised of an inventory of registered archaeological sites, assessment of historical maps and a field assessment.

In closing, Mr. Barker noted that, at this point in time, no decision has been made and that before the presentation of a recommendation report for consideration by the General Committee, the various items will be reviewed by planning staff with respect to the application for the inclusion of Area 1 within the Urban Area Boundary:

- (1) need for the proposed uses
- (2) detailed analysis of benefit and cost to the local and regional community
- (3) availability of suitable alternative locations
- (4) impact on existing residences
- (5) to define what is agriculture
- (6) preservation of agricultural lands
- (7) impact on Twelve Mile Creek
- (8) availability and capacity of servicing

Chair Walker then introduced Mr. Corwin Cambray, Assistant Regional Planning Director, who indicated that the purpose of the meeting this evening was to receive comments and answer questions from the public with respect to the proposed amendment to the Regional Niagara Policy Plan.

GC-166/98

Mr. Cambray introduced the third member of Regional Councillor, Bruce Timms, who had arrived during the course of the meeting.

Mr. Cambray noted that the purpose of the amendment was to permit an 84 acre expansion to the urban area which is located north of Regional Road 20, east of Lookout Street and west of Haist Street in the Town of Pelham.

Mr. Cambray reviewed the planning act requirements noting that if a person or public body does not make oral submissions at a public meeting or make written submissions to Regional Niagara before the proposed Official Plan Amendment is adopted, then the Ontario Municipal Board may dismiss all or part of the appeal. He also stated that anyone wishing to be notified of the adoption of the proposed Regional Official Plan Amendment must submit a written request to the Office of the Regional Clerk.

Mr. Cambray then reviewed the meeting procedures indicating that no final decision on the amendment has been made to date by Regional Council.

Mr. Cambray then reviewed Report DPD 111-98 dated September 9<sup>th</sup>, 1998 which was submitted to the Regional Planning Services Committee. The report indicates that the report is for the background information of the Committee and that the purpose is to provide the Committee and Regional Council with information regarding the application to amend the Regional Policy Plan to permit an 84 acre expansion to the Fonthill Urban Area. He further stated that the area is proposed for residential development and that an amendment is also required to the Town of Pelham Official Plan.

Mr. Cambray then commented on the site and surrounding area, as well as some of the planning policy considerations. He indicated that the site is presently designated "Good Tender Fruit" on the agricultural land base map in the Regional Policy Plan. As well, Mr. Cambray noted Section 5.6 of the Regional Policy Plan which contains a set of review criteria for considering expansions to urban areas.

In closing, Mr. Cambray noted that the subject site was one of five areas initially studied for possible inclusion by the Town of Pelham in order to meet its long term residential and business/industrial land needs and that eventually Town of Pelham Official Plan Amendment 30 and Regional Policy Plan Amendment 112 supported urban expansions to the east of Fonthill as well as the Timsdale property. He noted that Regional Policy Plan Amendment 112 is presently before the Minister of Municipal Affairs and Housing for approval.



Chair Walker then introduced Mr. Stuart Ellis, Solicitor for Mori/Weiland - Mr. Ellis noted in his opening remarks that the purpose of the meeting this evening was not to make a decision but to obtain input from the public and to receive all the facts. Mr. Ellis also noted that there is presently urban development on three sides of the subject property.

He indicated that in March, 1994 the report of the Town examined various areas which were adjacent to the present urban area boundary and that the area in question had been included as it seemed to be a logical extension of the urban area boundary. He also indicated that the land had definable boundaries for inclusion and that it did not intrude into agricultural lands.

He stated that, at that point, many concerns were received by the municipality and therefore Area 1 (Mori/Weiland lands) had been removed and the applicant's were advised to proceed on their own, which they have done.

Mr. Ellis commented on the comments which have been received from various Ministries with respect to the site in question.

Mr. Ellis noted that on the practical side his applicant's could leave the lands unproductive; could investigate the possibility for sand and gravel extraction or they could investigate the possibility of the Ministry of Transportation purchasing additional lands for highway expansion.

He further noted that one major concern is with respect to the effect on the headwaters of the Twelve Mile Creek and he noted that a stormwater management study has been commissioned to address this matter.

Mr. Ellis noted that the Niagara Escarpment Commission has suggested a buffer and he indicated that his clients will deal with this matter.

In closing, Mr. Ellis made mention of the various studies which had been submitted by his clients in support of their application, also noting that his clients would be willing to pay for a booster system as required for the supply of water.

Chair Walker then opened the meeting for public input.

Mr. Doug Andrey - Mr. Andrey questioned as to how much park land would be retained in this area and also his concern with respect to the widening of Lookout Street, as, in his opinion, it would encroach on the properties presently located on the street.

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Mr. Barker responded, by noting that 5% of the 84 acres would be taken for recreational purposes.

Mr. Neil MacGregor - Mr. MacGregor noted his concern with respect to the water supply and the impact on the quality of life in the area. He stated that Council has already turned down the request for inclusion of this area in the urban area boundary expansion and that, in his opinion, nothing has changed.

Mrs. Don MacCrae - Mrs. MacCrae questioned the impact on the schools in the area.

Chair Walker indicated that at this point there is no information on this matter.

Mr. John Bacher, representing PALS - Mr. Bacher, in his opening remarks, noted that the Ministry had removed this property from the urban area boundary expansion and that at that point they did not appeal the decision to the Ontario Municipal Board. He noted that in 1981, Regional Niagara designated the property as unique fruit land and indicated that the lands should not be included in any expansions.

Mr. Bacher also noted his disagreement with the comments of Clayton Research which compares Area 1 to Areas 2, 3 and 4. He also commented on the report which had been carried out by Geoconcepts Ltd. with respect to the Aggregate Study.

In closing, Mr. Bacher indicated that he would submit his questions and/or concerns, in writing, to the municipality in the near future.

Chair Walker responded to the comment of Mr. Bacher respecting the decision of the Ministry not to include these lands in 1975 stating that the owners of the lands did not represent themselves at the hearing.

Mr. Doug Andrey - Mr. Andrey noted that, in his opinion, the lands in question were very good agricultural lands.

Mr. Donald Haist - Mr. Haist requested a copy of the Archaeological Study which had been carried out. Staff responded that they would make the study available to Mr. Haist.

Chair Walker then requested comments from members of Regional Council and/or General Committee of the Town.

Regional Councillor Jane Hughes - questioned the comment on Mr. Ellis with respect to the matter that there is development on three sides of the subject site. Mr. Ellis responded that there

are 7 homes located on the east side of Lookout Street.

Regional Councillor Jane Hughes noted that, in her opinion, this would not be considered urbanization.

At this point in the meeting, Chair Walker declared the public meeting closed.

5. BUSINESS SUBDIVISION:

(A) PLANNING SERVICES:

(i) Hearing of Delegations:

There were no delegations listed and/or in attendance to be heard.

(ii) Staff Reports:

Report P-35/98 re Technical Information Report - Proposed Official Plan Amendment Application #AM-8/96 - Mori/Weiland Property (N/E Corner of Highway #20 and Lookout Street) - Lot 3, Concession 7 - RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report P-35/98 re Technical Information Report - Proposed Official Plan Amendment Application #AM-8/96 - Mori/Weiland Property (N/E Corner of Highway #20 and Lookout Street) - Lot 3, Concession 7 be received. CARRIED, CHAIR, COUNCILLOR W. B. WALKER

(iii) Other & New Business:

There was no items listed or presented for consideration by the Committee.

(iv) Communications Received to September 9<sup>th</sup>, 1998:

(A) Information Items #1 to #7 - RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT Planning Services communications received to September 9<sup>th</sup>, 1998, Items #1 to #7 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR W. B. WALKER

(B) OPERATIONS:

At this point in the meeting, Councillor W. B. Walker vacated the Chair and Councillor S. Matthews, Chair for the Operations portion resumed the Chair.

(i) Hearing of Delegations:

There were no delegations listed or in attendance to be heard.

(ii) Staff Reports:

GC-170/98

Report MOR-41/98 re Pelham Evangelical Friends Church Request for Sanitary Sewer Extension - Chair, Councillor Matthews noted a letter which was received this evening by members of the Committee, from Pastor Matthew Chesnes respecting the request of the Pelham Evangelical Friends Church for a sanitary sewer extension. Staff was requested to respond to the request and to prepare a report and recommendation for consideration by the Committee at a later date. Staff was also requested to advise Pastor Matthew Chesnes as to the date of the meeting when this issue will be considered by the General Committee.

RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT the Committee recommend to Council that Report MOR-41/98 re Pelham Evangelical Friends Church Request for Sanitary Sewer Extension be tabled pending further examination of the request by Operations Staff. CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-42/98 re Summary of Special Event Permits - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report MOR-42/98 re Summary of Special Event Permits be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-44/98 re Pelham Arena Food & Beverage Concession & Pelham Skate Sharpening Concession - Award of Tenders - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that Report MOR-44/98 re Pelham Arena Food & Beverage Concession & Pelham Skate Sharpening Concession - Award of Tenders be received; AND THAT the recommendations contained therein be approved, as follows: - "THAT the Committee recommend to Council that the quotation received from B & G Concessions (Beth & Glen Wurfel) of \$1,000.00 per month plus GST for the concession privilege and 2% of the gross monthly revenues for the operation of the Pelham Arena Food & Beverage Concession from September 15<sup>th</sup>., 1998 to April 15<sup>th</sup>., 1999 be accepted forthwith; AND THAT the quotation received from Pelham Skate Sharpening & Supplies (Ivan & Jana Gojmerac) of \$80.00 per month (GST included) for the concession privilege and 0% on the gross monthly revenues for the operation of the Skate Sharpening Concession commencing September 15<sup>th</sup>., 1998 for a three year period ending April 2001, be accepted forthwith." CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-45/98 re Fenwick Flagpole: Structural Repairs & Painting - Award of Tender - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that Report MOR-45/98 re Fenwick Flagpole: Structural Repairs & Painting - Award of Tender be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the tender of \$1,926.00 submitted by Robertson Enterprises for the structural repairs and painting of the Fenwick Flagpole be

accepted forthwith." CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-46/98 re 1998 Pavement Marking Program - Award of Tender - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT the Committee recommend to Council that Report MOR-46/98 re 1998 Pavement Marking Program - Award of Tender be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the tender of \$1,189.98, GST included, submitted by Hughes Pavement Marking for the 1998 Pavement Marking Program be accepted, forthwith." CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-47/98 re 1998 Sanitary Sewer Video Inspection Program - Award of Tender - RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the Committee recommend to Council that Report MOR-47/98 re 1998 Sanitary Sewer Video Inspection Program - Award of Tender be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the tender price of \$17,235.95 (GST included) submitted by Trans Video (Niagara) Limited be accepted forthwith for the 1998 Sanitary Sewer Video Inspection Program." CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

Report MOR-48/98 re Old Pelham Town Hall Signage - Award of Tender - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that Report MOR-48/98 re Old Pelham Town Hall Signage - Award of Tender be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the tender in the amount of \$4,720.00 (taxes not included) submitted by Allograph Inc. to produce and install the Old Pelham Town Hall Signage, be accepted forthwith." CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

In response to a question raised by Councillor C. Kuckyt, Director of Operations L. J. Hodge noted that the life expectancy of the suggested sign is 15-20 years and that a policy with respect to charging for advertising in the removable portion of the sign would be formulated and referred to the General Committee for consideration in the near future.

(iii) Other & New Business:

There were no items listed and/or presented for consideration.

(iv) Communications Received to September 9<sup>th</sup>, 1998:

(A) Information Item #1 (All Members) - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR U. BRAND - THAT Operations Division communications received to September 9<sup>th</sup>, 1998, Item #1 be received for the

information of the Committee. CARRIED, CHAIR, COUNCILLOR S. MATTHEWS

(C) CORPORATE SERVICES:

At this point in the meeting, Councillor S. Matthews vacated the Chair and Councillor C. Kuckyt resumed the chair as Chair of the Corporate Services Division.

(i) Hearing of Delegations:

No letters of request were received to the date of the meeting.

(ii) Staff Reports:

Report B&E-29/98 re Building Permit & Complaints Report for the Month of August, 1998 - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT the Committee recommend to Council that Report B&E-29/98 re Building Permit & Complaints Report for the Month of August, 1998 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

Report B&E-30/98 re Roof Replacement - Contract No. BLDG 98-03 - Pelham Fire Station No. 1 and Pelham Arena - RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report B&E-30/98 re Roof Replacement - Contract No. BLDG 98-03 - Pelham Fire Station No. 1 and Pelham Arena be received; AND THAT the recommendations contained therein be approved, as follows: - "THAT the Committee recommend to Council that Council accept the tender of D. F. Brown Roofing in the amount of \$10,360.00 (GST not included) for the roof replacement at Fire Station No. 1, identified as Fire Station #1 - Roof Area One in Town of Pelham Tender No. BLDG 98-03; AND THAT the Committee recommend to Council that Council defer the arena roof replacements, identified as Pelham Arena - Roof Area One and Pelham Arena - Roof Area Two in Town of Pelham Tender No. BLDG 98-03, until the year 2000 and that the \$10,000.00 capital budget amount be held in the parks reserve for the purpose of the roof replacements at that time." CARRIED, CHAIR, COUNCILLOR C. KUCKYT

Report DC-11/98 re Christmas Week Holiday - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that Report DC-11/98 re Christmas Week Holiday be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the Town's operations (except for essential services) be closed from Monday, December 28<sup>th</sup>, 1998 to Friday, January 1<sup>st</sup>, 1999." CARRIED, CHAIR, COUNCILLOR C. KUCKYT

Report FD-15/98 re Purchase of Self-Contained Breathing Apparatus - RECOMMENDATION - MOVED BY COUNCILLOR S.

MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report FD-15/98 re Purchase of Self-Contained Breathing Apparatus be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the Director of Fire Services be granted permission to purchase, from Team-1, 4 Draeger Air Box Deluxe 4500 PSI full composite air packs complete with 30 minute bottles, 12 spare bottles, 12 spare masks, at a total cost of \$22,460.00 plus applicable taxes." CARRIED, CHAIR, COUNCILLOR C. KUCKYT

Report FD-16/98 re Purchasing of Carbon Monoxide Detectors - RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the Committee recommend to Council that Report FD-16/98 re Purchasing of Carbon Monoxide Detectors be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the Director of Fire Services be granted permission to purchase 2 - Neotronics Mini 4 Gas Detectors at a cost not to exceed \$4,330.00 plus applicable taxes." CARRIED, CHAIR, COUNCILLOR C. KUCKYT

(iii) Other & New Business:

Approval of Accounts - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that the accounts as per Cheque Register dated September 14<sup>th</sup>., 1998 in the amount of \$242,904.99 be approved and ordered paid. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

(iv) Communications received to September 9<sup>th</sup>., 1998:

(A) Information Item #1 - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT Corporate Services communications received to September 9<sup>th</sup>., 1998, Item #1 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

(B) Action Item #2 - Chair, Jeff Remington, Physician Resources Planning Task Force/Niagara District Health Council - to which is attached a template for application to the Ministry of Health for Niagara to be Designated an Underserved Area for General Practitioners/Family Physicians, requesting that same be completed by all municipalities within the Region of Niagara. The deadline for submission of the template, as well as letters of support is October 9<sup>th</sup>., 1998. The letter indicates that it is the aim of the task force to complete the application by the end of 1998 for approval by the District Health Council in January, 1999. RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - WHEREAS there is concern by the residents of the Town of Pelham regarding the severe shortage of family physicians in the community; AND WHEREAS new residents are experiencing difficulties finding a local family physician to act as their primary caregiver; AND WHEREAS the proportion of seniors

in Niagara exceeds the provincial average and is expected to continue to rise as more and more individuals move to Niagara to retire; AND WHEREAS the Ontario Ministry of Health provides an Underserviced Area Program to assist Southern Ontario communities experiencing shortages of family physicians; NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM supports the efforts of the Physician Resources Planning Task Force of the Niagara District Health Council in making application to designate Niagara as an underserviced area. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

7 COMMITTEE OF THE WHOLE:

RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the General Committee enter into Committee of the Whole with Acting Mayor W. B. Walker as Chair. CARRIED, CHAIR, ACTING MAYOR W. B. WALKER

RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the General Committee adjourn the Committee of the Whole session and resume the balance of the agenda. CARRIED, CHAIR, MAYOR R. BEAMER

8 REPORT ON COMMITTEE OF THE WHOLE:

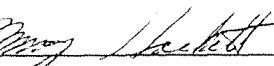
Report DC-10/98 re Sick Leave Days Update to August 31, 1998 - RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the Committee recommend to Council that Report DC-10/98 re Sick Leave Days Update to August 31, 1998 be received for the information of the Committee. CARRIED, CHAIR, ACTING MAYOR W. B. WALKER

It was agreed that the Short Term Disability Plan Policy would be placed on a future meeting of the Committee for review.

9 ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT this regular meeting of the General Committee be adjourned until the next regular meeting scheduled for MONDAY, SEPTEMBER 28<sup>th</sup>, 1998, unless sooner called by the Chair. CARRIED, CHAIR, ACTING MAYOR W. B. WALKER

  
CHAIR

  
SECRETARY



GC-194/99

GENERAL COMMITTEE

GC-18/99

October 12, 1999

Minutes of a regular General Committee meeting held on Tuesday, October 12<sup>th</sup>, 1999 at 7:00 p.m. in the Municipal Council Chambers, 20 Pelham Town Square, Fonthill.

ATTENDANCE: Mayor R. Beamer;  
Members of the Committee -  
Councillors U. Brand, R. Hatt,  
G. Berkhout, C. Kuckyt, S.  
Matthews & W. B. Walker;  
Staff in attendance - (Full Time)  
C.A.O./Director of Financial Services  
G. Cherney, Director of Operations  
L. J. Hodge, Director of Planning Services  
J. Bernardi, Director of Fire  
Services S. McLeod & Recording  
Secretary (Clerk) Cheryl Miclette;  
Also in attendance were members  
of the media, Planning Consultant  
G. Barker of BLS Planning Associates,  
delegates and interested citizens.

1. CALLED TO ORDER:  
The meeting was called to order by Mayor R. Beamer.

2. ADOPTION OF AGENDA:  
RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED  
BY COUNCILLOR W. B. WALKER - THAT the agenda for the October 12<sup>th</sup>,  
1999 regular General Committee meeting be changed by moving Item 5  
(i) Hearing of Delegations after Report P-42/99 contained under  
Item 5 (ii) Staff Reports in order to allow the delegates an  
opportunity to hear the presentation by the planning consultant  
with respect to the recommendations contained in Report P-42/99.  
CARRIED, CHAIR, MAYOR R. BEAMER

RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS,  
SECONDED BY COUNCILLOR U. BRAND - THAT the agenda for the October  
12<sup>th</sup>, 1999 regular General Committee meeting, be adopted, as  
amended. CARRIED, CHAIR, MAYOR R. BEAMER

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE  
THEREOF:  
Councillor C. Kuckyt disclosed an indirect pecuniary  
interest with respect to Report P-42/99 and delegates slated under  
the Planning Services Division re Urban Area Boundary Expansion,  
due to the fact that she owns property within one of the candidate  
areas being considered for urban area boundary expansion.

There were no other disclosures of pecuniary interest  
noted by members of the Committee.

At this point in the meeting, Mayor Beamer vacated the Chair and Councillor U. Brand resumed the chair as Chair for the Planning Services Division.

4. PUBLIC MEETING UNDER PLANNING ACT:

There were no public meetings scheduled under the Planning Act.

At this point Councillor Kuckyt left the chambers due to the indirect pecuniary interest noted earlier.

5. BUSINESS SUBDIVISION:

(A) PLANNING SERVICES:

(i) Hearing of Delegations:

The hearing of delegations was deferred until Report P-42/99 had been presented by staff with respect to Proposed Official Plan Amendment Application #AM-8/96.

(ii) Staff Reports:

Report P-42/99 re Proposed Official Plan Amendment Application #AM-8/96 & Proposed Regional Policy Plan Amendment No. 118 - Expansion to Fonthill Urban Area - Regional Road 20, Lookout Street and Haist Street - At this point, Chair, Councillor Brand turned the meeting over to the Town's Planning Consultant, Mr. Glen Barker.

Mr. Barker highlighted and set out the reasons for the recommendations set out in Report P-42/99. He noted that the recommendations contained therein were compiled after many discussions and after much deliberation with the commenting agencies, as well as the applicant and also taking into consideration the comments received at the September public meeting.

Mr. Barker noted the Provincial Policy Statement (Policy 1.1.2 (a) which requires the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. With respect to this policy statement, Mr. Barker noted that by the time boundary approvals are given, the Town will be almost at the 20 year time horizon.

In closing, Mr. Barker explained the various designations contained in the recommendation, as follows: - "Area of Natural Scientific Interest" - northwest quadrant; "Special Deferred Urban Residential Area" - lands located next to ANSI and the Niagara Escarpment Plan Area and "Deferred Urban Residential Area" - balance of expanded Fonthill Urban Area.

(i) Hearing of Delegations:

Mr. John Bacher on behalf of PALS - Mr. Bacher briefly reviewed the three concerns set out in his letter dated

October 5th., 1999, as follows:

1. the urban expansion represents a harmful precedent into the permanent boundaries established for good grape and tender fruit lands established by the Niagara Regional Policy Plan.
2. the subject lands are in fact Good Tender Fruit land, since the applicant has not provided adequate data based on site studies of microclimate to refute the current mapping in the Niagara Regional Policy Plan.
3. if the urban growth recommended in the proposed amendment is seen as desirable by Council, it would be better situated on lands currently not designated as Tender Fruit in the Niagara Regional Policy Plan.

Mr. Bacher also noted that the Ministry of Agriculture, Food & Rural Affairs is not satisfied that Provincial Policy Statement 1.1.2 (a) has been met.

In closing, Mr. Bacher asked the Committee not to support the recommendations contained in Report P-42/99.

Mr. Neil McGregor, former owner of property on Haist Street - Mr. McGregor noted concerns about the timing for receipt and review of the report by interested parties. Mr. McGregor raised various concerns with respect to traffic impact, proposed number of units now being considered (200± instead of 400± previously noted); why Area 1 was being placed in a deferral situation if Areas 2, 3, 4 and 5 have already been approved for inclusion.

In closing, Mr. McGregor requested the support of Council to have the matter deferred for another 10 years.

Mr. Barker responded to the concerns raised by Mr. McGregor, as follows:

- (1) the issue of lower density is addressed on Page 15 of the report
- (2) issue of deferral for another 10 years - noted that the area is being included in order to bring closure to the issue and to meet the short and long term needs of the municipality
- (3) issue of traffic impact - noted that the consultant who prepared the study felt that there would be little or no impact on the area and that that statement was made prior to the reduction in the proposed housing units for the area and therefore he feels that the statement is still true, because of the reduction.

In closing, Mr. Barker noted that interested parties would also be included in the Official Plan - Secondary Plan process which will occur in the future.

Mr. Stuart Ellis, Solicitor representing Mori Nurseries - Mr. Ellis indicated that his client supports the recommendations contained in the report and that this matter actually started 3 years ago, but that the public meeting was held in September, 1998

as part of the planning process. Mr. Ellis also noted that Area 1 was included in the original urban area boundary expansion proposal. He further noted that 7 reports had been filed with the municipality as requested with respect to various issues, such as traffic impact, etc.

Mr. Ellis then noted that after numerous meetings and deliberations with Ministry staff, Regional staff and Town staff, the revised proposal had been agreed upon. He further stated that the development of Area 1 would not proceed if it was found to have an adverse impact on the surrounding areas.

In closing, Mr. Ellis noted that this amendment goes hand-in-hand with Regional Policy Plan Amendment #118. He also noted that Area #1 is a better location for development because of servicing, roads, etc. and the fact that only 2 individual owners are involved with Area 1 as Areas 2, 3 and 4 involves approximately 71 individual owners.

Mr. Jim Garrett of Mori Nurseries Ltd. - Mr. Garrett noted that he did not have anything further to add to the submission made, on behalf, by Mr. Stuart Ellis.

Mr. Oscar Weiland - Mr. Weiland stated that, in his opinion, Area 1 affords the opportunity for a well designed "adult community lifestyle" development, at no cost to the taxpayers of Pelham. He also stated that it would be an asset to the municipality.

In closing, Mr. Weiland stated that the lands in question are not prime agricultural lands any longer and that this request for inclusion of Area 1 does not offend the Guidelines for Agricultural Practices set out by the Ministry.

Mr. Doug Andrey - Mr. Andrey indicated that all his concerns had been addressed and that he would not be making a presentation to Committee on the matter.

(ii) Staff Reports: (con't)

Report P-42/99 re Proposed Official Plan Amendment Application #AM-8/96 & Proposed Regional Policy Plan Amendment No. 118 - Expansion to Fonthill Urban Area - Regional Road 20, Lookout Street and Haist Street - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the Committee recommend to Council that Report P-42/99 - Proposed Official Plan Amendment Application #AM-8/96 & Proposed Regional Policy Plan Amendment No. 118 - Expansion to Fonthill Urban Area - Regional Road 20, Lookout Street and Haist Street be received; AND THAT the recommendations contained therein be approved, as follows:

"THAT the Committee recommend to Council that Official Plan Amendment Application #AM-8/96 not be approved as applied for, rather:

(i) the subject lands be included inside the Fonthill Urban Area; and,

- (ii) the lands located in the northwest quadrant of the expanded Fonthill Urban Area be designated as an "Area of Natural Scientific Interest"; and,
- (iii) the lands located next to the "Area of Natural Scientific Interest" and the Niagara Escarpment Plan Area be designated as a "Special Deferred Urban Residential Area"; and,
- (iv) the balance of the expanded Fonthill Urban Area be designated as a "Deferred Urban Residential Area";

AND THAT staff be directed to prepare the necessary amending by-law for consideration by Council;

AND THAT Regional Niagara be advised that the Town of Pelham is not opposed to Regional Policy Plan Amendment 118;

AND THAT copies of this report be forwarded to the applicant, Regional Niagara, and all of the commenting agencies for their information." CARRIED, CHAIR, COUNCILLOR U. BRAND

Report P-43/99 re Technical Information Report - Proposed Zoning By-law Amendment Application #AM-5/99 - John DiMartile & Dave Jones, Part Lot 4, Conc. 11, Foss Road - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR C. KUCKYT - THAT the Committee recommend to Council that Report P-43/99 re Technical Information Report - Proposed Zoning By-law Amendment Application #AM-5/99 - John DiMartile & Dave Jones, Part Lot 4, Conc. 11, Foss Road be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that a public meeting be targeted for November 22nd., 1999, pursuant to the provisions of the Planning Act." CARRIED, CHAIR, COUNCILLOR U. BRAND

Report P-44/99 re Proposed Site Plan Agreement Application #SP-6/99 - Proposed Dry Cleaning Establishment (Yazz Cleaners) - Anthony & Susan Mule, 126 Highway #20 East (former KFC building) - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that Report P-44/99 re Proposed Site Plan Agreement Application #SP-6/99 - Proposed Dry Cleaning Establishment (Yazz Cleaners) - Anthony & Susan Mule, 126 Highway #20 East (former KFC building) be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that staff be directed to place the necessary by-law before Council for their consideration at its regular meeting of October 18th., 1999 authorizing a site plan agreement between the Town and Anthony & Susan Mule provided the final site plan is acceptable to staff." CARRIED, CHAIR, COUNCILLOR U. BRAND

- (iii) Other & New Business:  
There were no items listed and/or presented for consideration.

(iv) Communications Received to October 6<sup>th</sup>, 1999:

(A) Information Items #1 to #3 - RECOMMENDATION  
- MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT -  
THAT Planning Services communications received to October 6<sup>th</sup>,  
1999, Items #1 to #3, be received for the information of the  
Committee. CARRIED, CHAIR, COUNCILLOR U. BRAND

(B) OPERATIONS:

At this point in the meeting, Councillor U. Brand  
vacated the Chair and Councillor G. Berkhout, Chair for the  
Operations portion did not take the Chair, as there were no items  
for consideration under this division.

(i) Hearing of Delegations:

There were no delegations listed or in  
attendance to be heard.

(ii) Staff Reports:

No staff reports

(iii) Other & New Business:

There were no items listed and/or added to this  
portion of the agenda.

(iv) Communications Received to October 6<sup>th</sup>, 1999:

There were no communications listed.

(C) CORPORATE SERVICES:

At this point in the meeting, Councillor U. Brand  
vacated the Chair and Councillor R. Hatt resumed the chair as Chair  
of the Corporate Services Division.

(i) Hearing of Delegations:

There were no letters of request received and/or no  
one in attendance to be heard.

(ii) Staff Reports:

Report FD-14/99 re JEPP Funding Grant -  
RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY  
COUNCILLOR S. MATTHEWS - THAT the Committee recommend to Council  
that Report FD-14/99 re JEPP Funding Grant be received; AND THAT  
the recommendations contained therein be approved, as follows: -  
"THAT the Committee recommend to Council that Council approve the  
JEPP Funding Application; AND THAT the Mayor and CAO/Treasurer be  
granted permission to make application; AND THAT the Director of  
Fire Services be authorized to make application forthwith."  
CARRIED, CHAIR, COUNCILLOR R. HATT

Report DC-15/99 re Tile Drain Loan Application -  
Chris & Virginia VanRooy, 2460 Effingham Street - RECOMMENDATION -  
THAT the Committee recommend to Council that Report DC-15/99 re  
Tile Drain Loan Application - Chris & Virginia VanRooy, 2460  
Effingham Street be received; AND THAT the recommendation  
contained therein be approved, as follows: -

"THAT the Committee recommend to Council that the tile drain loan application received from Chris & Virginia VanRooy, 2460 Effingham Street, in the amount of \$5,300.00, be approved." CARRIED, CHAIR, COUNCILLOR R. HATT

(iii) Other & New Business:

Approval of Accounts - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the Committee recommend to Council that the accounts as per Cheque Register dated October 12<sup>th</sup>., 1999 in the amount of \$110,445.28 be approved and ordered paid. CARRIED, CHAIR, COUNCILLOR R. HATT

(iv) Communications received to October 6<sup>th</sup>., 1999:

(a) Information Item (All Members) #1 - RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT Corporate Services communications received to October 6<sup>th</sup>., 1999, Item #1 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR R. HATT

7. COMMITTEE OF THE WHOLE:  
There was no Committee of the Whole session held.

8. ADJOURNMENT:  
RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT this regular meeting of the General Committee be adjourned until the next regular meeting scheduled for MONDAY, OCTOBER 25<sup>TH</sup>., 1999, unless sooner called by the Chair. CARRIED, CHAIR, MAYOR R. BEAMER

R. Beamer  
CHAIR

Robert H. Hatt  
SECRETARY



Regional  
**NIAGARA**

**PLANNING AND DEVELOPMENT DEPARTMENT**

The Regional Municipality of Niagara  
2201 St. David's Road, P.O. Box 1042  
Thorold, Ontario L2V 4T7  
Telephone: (905) 984-3630  
Fax: (905) 641-5208

**RECEIVED**

SEP 15 1998

TOWN OF PELHAM  
PLANNING DEPT.

September 9, 1998

File: RE.am-118

Mr. Jack Bernardi  
Planning Director, Town of Pelham  
P. O. Box 400  
20 Pelham Town Square  
Fonthill, ON  
L0S 1E0

Dear Mr. Bernardi:

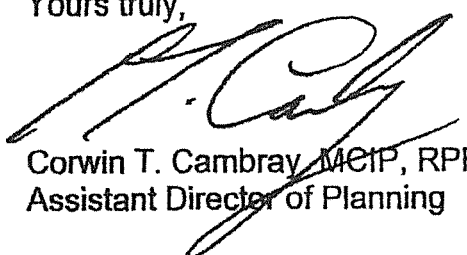
**Re: Request for Comments**  
**Regional Policy Plan Amendment 118**  
**Expansion to Fonthill Urban Area**  
**Mori/Welland Property**  
**Town of Pelham**

The above noted application for a Regional Policy Plan Amendment involves a proposed expansion to the Fonthill Urban Area on an 84-acre site located north of Regional Road 20 and west of Haist Street and east of Lookout Street in the Town of Pelham.

This application has been the subject of a number of meetings over the past year with the applicant and his consultants and involving Provincial, Regional and local staff. Could you please review this application as it relates to the policies and programs of your agency and submit any comments to me prior to October 23, 1998.

I have enclosed a copy of a Background Information Report for your information. If you have any questions or require further information contact Drew Semple with this Department.

Yours truly,



Corwin T. Cambray, MCIP, RPP  
Assistant Director of Planning

Encl.  
DS/mr

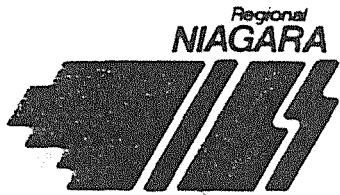
c: Zdravko Weing  
M:\MSWORD\DSAM118-PRI.doc

**RECEIVED**

SEP 15 1998

TOWN OF PELHAM





DPD 111-98  
September 9, 1998

File: RE.am-118

**REPORT TO:** Chair and Members of the  
Planning Services Committee

**SUBJECT:** Background Information Report  
Regional Policy Plan Amendment 118  
Expansion to Fonthill Urban Area  
Mori/Weiland Property  
Regional Road 20, Lookout Street and Haist Street  
Town of Pelham

---

## **RECOMMENDATION**

That this Committee recommend to Regional Council:

1. That this background report be received for information purposes.

### **Purpose of the Report**

The purpose of this report is to provide Committee and Council with some information regarding an application in the Town of Pelham to amend the Regional Policy Plan to permit an 84 acre expansion to the Fonthill Urban Area on a site north of Regional Road 20.

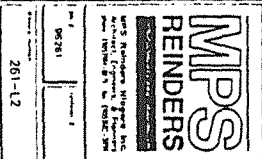
### **Nature and Purpose of the Application**

This application to expand the Urban Area of Fonthill was originally received in November 1996 from Coughlin Consultants on behalf of Mori Nurseries, Bella Mori Farms, and Oscar Weiland. Early in 1997, Mr. Zdravko Weing replaced Mr. Coughlin as the applicant's planning consultant. The application involves about 34 hectares (84 acres) of land located north of Regional Road 20, west of Haist Street and east of Lookout Street to the north and west of the existing Fonthill Urban Area. A location map is on page 2.

The area is proposed for residential development as shown in a "Preliminary Layout" Plan prepared by the applicant (see page 3). An amendment is also required to the Town of Pelham Official Plan.

In June 1997, the applicant submitted a set of reports and documents in support of the application. The documents included:

- A planning report from Zdravko Weing. "Request to Include Area 1", June 1997,
- "Financial Impact Study", May 1997, prepared by Clayton Research Associates,



The existing Urban Area Boundary includes the Firehall (but not the water storage tank) and a strip of commercial uses on the north side of Regional Road 20.

To the north of the proposed expansion area is a heavily treed steep slope and the Lookout Point Country Club.

To the south of Regional Road 20 is Lookout Village Apartments, some commercial uses, and residential uses all of which are inside the existing Urban Area. The Timsdale property is proposed for inclusion inside the Urban Area in Regional Policy Plan Amendment 112.

To the east of Haist Street are residential uses inside the existing Urban Area.

To the west of Lookout Street are six or seven houses and some agricultural uses toward Tice Road.

### **Some Planning Policy Considerations**

This application will be reviewed against the policies contained in the Regional Policy Plan and in the Provincial Policy Statement.

The site is presently designated "Good Tender Fruit Area" on the Agricultural Land Base Map in the Regional Policy Plan. The Regional Policy Plan in Policy 5.6 contains a set of review criteria for considering expansions to Urban Areas. The criteria are set out below.

**Policy 5.6** Expansions to the urban boundaries are a significant community undertaking requiring Amendments to the Regional and local Official Plans. The Region expects, and will encourage and assist, the efficient use of land within the existing urban boundaries through infilling, redevelopment, and increased densities. Expansions into the Niagara Escarpment Plan area are not encouraged and if proposed will require an Amendment to the Niagara Escarpment Plan.

An assessment of proposed urban boundary changes will be based on the Regional Strategy for Development and Conservation in Section 3. Proposed expansions should be considered within the context of an overall municipal review.

Particular criteria for the review of proposed urban boundary expansions are:

- the need for the proposed uses and the benefits and costs to the local and Regional community. The need assessment should consider the amount of developable land within existing urban areas, the demand for the type of development proposed in relation to the demographic forecasts for the local municipality

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE  
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 36

PART OF LOT 3, CONC. 7

AFFIDAVIT

I, **JACK BERNARDI**, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The following persons or public bodies made oral submissions at the public meeting held on September 14, 1998:

Mr. Stuart Ellis, solicitor for Mori/Weiland  
Mr. Doug Andrey, 1524 Lookout St.  
Mr. Neil MacGregor, Box 1084, Fonthill  
Mrs. Don MacRae, 327 Tice Road  
Mr. John Bacher, representing PALS  
Mr. Donald Haist, 1584 Lookout St.

- (3) The following persons or public bodies made oral submissions at the regular meeting of General Committee, Planning Services Division, held on October 12, 1999:

Mr. John Bacher, representing PALS  
Mr. Neil MacGregor, 431 Biggar Road  
Mr. Stuart Ellis, solicitor for Mori/Weiland  
Mr. Oscar Weiland, Haist St.

SWORN BEFORE ME AT THE  
TOWN OF PELHAM IN THE  
REGIONAL MUNICIPALITY OF NIAGARA  
THIS 2ND DAY OF NOVEMBER, 1999 A.D.

  
CHERYL MICLETTE, CLERK

  
JACK BERNARDI

## PLANNING SERVICES REPORT

P-35/98

TO: Chair, Councillor Brian Walker and Members of the General Committee,  
Planning Services Division

DATE OF REPORT: September 11, 1998

DATE OF MEETING: September 14, 1998

FROM: J. Bernardi, Director of Planning Services

SUBJECT: TECHNICAL INFORMATION REPORT  
Proposed Official Plan Amendment Application #AM-8/96  
Mori/Weiland Property (N/E Corner of Highway #20 and Lookout Street)  
Lot 3, Concession 7

=====

RECOMMENDATION:

THAT the General Committee, Planning Services Division, receive Planning Services Report P-35/98 re Technical Information Report - Proposed Official Plan Amendment Application #AM-8/96 - Mori/Weiland Property (N/E Corner of Highway #20 and Lookout Street), Lot 3, Concession 7.

Proposal:

The purpose of the application is to place the subject lands inside the Fonthill urban boundary of the Town of Pelham by amending the Town's Official Plan designation from "Unique Agricultural" to "Urban Residential". The applicant has also submitted a concurrent application to amend the Regional Policy Plan to change the designation from "Good Tender Fruit" to "Urban Area". A preliminary layout plan of the various land uses and road pattern is attached for Committee's information.

Background:

In March of 1993 a Phase 1 Report was prepared for the Town by Miller O'Dell Planning Associates Inc. and Proctor & Redfern Limited, in conjunction with Town staff, which identified five (5) candidate areas for urban boundary expansion. The attached Figure 1.1 identifies the five (5) candidate areas.

In March of 1994 the Town had a further report, prepared by the same consultants, titled Preferred Areas and Recommendations. The intent of this report was to address public and agency comments and provide analysis and recommendations on the candidate areas, specifically identifying the preferred areas of expansion.

As a result of the above, it was subsequently recommended that Candidate Areas 2, 3 and 4, west of Rice Road and the Timmsdale lands be advanced as Preferred Areas as indicated on Figure 1 and Candidate Areas 1 and 5 and that portion of Areas 2, 3 and 4 east of Rice Road be eliminated from further consideration as potential expansion areas.

Cont...

2. Agricultural Characteristics of, and Agricultural Context for the Proposed Urban Expansion Area No. 1 in the Town of Pelham, Regional Municipality of Niagara, prepared by AgPlan Limited, Guelph
3. Economic and Market Implications of Including Area 1 Within the Urban Area Boundary Expansion in Fonthill prepared by Clayton Research, Scarborough
4. Aggregate Resource Inventory and Aggregate Resource Extraction Issues, Mori Nurseries Property, Concession 7, Lot 3, Fonthill, Ontario, prepared by Geoconcepts Limited, Waterloo, in conjunction with Planning Initiatives Ltd., Kitchener
5. Sanitary and Water Servicing Review & Alternatives for Inclusion of Area 1 into the Town of Pelham Urban Area Boundary Expansion, prepared by Martin Engineering Inc., St. Catharines
6. Traffic Impact Assessment, Mori Property - Area 1, Fonthill (Town of Pelham) Regional Municipality of Niagara prepared by RGP Transtech Inc., Mississauga
7. Stage 1 Archaeological Assessment of Mori Property, Town of Pelham, Regional Municipality of Niagara, Ontario, prepared by Archaeological Services Inc., Toronto

The Committee will find attached executive summaries of the above studies.

The above reports and agency, public and Committee comments will form part of the review process.


The Committee will also find attached a Draft Official Plan Amendment which is required by the Planning Act to be prepared and made available at the public meeting together with background information in the form of this Technical Information Report.

Conclusion:

Staff will assess the merits of the application relative to the Provincial Policy Statement and the Regional and local Official Plans.

Prepared by,

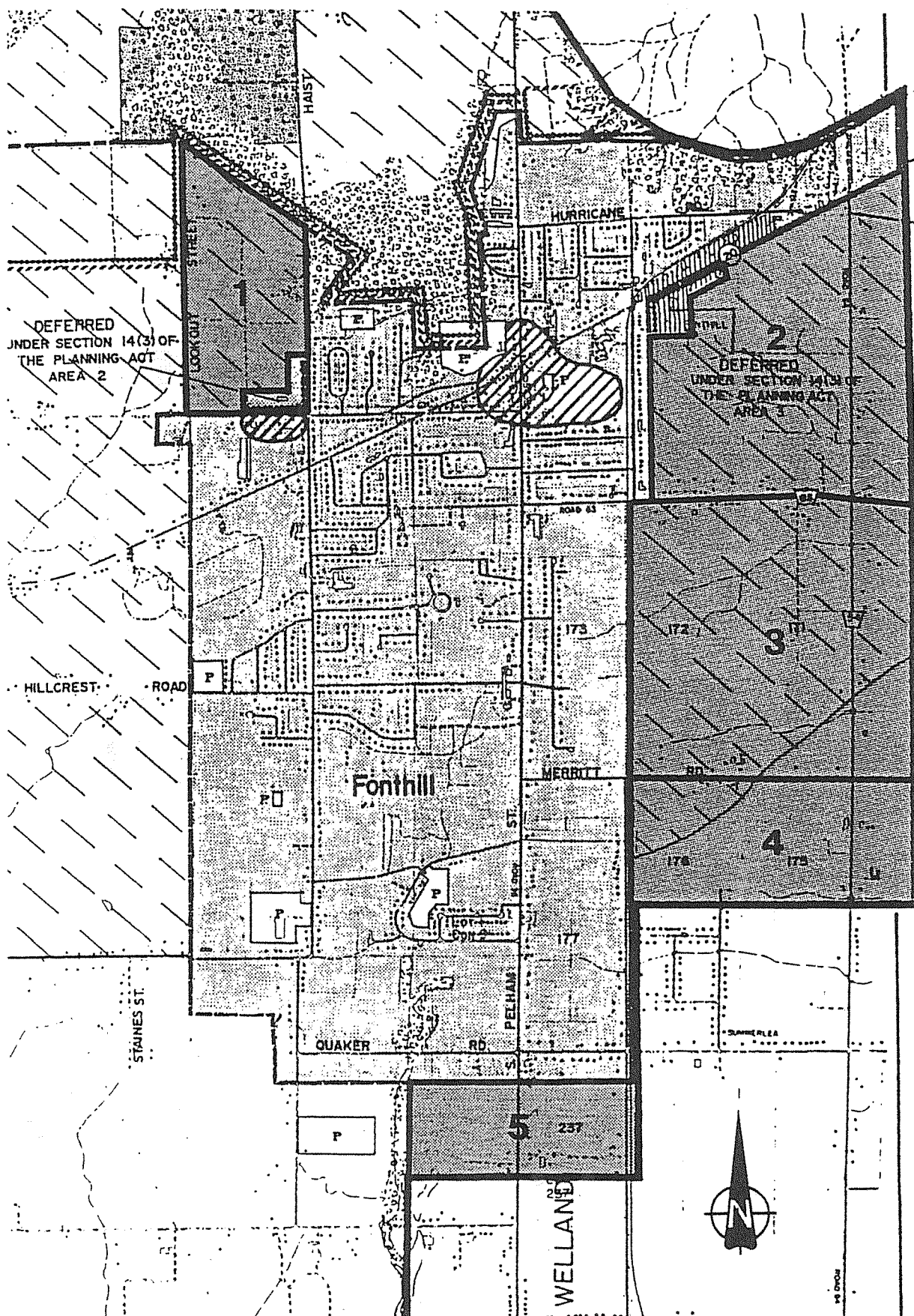
Reviewed by,

  
Jack Bernardi  
Director of Planning Services

Murray Hackett  
C.A.O./Clerk

JB/her  
Encl.

# CANDIDATE AREAS FOR URBAN BOUNDARY EXPANSION



**PLANNING ANALYSIS  
LOT 3, CONCESSION 7 – AREA 1  
ZDRAVKO WEING PLANNING CONSULTANTS**

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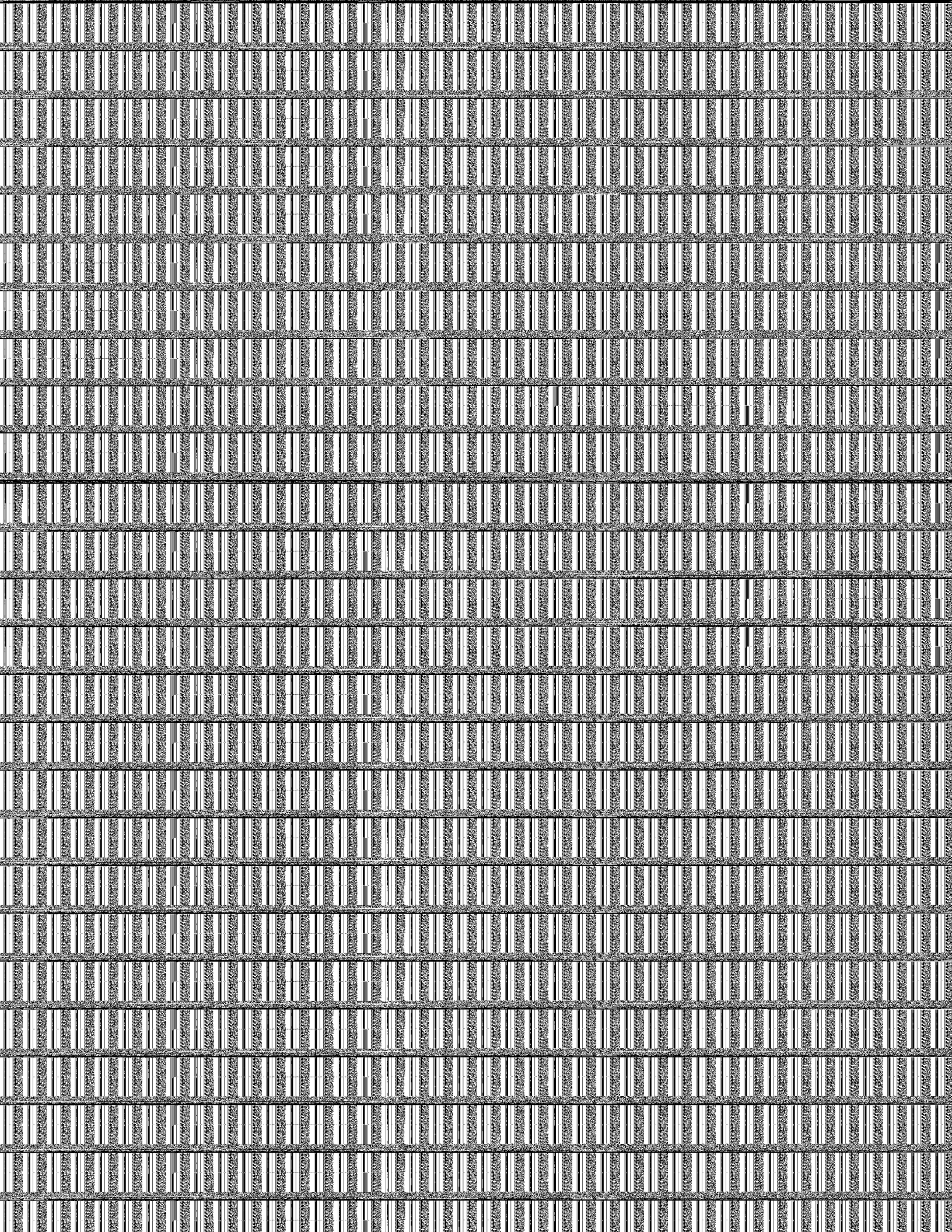
Zdravko Weing was retained to provide a planning assessment of the appropriateness of including the subject Area 1 within the Urban Area Boundary. The planning analysis focused on Policy 5.6 of the Regional Plan, particularly:

- The need for the proposed uses and the benefit and cost to the local and regional community.
- The availability of suitable alternative locations within the Municipality for proposals only serving local residents. For all other applications involving prime agricultural lands, the availability of suitable alternative locations also shall be considered.
- Compliance with the objectives and policies of the Regional Plan, including preferences for poor quality agricultural lands for development, preservation of high quality agricultural lands for agricultural uses, protection of natural resources, and support for physically separate urban communities.
- The location and effect of a new boundary on lands and activities remaining outside of the boundary.
- The availability and capability of servicing facilities.
- The comments of local municipalities, on demonstrated need, the evaluation of local resources, and the opportunity for orderly, efficient, and economic growth.

The above criteria were assessed and the following conclusions advanced:

- Area 1 is suitable for a short and medium term development whereas Expansion Areas 2,3 and 4 are more suitable for a long-term development.
- Area 1 in combination with Areas 2,3 and 4 are the most appropriate locations for urban area boundary expansion.
- From an agricultural perspective the subject Area 1 have lands of agricultural suitability and capability no different than Expansion Areas 2, 3 and 4.
- The expansion of the Urban Area Boundary will not negatively impact on abutting lands and activities.
- The subject Area 1 can be readily serviced.





- 
- A larger share of the shift in demand from St. Catharines (related to supply constraints in St. Catharines) is expected to go to Pelham, then projected by the Region.
  - A shortfall of at least 257 to 387 residential units is expected in Pelham by the year 2017, even with the development of Expansion Areas 2, 3 and 4 and the Timsdale lands based on the demand projections prepared by the Region as adjusted by Clayton Research to account for an expected larger shift of demand for ground oriented housing from St. Catharines to Pelham. In view of this and the expected appeal of the Area 1 lands as a site for new housing, particularly for move up and adult lifestyle buyers, it is appropriate that Area 1 be added to the Urban Area Boundary in order to meet the projected demand for new housing in Pelham over the next 20 years.

### ***Financial Implications***

The assessment of the economic implications of including Area 1 within the Urban Area Boundary comprised the following steps:

- Examine the capital cost and revenues for Area 1 versus Expansion Areas 2,3 and 4; and
- Assess the relative fiscal implication of developing Area 1 in relation to Expansion Areas 2, 3 and 4.

This assessment resulted in the following key conclusions:

- With respect to the hard services examined (primarily sanitary sewers, water and roads), the costs of proceeding with the development of Area 1 would be considerably less than for Expansion Areas 2, 3 and 4.
- Development of Expansion Areas 2, 3 and 4 would generate a large shortfall between revenues and costs based on the Town's existing development charges rates, whereas, the potential shortfall for Area 1 is much smaller.

**SANITARY AND WATER SERVICING REVIEW  
AND ALTERNATIVES  
LOT 3, CONCESSION 7 – AREA 1  
MARTIN ENGINEERING INC.**

---

Martin Engineering Inc. was retained to review studies on existing sanitary and water servicing along with future servicing proposals in order to determine the feasibility of connecting the subject lands to existing Town services.

***Water Supply***

The Town of Pelham has sufficient water supply to service the subject lands, however a booster station, at approximate cost of \$300,000.00 payable by the Area 1 Development Community, would be required in order to achieve an acceptable operating pressure for water supply within the Area 1 lands. That is, maintain a minimum operating pressure of 280kPa (40 psi).

***Sanitary Sewage***

The existing sanitary sewer system within the Town of Pelham is adequate to accommodate Area 1 lands. However, a problem arises downstream in the Regional trunk system within the City of Welland. During wet weather conditions, combined sewer overflows, which discharge to the natural environment, are experienced in the Aquaduct Street and River Road areas. To resolve the problem and in order to meet the Ministry of Environment and Energy requirement of 90% capture and treatment of sewer inflows, the City of Welland implemented a pollution abatement program in 1995 to separate combined sewers into sanitary and storm, upgrade or replace existing sewers and to provide inline storage.

Connection to the existing South Pelham Street Regional trunk sewer can occur when the City of Welland demonstrates that capacity exists to accommodate the forecasted Area 1 development flows of 26.0 l/s by removing at least an equivalent rate of combined flows in the Welland system. Alternatively, construct the Towpath/Quaker/Rice Roads trunk sewer with the connection to the proposed Port Robinson pumping station. This therefore, would result in the decommissioning of the Hurricane Road and Quaker Road pumping stations thereby freeing up flows of 80 l/s in the South Pelham Street trunk sewer which flow would be replaced in part by the Area 1 development flows of 26.0 l/s. The cost for the above mentioned work was estimated by Acres and Associates to be in the order of \$6.2 million, of which the developers of the Area 1 lands would provide cost sharing along with the Town, the Region, and other benefiting developers in the Port Robinson, Welland, and east side expansion area of Fonthill.

---

September 10, 1998

The estimation of traffic generated by the development of Area 1 was based on traffic generation rates that typically apply to this kind of development. This consists of a rate of 1.1 vehicles per residential unit. This is further broken down to 0.7 outbound vehicles and 0.4 inbound vehicles in the morning and the reverse in the evening. This traffic generation rate is the highest during the typical commuter's hours of 7:30 am to 8:30 am and 4:30 p.m. to 5:30 p.m. This coincides with the peak hour in the evening but not with Highway 20's morning peak hour, which occurs starting at 9:45 am. In order to present the worst case scenario, the peak hour and the generation rate were assumed to coincide.

For the proposed commercial area fronting Highway 20 a traffic generation rate of 6.4 vehicles per 1,000 ft<sup>2</sup> of gross leasable area was utilized for morning projections and 4.93 vehicles per 1,000 ft<sup>2</sup> of gross leasable area for the evening period. It is further estimated that 30% of the customers are already passing the site who would be attracted to the new retail outlets. This means that they are already part of the background traffic, referred to as pass by traffic, leaving 70% as new traffic.

For traffic distribution, existing trends identified by the tabulated traffic volumes were utilized. Based on the proposed street layout 45% of the proposed traffic will have easier access to Lookout Street and 55% to Haist Street. All of the commercially generated trips would access Highway 20 directly. In order to assign these volumes to Highway 20, the site traffic was distributed based on existing directions of flow along Highway 20. This resulted in 52.5% of the traffic bound to the east and 47.5% to the west.

Based upon the above traffic generation and Level of Service (LOS) standards resulted in the conclusion that at both intersections the level or quality of service along Highway 20 shows no significant deterioration before or after site development.

### ***Conclusion***

In the worst case scenario of assigning all growth to this site, there is no significant operational deterioration of the Level of Service along Highway 20 at both the Lookout Street and Haist Street intersections. The slight impact on the p.m. peak hour eastbound movement on Highway 20 can be alleviated by minor signal turning adjustment at Haist Street. There would also be no deterioration in the sectional Level of Service at the commercial driveway.

Without improvements, the southbound traffic on Lookout Street would experience unacceptable delays in the evening rush hour. This can be alleviated by the construction of a short widening of Lookout Street to 3 lanes. This would consist of a separate southbound left and right turn lane as well as the existing single northbound lane.

Although not warranted by this development alone, the Town might consider, at some future date, the widening of Haist Street to 3 lanes as it approaches Highway 20 from both the north and south.

## ***Field Review***

A field review was undertaken and a determination made respecting prehistoric and historic archaeological potential based upon the general physiographic character of the subject lands and the degree to which the lands may have been previously disturbed. This assessment revealed that due to the relatively little land disturbance that appears to have taken place on the property over time, a moderate to high archaeological potential exists. The highest potential associated with the tablelands is in the northeasterly portion of the property overlooking the stream valley.

## ***Conclusion***

In recognition that there exists one registered archaeological site on the subject lands, there are some seventeen additional sites located within two kilometres of the subject lands, and the review of historical maps and the undertaking of a field review has resulted in the identification of a high potential for the discovery of prehistoric archaeological deposits and for historic remains, it is recommended that the subject lands be advanced to a Stage Two archaeological field assessment. Said assessment should be a condition of draft plan approval, incorporating current archaeological survey standards as defined by the Ministry of Citizenship, Culture and Recreation - Archaeological Assessment Technical Guidelines. Specifically:

1. All lands currently and formerly under agricultural production should be ploughed and subject to a Stage Two archaeological assessment by means of a pedestrian survey at a transect interval of 5 metres.
2. Survey in the woodlot should be accomplished by means of the hand excavation of test units and soil fills screened through 6-metre wire mesh to facilitate the discovery of small artifacts.
3. The Lathrop site should be further investigated in order to determine its precise nature, extent and location.

# PLANNING REPORT

P-42/99

**TO:** Chair, Councillor Uwe Brand and Members of the  
General Committee, Planning Services Division

**DATE OF REPORT:** October 6, 1999

**DATE OF MEETING:** October 12, 1999

**FROM:** G. Barker, BLS Planning Associates

**SUBJECT:** Proposed Official Plan Amendment Application AM-8/96  
Proposed Regional Policy Plan Amendment No. 118  
Expansion to Fonthill Urban Area  
Regional Road 20, Lookout Street and Haist Street

## 1 RECOMMENDATION

- a) THAT the General Committee, Planning Services Division, receive Planning Report P-42/99 regarding Official Plan Amendment Application AM-8/96, Mori/Weiland property.
- b) THAT Official Plan Amendment Application AM-8/96 not be approved as applied for, rather:
  - i. The subject lands be included inside the Fonthill Urban Area.
  - ii. The lands located in the northwest quadrant of the expanded Fonthill Urban Area be designated as an "Area of Natural Scientific Interest".
  - iii. The lands located next to the "Area of Natural Scientific Interest" and the Niagara Escarpment Plan Area be designated as a "Special Deferred Urban Residential Area".
  - iv. The balance of the expanded Fonthill Urban Area be designated as a "Deferred Urban Residential Area".
- c) THAT staff be directed to prepare the necessary amending by-law for consideration by Council.
- d) THAT Regional Niagara be advised that the Town of Pelham is not opposed to Regional Policy Plan Amendment 118.
- e) THAT copies of this report be forwarded to the applicant, Regional Niagara, and all of the commenting agencies for their information.

## **2.3 Key Policy Requirements**

The proposal has been evaluated in relation to the policy requirements of the Provincial Policy Statement, Regional Policy Plan, and the Pelham Official Plan. The principal assessment criteria being:

- The need for the proposed uses.
- The benefits and cost to the local and Regional Community.
- The agricultural significance of the site including climatic attributes.
- Alternative site considerations.
- The location and effect of the proposed new boundary on those lands and land uses contiguous to the site.
- The availability and capability of servicing facilities.
- The significance of natural heritage features of the site.
- Aggregate resources of the site.

## **3 ANALYSIS**

### **3.1 Natural Heritage Significance**

The proposed expansion area is located on the Kame, contiguous to the Niagara Escarpment and related features, and the Twelve Mile Creek Watershed. As a result, detailed scrutiny of natural heritage issues is warranted.

#### **3.1.1 Area of Natural and Scientific Interest**

Geological interest in the Kame led to its identification as a Candidate Nature Reserve Area in a 1976 study prepared by the Park Planning Branch of the Ministry of Natural Resources. This recognition was also included in the Town of Pelham Official Plan policies and Schedule B – Natural Resources, at the request of the senior levels of government. The Candidate Reserve Program has been superseded by the ANSI program and the 1996 Provincial Policy Statement.

The boundary of the Candidate Nature Reserve has evolved from the original 1976 Study and Pelham Official Plan. The current ANSI boundary was remapped by the Ministry of Natural Resources in the late 1980's and is shown on Schedule 1.





The attached Schedule 3 was presented to the Ministry; however, no formal comment has been received.

### **3.1.2 Natural Environment**

An inventory and evaluation of the natural features found on the proposed expansion area did not identify any significant natural environmental features. The majority of the lands are used for agricultural purposes (nursery, orchard) with some strip residential and commercial uses perimetering the subject lands.

#### **♦ Aquatic Resources**

The subject lands lie on the boundaries of two drainage basins; Coyle Creek, which drains the southwest portion of the property and Twelve Mile Creek, which drains the northeast and eastern portions of the property.

The headwaters of Coyle Creek include two branches originating from swales on Lot 4, to the west of and adjacent to the Mori property and west of Lookout Street. These branches converge at Regional Road 20 and flow southwest to the Ridgeville Swamp.

Totten Sims Hubicki in their November 1998 report entitled "Subwatershed Characterization and Evaluation of Stormwater Management Requirements" noted that based upon field observations and literature reviews, the intermittence and physical characteristics of Coyle Creek, upstream of the Ridgeville Swamp, suggest that these reaches are unable to provide sensitive coldwater fish habitat. As a result, it is anticipated that should development proceed within the expansion area, water quality measures will be required to protect receiving streams (MOE Level 2 or 3 protection will be necessary for areas draining to Coyle Creek).

Unlike Coyle Creek, wherein the Niagara Peninsula Conservation Authority nor Ministry of Natural Resources, do not have any current or pertinent information regarding the characteristics or conditions of this upper reach (Coyle Creek), several reports identify Twelve Mile Creek as the only coldwater fishery in the Niagara District and one of the last remaining coldwater fisheries in southwestern Ontario (exclusive of the Great Lakes). This is of consequence since the northern and eastern portions of the subject lands drain into the headwaters of the St. John and Effingham Branches of Twelve Mile Creek.



- Hurleberts Woods is a small (0.65 ha) Provincially Significant Wetland. The wetland's composition is 97% swamp and 3% marsh. It is located 650 metres northeast of the property and receives surface water flows from the Lookout Golf Course.
- To the east of the subject property is an unevaluated wetland, possibly part of the Short Hills/St. John's ESA. This wetland consists of several on-line ponds, marshes, swamps and lowland meadows. The wetland location is 160 metres east of the property boundary.

♦ **Terrestrial Resources**

- At the north end of the subject property is a 7.5 hectare woodlot situated on a north-east facing slope. The woodlot is very open, has a diverse tree community and is generally in good condition. Within the woodlot was an open space estimated as being 4 hectares in area. Rare plant species including American Chestnut and Pin Oak were identified within this woodlot. This woodlot appears to be part of the Short Hills/St. John's ESA.
- East of the property is a 50 hectare woodlot which can be characterized as a dense mature forest. This woodlot also appears to be part of the Short Hills/St. John's ESA. The woodlot is bounded by and within the eastern extent of the Fonthill Kame ANSI.
- West of the property is the woodlot through which the headwaters of Coyle Creek flow. It is characterized as a very dense and mature forest. Substantial groundcover and overstory canopy is present. This woodlot also appears to be part of the Short Hills/St. John's ESA.

These features will remain unaffected by development if appropriate land use and storm water management strategies are implemented, as summarized on Table 1 appended hereto. Furthermore, in order to develop specific details of the management strategy, a scoped subwatershed study is required. This study will be a key prerequisite for site development.

It is noted that the Niagara Escarpment Commission is not opposing the inclusion of the subject lands providing:

- Need is demonstrated;
- A subwatershed plan is undertaken
- A buffer be established

A copy of their correspondence is appended hereto as Appendix B.

This analysis resulted in the following conclusions:

- The subject expansion area contains a minimum of 2.5 million tonnes of sand and gravel. While this material is generally acceptable by Provincial standards, it is located in an area where a severe shortage of sand and gravel exists and the coarser materials contained thereon have been proven by past and present use to be commercially significant.
- The continued preservation of the subject lands for agricultural use only, is a deterrent to the extraction of the sand and gravel resource. The need to rehabilitate to agricultural uses (unique agriculture) sterilizes any significant access to the economic aggregate resource.
- The nearby existence of the last remaining sand and gravel processing operation in the Niagara Peninsula (Blue Circle Canada Inc.) provides an unusually expedient opportunity for rescuing and utilizing aggregate resources from the site. This activity should be done in a way that is more sensitive than the normal aggravation associated with aggregate resources adjacent to urban areas (e.g. no processing operations).
- In order to utilize this deposit most effectively, in keeping with the Minister of Natural Resources mandate, the inclusion of the property within the Urban Area Boundary would be an advantage, not a disadvantage. The maintenance of the property in the agricultural envelope sterilizes this opportunity.
- If sand and gravel extraction were to occur appropriate avoidance and mitigation techniques could be utilized to ensure off-site impacts are minimized.

The probability of aggregate extraction occurring, whether the lands are inside or outside of the urban area boundary is unlikely due to:

- The ANSI designation on the northern portion of the site.
- The actual amount of resource available for extraction once setback and mitigation measures are established.
- Surrounding land uses.
- Impacts on the natural environment
- Operational logistics.

The addition of the Lookout/Haist/Regional Road 20 expansion area and the Business Park into the Fonthill Service Area will not have an impact on the Region's Pelham Street Trunk Sanitary Sewer (south of Spruceside Crescent).

The proposed expansion area (Lookout/Haist/Regional Road 20) is intended to be serviced by the existing sanitary sewers on Regional Road 20, Haist Street, Welland Road, Deer Park Crescent, Spruceside Crescent and Pelham Street. The analysis of the impacts of the additional sewage flows from the proposed expansion area on the existing Town sanitary sewer system, found 10 sections of pipe, which do not have sufficient capacity for these additional flows. These sections include three on Welland Road, two on Deer Park and five on Spruceside Crescent.

It should be noted that this analysis is preliminary and should be revisited as:

- The extent and amount of development is being reduced due to natural heritage issues, and
- The flows utilized for calculation purposes were theoretical and flow monitoring should be undertaken to obtain actual flows.

Nonetheless, the proposed expansion area can be serviced by upgrading the existing system rather than relying on the Rice Road trunk sewer.

### **3.4 Transportation**

A traffic impact assessment was undertaken which examined the traffic operational implications of full site development. It was proposed that 258 single detached dwelling units and 122 medium density townhomes be constructed on an internal street network. It was also proposed to develop a commercial area fronting Regional Road 20 at Lookout Street.

The traffic impact assessment concluded that in the worst case scenario of assigning all growth to the proposed expansion area, there was no significant operational deterioration of the Level of Service along Regional Road 20 at both the Lookout Street and Haist Street intersections. The slight impact on the p.m. peak hour eastbound movement on Regional Road 20 can be alleviated by minor signal turning adjustment at Haist Street. There would also be no deterioration in the sectional Level of Service at the commercial driveway.

Without improvements, the southbound traffic on Lookout Street would experience unacceptable delays in the evening rush hour. This can be alleviated by the construction of a short widening of Lookout Street to 3 lanes. This would consist of a separate southbound left and right turn lane as well as the existing single northbound lane.

If sour cherries are the only speciality crops considered the subject expansion area has a better rating than Areas 2, 3 and 4. The subject expansion area and Area 3 soils have a better rating when compared to the average capability/suitability for sour cherries on the Kame.

♦ *Climate*

The climate analysis supports the view that Areas 2, 3 and 4 have similar climate characteristics to the subject expansion area.

♦ *Foodland Guidelines*

Inclusion of the subject expansion into the Urban Area Boundary does not offend the principles of the Foodland Guidelines as the site is:

- A logical extension of the existing community;
- Immediately adjacent to urban residents where there is some additional probability of conflict related to farm management practices, particularly those related to pesticide application;
- Adjacent to existing serviced roads to the south and east (provides for more efficient servicing);
- There are no reasonable alternatives which avoid prime agricultural areas;
- There are no reasonable alternatives with lower priority agricultural lands in the prime agricultural area;
- No conflicts are present with respect to the Minimum Distance Separation Formula; and
- Agriculture infrastructure (e.g. tile drainage) is minimal.

Data on property size indicate that the subject expansion area has properties similar in size to those on the Kame.

Numerous discussions and meetings have occurred between representatives of the applicant, Town, Region, Ministry of Agriculture, Food and Rural Affairs and Ministry of Municipal Affairs and Housing wherein no agreement was reached respecting the 'findings' of the agricultural assessment. It was acknowledged, however, that if Policy 1.1.2 (a) of the Provincial Policy Statement respecting need could be satisfied, then urban expansion on prime agricultural areas could occur.

- The supply of 18m+ single-detached lots within the existing urban area boundary in Fonthill will be depleted in about 5 years based on recent absorption rates and likely sooner.
- The Area 1 lands have a number of advantages as a site for new housing, including:
  - The lands are adjacent to the Niagara Escarpment and close to the Lookout Point Golf Club and St. John's Conservation Area offering a variety of recreational opportunities;
  - The 5.45 hectare (13.5 acre) wooded portion of the Mori Nurseries property located outside Area 1 and covered by the Niagara Escarpment Plan offers opportunities for trails and walkways connecting with the proposed residential area to the south and for a lookout point with views to and across Lake Ontario;
  - Virtually all of the vacant and developable lands in Area 1 are owned by 2 landowners (Mori Nurseries and Oscar Weiland) who are co-operating with each other. This affords the opportunity for a comprehensively planned and designed community which may not be possible in the other expansion areas due to the large number of landowners; and
  - The subject land are located on top of the Fonthill Kame which is understood to receive less frost and fog than some other areas in Pelham.
- The attributes listed above suggest that these lands are particularly well suited to the development of a community targeted at a mix of buyers but particularly move-up and adult lifestyle buyers. The proposed housing mix for Area 1, comprising 175 homes on larger single-detached lots at an average density of 12 uph and 20 estate-type lots, can help to satisfy the expected future demand in Pelham from move-up buyers and adult lifestyle buyers. Substituting some of the single-detached homes with attached housing targeted at adult lifestyle buyers would address the looming shortage of land for this type of housing in Fonthill and Pelham.
- A shortfall between supply and demand in Pelham between now and 2016 is projected even with the development of Areas 2 – 4, and the Timsdale lands based on the demand projections prepared by the Region as adjusted by Clayton Research. In view of this and the expected appeal of the Area 1 lands as a site for new housing, particularly for move-up and adult lifestyle buyers, it is appropriate that Area 1 be added to the urban area boundary expansion in Fonthill in order to meet the projected demand for new housing in Pelham during the longer term and during the shorter term.

### **3.7 Benefits and Costs**

The benefits and costs of including the subject lands inside the urban area boundary was addressed by the applicant's consultants and can be summarized as:

- The subject expansion area is for all intents and purposes readily serviceable, whereas Areas 2 – 4 need major extension of services, especially sanitary sewers.
- With respect to the hard services examined (primarily sanitary sewers, water and roads), the costs of proceeding with the development of the subject lands would be considerably less than for Areas 2 – 4.
- No major land assembly is required in comparison to Areas 2 – 4.
- Provides opportunities to complete development at Fonthill's westerly gateway.
- Due to its relationship to existing neighbourhoods and character, the topographical advantages of the site, and the surrounding natural areas, opportunities exist to develop a unique "Pelham Style" neighbourhood.
- The site is particularly appealing to move-up and adult lifestyle buyers.

Other items not identified by the applicant's consultants but should be considered are:

- Removal of unique agricultural lands;
- The potential of establishing a precedent for further westerly expansion; and
- Delay the servicing of Areas 2,3 and 4 as the subject lands could be an intervening opportunity.

### **3.8 Alternative Site Considerations**

When the Town of Pelham commenced its program of assessing boundary expansion opportunities for Fonthill, a total of five areas were considered, one of which is the subject lands. Through the review process and considering matters such as servicing, separators, agriculture, topography, natural environment, land use compatibility, and transportation, a program of boundary expansion was decided upon (Areas 2, 3 ,4).

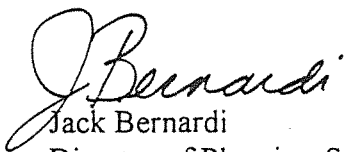
4. The need to address natural heritage issues through detailed analysis has resulted in an alternative approach being recommended. One which directly responds to Policy 1.1.2(a) of the Provincial Policy Statement, does not offend other policies of the PPS nor the Regional Policy Plan, provides a mechanism to appropriately address natural heritage issues, and lastly, brings closure to the issue of boundary expansion in Fonthill.

The alternative approach being recommended is to:


- i. Include the subject lands inside the Fonthill Urban Area.
- ii. The lands located in the northwest quadrant of the expanded Fonthill Urban Area be designated as an "Area of Natural Scientific Interest".
- iii. The lands located next to the "Area of Natural Scientific Interest" and the Niagara Escarpment Plan Area be designated as a "Special Deferred Urban Residential Area".
- iv. The balance of the expanded Fonthill Urban Area be designated as a "Deferred Urban Residential Area".

It is noted that before development can occur on lands designated "Special Deferred Urban Residential Area" and "Deferred Urban Residential Area" an amendment to the Official Plan is required. The proposed Official Plan amendment is appended hereto as Schedule 3, which establishes land use designation and regulating policies for the subject lands.

Reviewed by,

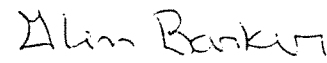
  
Jack Bernardi  
Director of Planning Services

Respectfully submitted by,

  
Gordon Cherney  
C.A.O.




Prepared by:

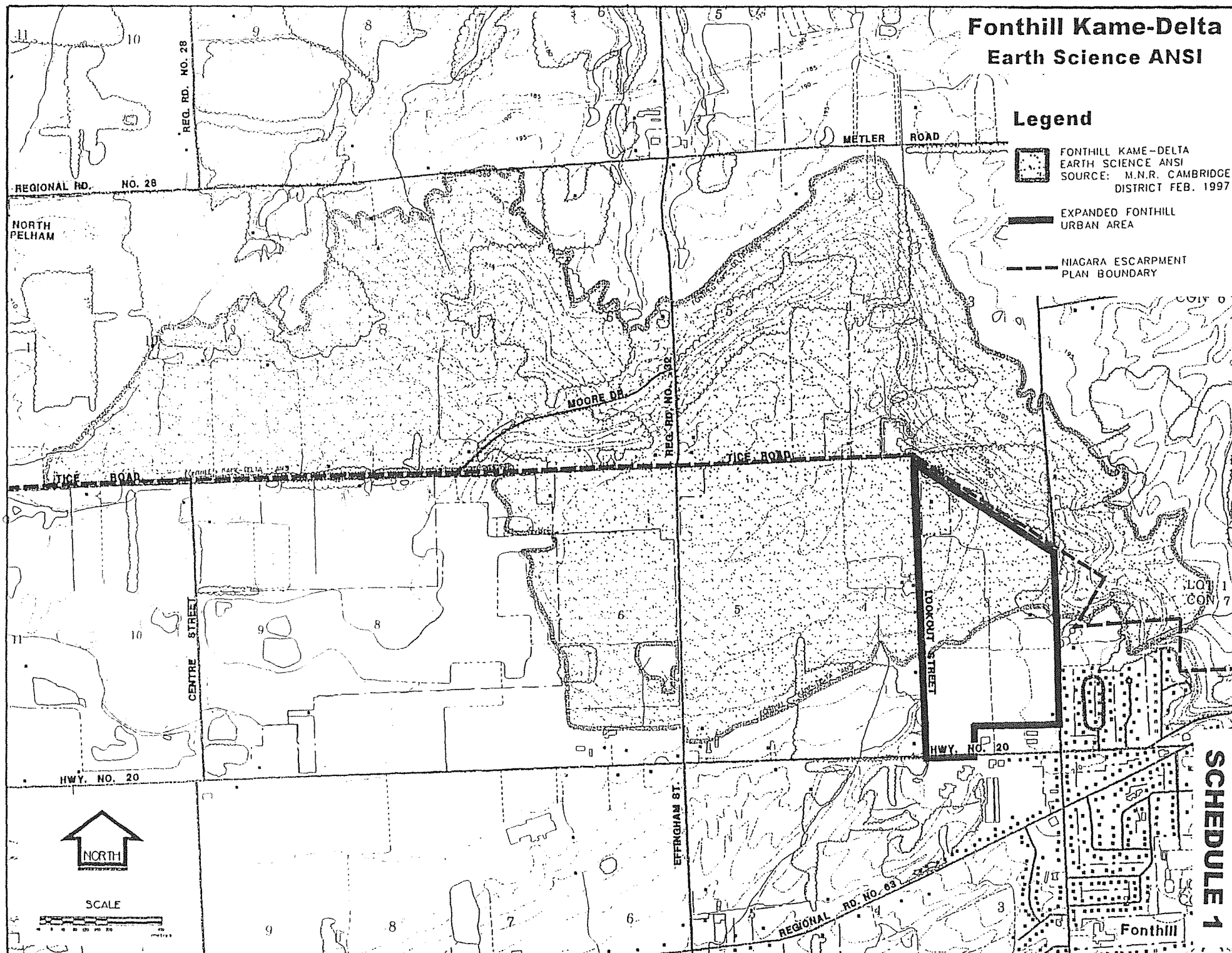
**BLS PLANNING ASSOCIATES**

  
Glen Barker  
Director

# Fonthill Kame-Delta Earth Science ANSI

## Legend

-  FONTHILL KAME-DELTA  
EARTH SCIENCE ANSI  
SOURCE: M.N.R. CAMBRIDGE  
DISTRICT FEB. 1997
-  EXPANDED FONTHILL  
URBAN AREA
-  NIAGARA ESCARPMENT  
PLAN BOUNDARY



**SCHEDULE 1**



## SCHEDULE C

### PROPOSED PLAN AMENDMENT – AREA ONE

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The intent of this amendment is to redesignate agricultural lands and provide policies for lands which are to be included in the Urban Area for Fonthill. The amendment introduces new land use designations and policies for the preservation and protection of the significant features of an Earth Science Area of Natural Scientific Interest (ANSI) and for the consideration of low density residential development (Special Residential) contiguous to the significant Earth Science ANSI features.

The lands which are subject of this amendment are located:

- To the north and west of the existing Urban Area of Fonthill comprising approximately 34 hectares and is generally defined by Regional Road 20 to the south, Lookout Street to the west, Lookout Golf Course to the north, and Haist Street to the east.

The amendment to the Pelham Official Plan will contain three components:

Firstly, Schedule A, Land Use, will be amended by designating the lands as “Area of Natural Scientific Interest”, “Special Urban Residential Area”, “Deferred Urban Residential Area”, and identifying the subject lands as being within the Urban Area of Fonthill.

Secondly, Section 5, Administration, of the Official Plan will be amended by the introduction of the following policy to subsection 5.3:

- b) Notwithstanding subsection 5.3 above, it is a requirement of this Plan that a Secondary Plan be prepared for the expanded Urban Area located on the west side of Fonthill, known as Area One.

Thirdly, Section 1, Land Use, of the Official Plan will be amended by introducing the following new policy sections:

#### ***1.60. Earth Science Area of Natural Scientific Interest***

Policy 1.51.2 recognizes the significance of the Fonthill Kame-Delta as not only a valuable source of sand and gravel but also possessing features that are distinctive natural heritage attributes of provincial significance, an important recharge area, and the headwaters for Twelve Mile Creek, Niagara’s only cold water stream. The Kame is subdivided into six landform components, which provide visual evidence of the various stages of its deposition – Ice Contact Slope, Delta Front Slope, Main Terrace, Upper Terrace and Storm Beaches and the Northwest Trending Ridge. These components record ice marginal deposition processes which are unique in Ontario in terms of location and scale and for which the site was selected as an Earth Science Area of Natural Scientific Interest by the Province. A long-term protection and management strategy for the ANSI area needs to be further developed for this interpretive and scientific heritage resource.

adversely affect any abutting Area of Natural Scientific Interest. An Environmental Impact Study will be prepared by a proponent in accordance with Policy 1.59.2(d) of this Plan, including a visual and landscape assessment, which demonstrates that a development will not negatively impact the area.

- (h) Prior to any alterations, or works to or within a watercourse located within an Area of Natural Scientific Interest, written authorization is required from the Ministry of Natural Resources under the Lakes and Rivers Improvement Act and may be required by the Niagara Peninsula Conservation Authority pursuant to the Fill, Construction and Alterations to Waterways Regulation.

### ***1.61 Special Deferred Urban Residential Area***

The Special Deferred Urban Residential area is located next to the Lookout/Haist Street Area of Natural Scientific Interest. It is the intent of this Plan to provide for the development of lands designated Special Deferred Urban Residential Area in an environmentally sound manner, including the protection of the interpretive, educational and scientific value of the Ice-Contact Slope, Upper Terrace and Storm Beaches features of the ANSI.

#### ***1.61.1 Permitted Uses***






- (a) The predominant use of land designated Special Urban Residential shall be estate style single detached residential units.
- (b) Uses, buildings and structures accessory to single detached residential units.
- (c) Parks.

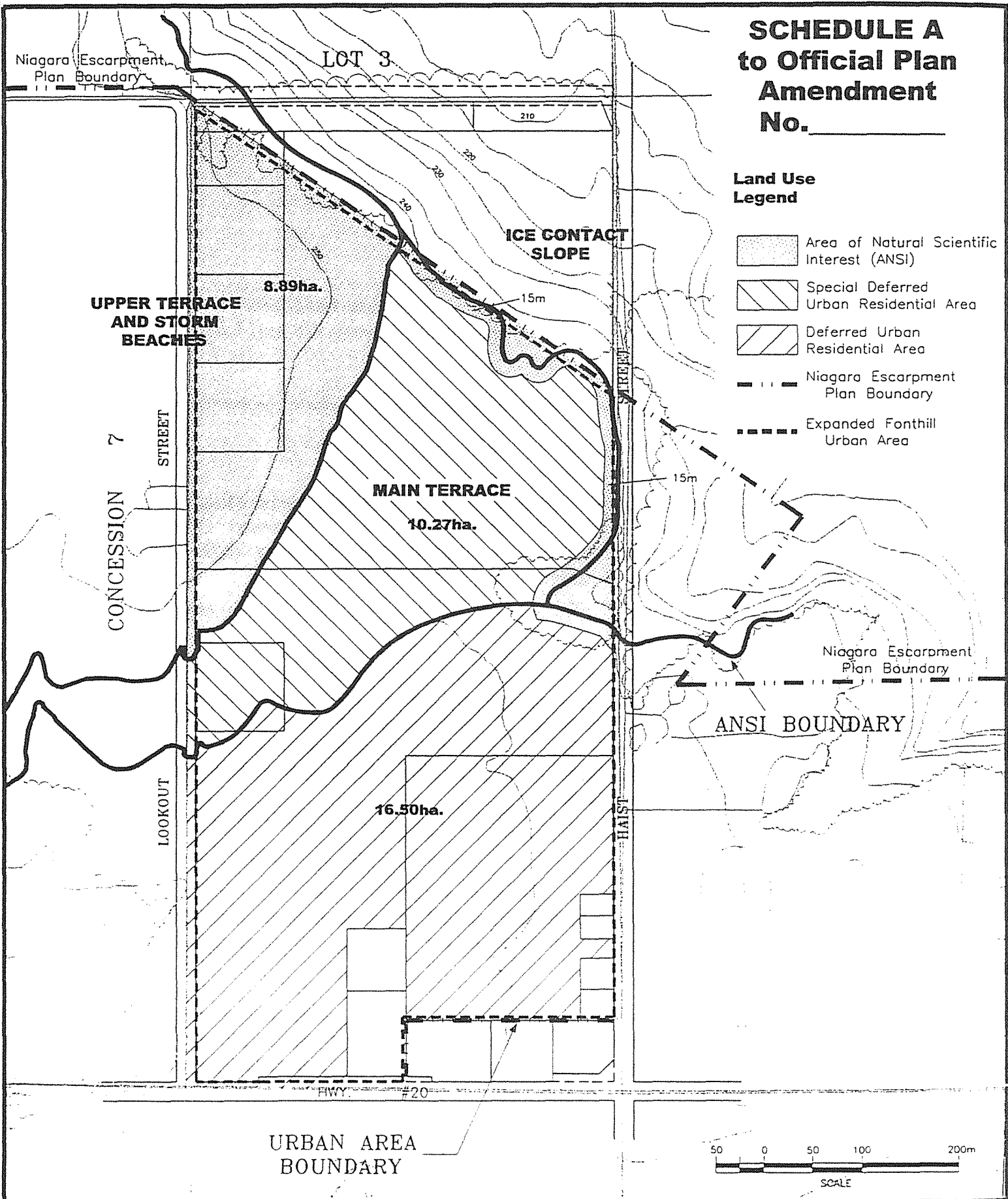
#### ***1.61.2 Policies***

- (a) In recognition of the importance and prominence of the Area of Natural Scientific Interest before any development commences a Secondary Plan by Official Plan Amendment shall be prepared which will address the following:
  - i. the impact of development on views to and from the Ice Contact Slope, Upper Terrace and Storm Beaches features of the ANSI, including the height, siting and orientation of dwelling units;
  - ii. the method of stormwater management to ensure adequate quality and quantity of flows based upon a subwatershed study, as the area is located within the headwaters of Twelve Mile Creek;

# **SCHEDULE A to Official Plan Amendment No. \_\_\_\_\_**

## **Land Use Legend**

-  Area of Natural Scientific Interest (ANSI)
-  Special Deferred Urban Residential Area
-  Deferred Urban Residential Area
-  Niagara Escarpment Plan Boundary
-  Expanded Fonthill Urban Area



Area 1 was eliminated due to the extent of agency opposition and the amount of additional research and analysis that would be necessary in an attempt to justify development of this area. Particularly:

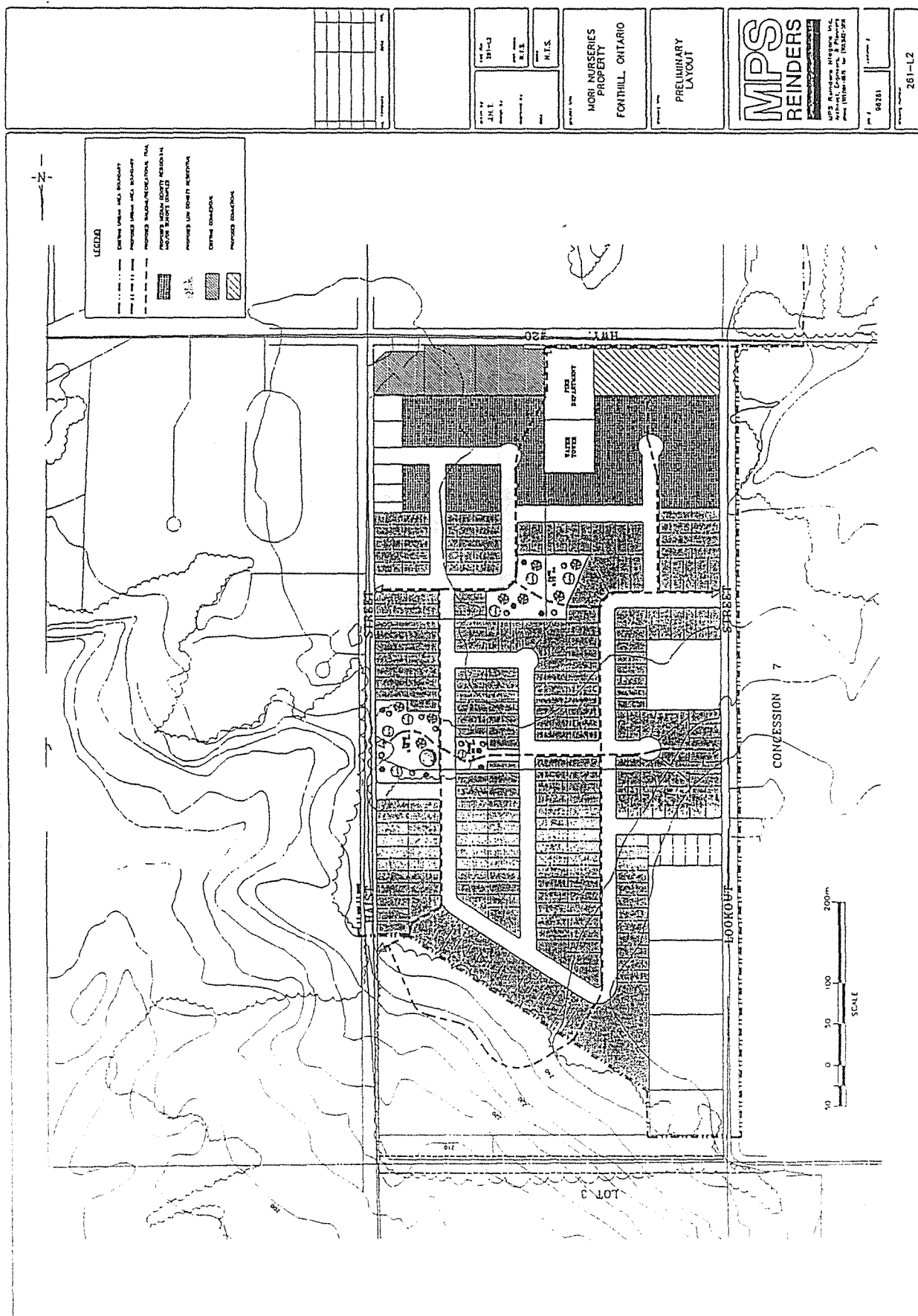
- (a) The mineral resource significance of the area and the need to address the Mineral Aggregate Resources Policy Statement.
- (b) The agricultural significance of the area and the need to address the Food Land Guidelines; Growth and Settlement Policy Guidelines; and the Regional Policy Plan.
- (c) Micro-climate effects.
- (d) Not consistent with the Regional Strategy for Development and Conservation Policy.
- (e) Located at the headwaters of Twelve Mile Creek.
- (f) Not consistent with the long term protection of the Niagara Escarpment and lands in its vicinity.
- (g) In conflict with the Niagara Escarpment Plan and the Niagara Escarpment Planning and Development Act.
- (h) Development of area will have a detrimental impact on a Highway 20 by-pass of Fonthill.
- (i) Agency opposition/reluctance from the Ministry of Agricultural and Food, Ministry of Natural Resources, Ministry of Municipal Affairs, Niagara Escarpment Commission and Regional Niagara.

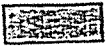
On March 27, 1997, the Town of Pelham convened a joint Public Meeting with Regional Niagara to consider public comment on the proposed amendment to the Regional Policy Plan and Pelham Official Plan.

At the above meeting, Mr. Stuart Ellis, on behalf of Mori Nurseries and Oscar Weiland, objected to the proposed Official Plan Amendments initiated by the Region and the Town since the amendments failed to include Area 1. He stated that the basis for not including Area 1 was due to a number of purported concerns relating to various matters and the amount of additional research and analysis that would be necessary in an attempt to justify the inclusion of Area 1.

The Town of Pelham was directed by the applicant to hold the Mori/Weiland request for inclusion of Area 1 into the urban area boundary in abeyance pending the submission and review, including agency comment, of a number of studies. On June 10, 1997, the following studies were received in support of their application:

1. Planning Analysis, Lot 3, Concession 7 - Area 1, Zdravko Weing Planning Consultants

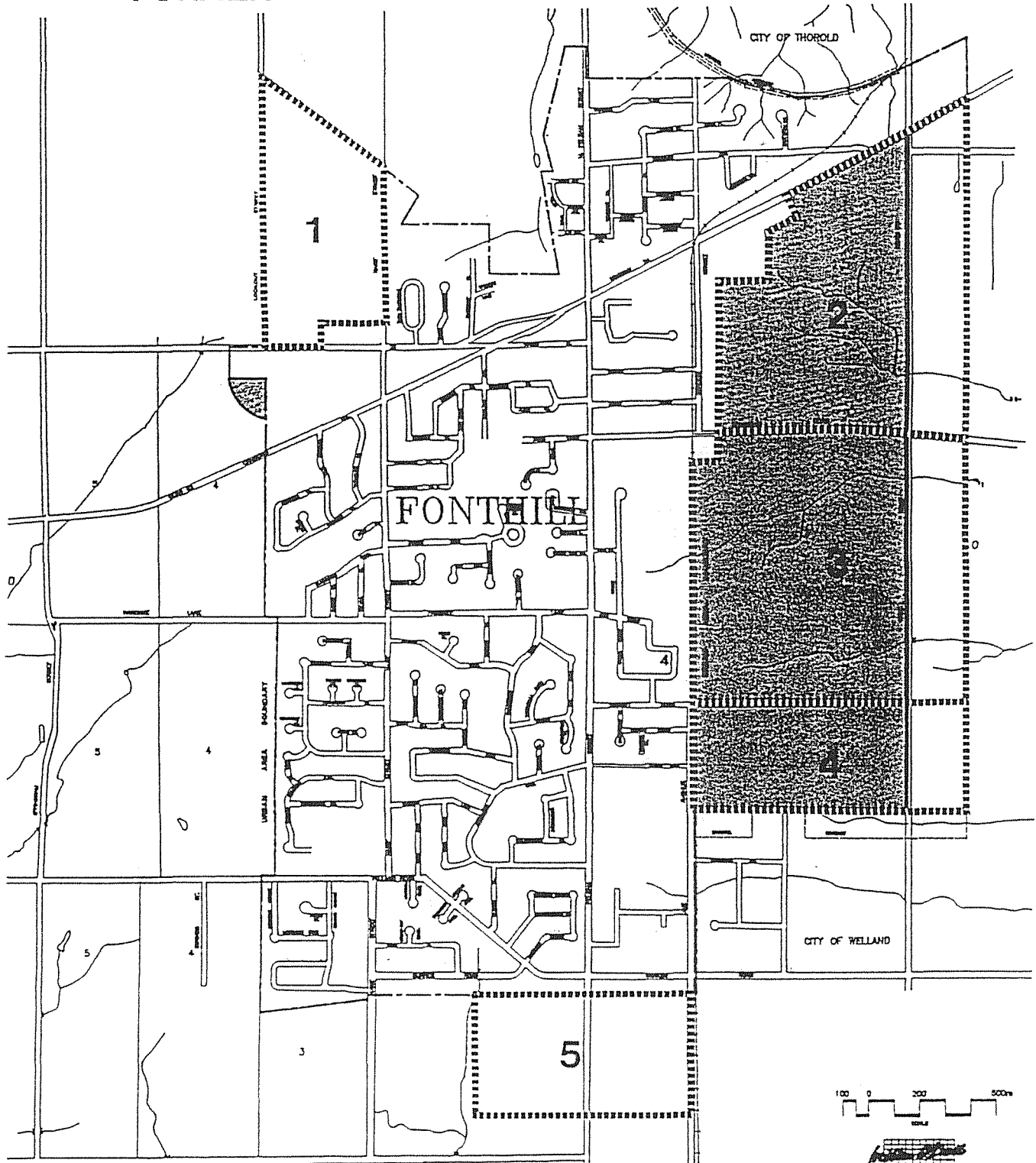




# PREFERRED AREAS FOR URBAN BOUNDARY EXPANSION



## FORMER CANDIDATE AREA



1. STIPPLE, PREFERRED AREAS FOR URBAN BOUNDARY EXPANSION; 2. DASHED LINE, FORMER CANDIDATE AREA; 3. CITY OF THOROLD; 4. CITY OF WELLAND; 5. FONT HILL

FIGURE 1

**AGRICULTURAL CHARACTERISTICS OF, AND  
AGRICULTURAL CONTEXT FOR, THE  
PROPOSED URBAN EXPANSION AREA 1  
LOT 3, CONCESSION 7 – AREA 1  
AGPLAN LTD**

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AgPlan Ltd. was retained to assess the characteristics of the subject Area 1. A total of three reports were authored by AgPlan Ltd., which also included a climatic analysis.

The findings of the reports can be summarized as follows:

***Specialty Crop Land***

The relative extent of specialty crops (fruit and vegetables) as a proportion of agricultural use, is not predominant on the subject Area 1 lands, the Fonthill Kame itself, Climate Area G, or the Town of Pelham.

***Specialty Crop Capabilities/Suitability***

The subject Area 1 has relatively good capability/suitability for specialty crop production. However, when compared to Expansion Areas 2, 3 and 4 or to the Kame, the average capability for specialty crops in the subject Area 1 is somewhat better than Area 2 and Area 4 and poorer than Area 3. However, all of the urban expansion areas have soils similar in rating to the average capabilities/suitability for all specialty crops on the Kame.

If sour cherries are the only specialty crops considered, Area 1 has a better rating than Expansion Areas 2, 3 and 4. The Area 1 and Area 3 soils have a better rating when compared to the average capability/suitability for sour cherries on the Kame.

***Climate***

The climate analysis supports the view that Urban Expansion Areas 2, 3 and 4 have similar climate characteristics to the subject Area 1.

***Foodland Guidelines***

Inclusion of the subject Area 1 into the Urban Area Boundary does not offend the principles of the Foodland Guidelines as the site is:

- A logical extension of the existing community;
- Immediately adjacent to urban residents where there is some additional probability of conflict related to farm management practices, particularly those related to pesticide application;

**ECONOMIC AND MARKET IMPLICATIONS  
LOT 3, CONCESSION 7 – AREA 1  
CLAYTON RESEARCH**

---

Clayton Research was retained to undertake an assessment of the economic and market implications of including the Area 1 lands within the Urban Area Boundary.

***Market Implications***

The approach undertaken for assessing the market implications of including the subject Area 1 within the Urban Area Boundary involved:

- Examine the housing role (past and future) of Pelham within Niagara;
- Examine the housing role (past and future) of Fonthill proper within Pelham;
- Assess the overall future demands/supply relationship for residential land not only in Pelham but also within the entire Town of Fonthill;
- Consider the market opportunity for developing new housing on the Area 1 lands; and
- Assess the market implications of including Area 1 within the Urban Area.

The above assessment resulted in the following principle findings being advanced:

- Pelham's share of ground oriented housing completions and household growth in the Pelham market area increased for the period 1991 to 1996.
- Pelham appeals particularly to move up buyers.
- Demographic trends should help bolster Pelham's future share of new housing demand in the Pelham market area over the next 20 years.
- Pelham attracts a large share of its new homebuyers from other municipalities.
- There is a diminishing supply of residential land for ground oriented housing in St. Catharines and, Thorold and Welland are also facing supply constraints.
- Pelham accounts for a large share of larger single detached lots in the Pelham market area.



**AGGREGATE RESOURCE INVENTORY  
AND AGGREGATE RESOURCE EXTRACTION ISSUE  
LOT 3, CONCESSION 7 – AREA 1  
GEOCONCEPTS LIMITED IN ASSOCIATION WITH  
PLANNING AND ENGINEERING INITIATIVES LTD.**

---

Geoconcepts Limited in conjunction with Planning and Engineering Initiatives Ltd. were retained to assess the resource inventory that exists on the subject Area 1 lands and assess the planning implications of aggregate extraction if the lands were included within the Urban Area Boundary.

This analysis resulted in the following conclusions:

- The subject Area 1 contains a minimum of 2.5 million tonnes of sand and gravel. While this material is generally acceptable by Provincial standards, it is located in an area where a severe shortage of sand and gravel exists and the coarser materials contained thereon have been proven by past and present use to be commercially significant.
- The continued preservation of the Area 1 lands for agricultural use only, is a deterrent to the extraction of the sand and gravel resource. The need to rehabilitate to agricultural uses (unique agriculture) sterilizes any significant access to the economic aggregate resource.
- The nearby existence of the last remaining sand and gravel processing operation in the Niagara Peninsula (TCG Materials Inc.) provides an unusually expedient opportunity for rescuing and utilizing aggregate resources from the site. This activity could be done in a way that is more sensitive than the normal aggravation associated with aggregate resources adjacent to urban areas (eg: no processing operations).
- In order to utilize this deposit most effectively, in keeping with the Minister of Natural Resources mandate, the inclusion of the property within the Urban Area Boundary would be an advantage, not a disadvantage. The maintenance of the property in the agricultural envelope sterilizes this opportunity.
- If sand and gravel extraction were to occur appropriate avoidance and mitigation techniques could be utilized to ensure off-site impacts are minimized.

**TRAFFIC IMPACT ASSESSMENT  
LOT 3, CONCESSION 1 – AREA 1  
RGP TRANSTECH INC.**

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RGP Transtech Inc. was retained to undertake a traffic impact assessment examining the traffic operational implications of developing the subject area.

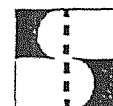
The proposed development will consist of 258 single family homes and 122 medium density homes. All of these units will face an internal street network. It is also proposed to develop 2,600 ft<sup>2</sup> of commercial area fronting onto Highway 20.

The purpose of the RGP Transtech report was therefore to:

- Estimate the amount of traffic that would be generated at the time of full development of the site;
- Assign the generated traffic to the area street network;
- Determine existing traffic volumes and project them into the future when the proposed development is complete;
- Analyze the traffic operational implications in the future with and without the proposed development;
- In the event that there is an implication with full development, examine ameliorating solutions;
- Identify and recommend any other transportation related impacts.

The focus of the report was on Haist Street and Lookout Street and both of their intersections with Highway 20.

Existing traffic volumes were calculated based upon Provincial data as well as RGP Transtech staff conducting movement counts. In addition to the actual traffic volumes, the Ministry of Transportation also advised that traffic along Highway 20, in this area, has been experiencing a growth rate of 3.5% per annum, which for the purpose of analysis was assumed to continue into the future.



**STAGE ONE – ARCHAEOLOGICAL ASSESSMENT  
LOT 3, CONCESSION 7 – AREA 1  
ARCHAEOLOGICAL SERVICES INC.**

---

Archaeological Services Inc. was retained to conduct a Stage One background archaeological assessment for the subject lands to identify any archaeological sites on the subject property and to assess the property's archaeological potential. The assessment involved three analytical stages comprising an inventory of registered archaeological sites, an assessment of historical maps, and a field assessment.

***Registered Archaeological Sites***

In order that an inventory of archaeological resources could be compiled for the study area, three sources of information were consulted:

- The site record forms for registered sites, housed at the Ministry of Citizenship, Culture and Recreation;
- Published and non-published documentary sources; and
- Files of Archaeological Services Inc.

This analysis identified that in addition to one registered site being located on the subject lands, seventeen additional sites are located within two kilometers of the subject lands.

The registered site found on the subject lands is known as "the Lathrop Site (AgGt-9)" which is a documented campsite "located on level sandy loam soil just south of a tributary of Twelve Mile Creek".

***Historical Map Assessment***

An assessment of the 1876 Historical Atlas of Lincoln and Welland indicates that of the original structures and agricultural activities located on the property, the orchard and structure located on the west side of Haist Street is still existing therefore indicating the potential for finding an archaeological site dating to the nineteenth century.



1973 - 1998

## APPENDIX B

Ontario

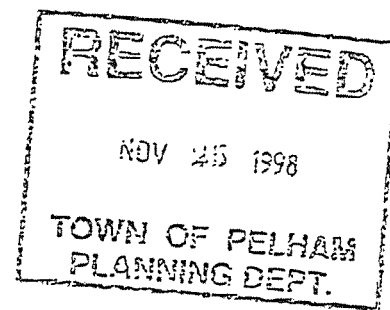
Niagara Escarpment Commission  
232 Guelph Street  
Georgetown ON L7G 4B1

Tel. No. (905) 877-5191 - Fax No. (905) 873-7452

Commission de l'escarpement du Niagara  
232, rue Guelph  
Georgetown ON L7G 4B1

N° de tel. (905) 877-5191 - Télécopieur (905) 873-7452

November 23, 1998



Mr. Corwin Cambray  
Assistant Director of Planning  
Regional Municipality of Niagara  
2201 St. David's Road, PO Box 1042  
Thorold, On  
L2V 4T7

Dear Mr. Cambray:

**RE: OFFICIAL PLAN AMENDMENT 118  
NIAGARA REGIONAL POLICY PLAN  
EXPANSION OF FONTHILL URBAN AREA  
MORI/WEILAND PROPERTY, TOWN OF PELHAM**

The Niagara Escarpment Commission, at its meeting of November 19, 1998, resolved to advise the Region of Niagara and the Town of Pelham that it would not object to the inclusion of this area in the Urban boundary if the following were satisfied:

1. There is a demonstrated need for these lands through an urban needs analysis, and if the Region of Niagara and the Town of Pelham are satisfied that the need exists for "Area 1" to be included in the urban boundary, in addition to "Areas 2, 3 and 4" (as previously recommended to be included in the urban area).
2. That a subwatershed plan be undertaken for that portion of the property draining to the Twelve Mile Creek. The subwatershed plan should be undertaken as part of the process of considering the designation of additional lands for urban development and prior to the designation of new urban areas.
3. A buffer be established between the lands to be designated for urban uses and the Escarpment Natural Area. The buffer should be retained in public ownership, with no encroachment of lots or development. The nature and extent of the buffer should be addressed through the secondary plan process following the completion of the subwatershed plan.

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## APPENDIX C

# RESIDENTIAL NEEDS UPDATE – 1998

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## 1 INTRODUCTION

In October of 1996 a Residential Needs Report was prepared which analyzed existing residential inventories for the period ending 1995 and provided a forecast of development activity for over the next twenty years.

This analysis was for the communities of:

- North Pelham;
- Fenwick;
- Fonthill; and
- the Agricultural Area.

The purpose of analyzing residential land supply and needs was to assist the Town of Pelham in its program of urban area boundary expansion and responding to the policy requirements of the Province of Ontario and Regional Niagara.

This report has been prepared to update the development activity forecasts for the above noted areas and provide a summary statement for the period ending 1998.

## 2 DEVELOPMENT ACTIVITY FORECASTS – NORTH PELHAM

Table 3.1 summarizes the development activity forecasts for North Pelham, of which the following is noted:

- In the "*immediate term*" category 4 vacant lots exist which were created through the Colaprete development which represents an approximate 6-year supply.
- No "*short term*" and "*medium term*" inventories exist; and
- A long-term practical inventory of 17 units exist which represents an approximate 24-year supply.

Since 1995 the North Pelham community has remained stable.

#### 4 DEVELOPMENT ACTIVITY FORECASTS – FONTHILL

Table 3.3 summarizes the development activity forecasts for Fonthill of which the following is noted:

- The “*immediate term*” category comprises 242 units of which approximately 64% are single detached units. Furthermore, 50% of this “*immediate term*” inventory is located in two recently approved subdivisions – Oakridge Estates and the Fonthill Homestead subdivision.

An approximate 3.1 year supply exists in this category which is a further reduction with last year’s inventory (i.e. in 1997 an inventory of 313 units or 4.3 years).

- No “*short term*” inventories exist.
- The “*medium term*” category encompasses some 7 sites within Fonthill and includes sites that are zoned for multiple family purposes (eg: Bruin and Luchetta), and proposed plans of subdivision at varying stages (eg: Kunda and Rolling Meadows Extension 2). The practical yield of lands within this category equates to a 2.0 year supply, and represents a slight increase since 1996. This is attributed to a proposed plan of subdivision on the former Landrex site which increases the potential unit yields from 14 to 31. It is noted that an expansion to the urban area boundary is contemplated.
- The Lot 177 Secondary Plan area (excluding the Fonthill Homestead subdivision) is the only “*long term*” development area in Fonthill. Recognizing that significant land assembly is required, the practical capacity of this area has been adjusted downward to 157 units or a 2 year supply.

In comparison to 1997 the residential inventories for Fonthill have declined, as a 7.1 year supply currently exists in comparison to a 1997 supply of 7.9 years, a 1996 supply of 9.1 years and a 1995 supply of 9.3 years.

#### 5 DEVELOPMENT ACTIVITY FORECAST – AGRICULTURAL AREA

In 1997 a total of 8 building permits were issued reducing the practical “*immediate term*” to “*long term*” inventory to 92 units or a 6.1 year supply.

TABLE 3.1: Development Activity Forecast - North Pelham						As of December 31, 1998
NAME OF DEVELOPMENT	UNIT TYPE AND NUMBER OF UNITS			TOTAL		APPROXIMATE NUMBER OF YEARS SUPPLY
	SINGLES	SEMIS	TOWNHOUSES/ APARTMENTS	THEORETICAL	PRACTICAL	
Immediate Term						
Registered Plans of Subdivision (severance)	4	0	0	4	4	5.7*
Short Term (Draft Approved And Zoned Sites)						
Subtotal						
Medium Term (Zoned Sites With Plans At Varying Stages)						
Subtotal						
Long Term (Unzoned Sites With Or Without Plans)						
	24	0	0	24	17	24.3*
Subtotal	24*	0	0	24	17	

Footnotes: a - based on a historic forecast of 0.7 dupa

b - based upon Official Plan Village Residential Designation

TABLE 3.3: Development Activity Forecast - Fonthill						As of December 31, 1998
NAME OF DEVELOPMENT	UNIT TYPE AND NUMBER OF UNITS			TOTAL		APPROXIMATE NUMBER OF YEARS SUPPLY
	SINGLE S	SEDs	TOWNHOUSES/ APARTMENTS	THEORETICAL	PRACTICAL	
Immediate Term						
Registered Plans of Subdivision	155	20	67	242	242	3.1*
Short Term (Draft Approved and Zoned Sites)						
Nil	0	0	0	0	0	0.0*
Subtotal	0	0	0	0	0	
Medium Term (Zoned Sites with Plans at Varying Stages)						
Bruin	0	0	6 (Townhouses)	6	6	2.0*
RM1-29	0	0	26 (Block Townhouses)	26	0	
Rolling Meadows Ext 2	8	0	12 (Townhouses)	20	15	
Kunda	95	0	0	95	50	
Luchetta	0	0	13 (Townhouses)	13	13	
North Pelham	0	0	39 (Apartments)	39	39	
Sunshine Estates	31	0	0	31	31	
Subtotal	134	0	96	230	154	
Long Term (Unzoned Sites With or Without Plans)						
Lot 177 excluding South Park	208	0	92	300	157	2.0.
Subtotal	208	0	92	300	157	

Footnotes: a - based on a medium forecast scenario (77 dupa)



TABLE 4.2 Town of Pelham — Development Inventory and Activity Forecast-Dec.31, 1998				
COMMUNITY	HOUSING UNIT CAPACITY		MEDIUM FORECAST SCENARIO <sup>5</sup>	YEARS SUPPLY <sup>7</sup>
	Theoretical	Practical		
North Pelham	28 <sup>1</sup>	21 <sup>4</sup>	0.7 dupa	30.0
Fenwick - SERVICED	254	232 <sup>6</sup>	11 dupa	21.1
Fenwick - UNSERVICED	74 <sup>1</sup>	56 <sup>4</sup>	2 dupa	28.1
Fonthill	772 <sup>3</sup>	553 <sup>4</sup>	77 dupa	7.1
Agricultural	131 <sup>2</sup>	92 <sup>4</sup>	15 dupa	6.1
<b>TOTAL</b>	<b>1,259</b>	<b>954</b>	<b>106 dupa</b>	<b>9.0</b>
NOTES: 1. Based upon development within designated areas 2. Based upon assessment data and Building Department data 3. Based upon Residential Lot Inventory data (reference Table 3.3) 4. Based on Table 4.1. 5. Based upon building permit activity from 1981 to 1995 6. 87 Registered Plan Lots plus 75% of theoretical Lot capacity (reference Table 3.2) 7. Expressed in terms of "practical" capacity				

CHERYL MICLETTE, CLERK

## SCHEDULE "A"

1. Pelham Council is submitting an Official Plan Amendment.
2. The lands are described as Lot 3, Conc. 7 in the Town of Pelham.
3. The approximate area covered by the amendment is approximately 34 hectares (84 acres).
4. The proposed amendment revises and adds new policies to the Official Plan.
5. The purpose of the amendment is to undertake the following revisions to the Official Plan:
  - i. To include the subject lands inside the Fonthill Urban Boundary;
  - ii. To re-designate lands to "Area of Natural Scientific Interest", "Special Deferred Urban Residential Area", and "Deferred Urban Residential Area", and
  - iii. To introduce new policies
    - (a) to recognize the significance of the Fonthill Kame Delta (Earth Science Area of Natural Scientific Interest), and
    - (b) to provide development in an environmentally sound manner (Special Deferred Urban Residential Area).
    - (c) to require that a Secondary Plan be prepared addressing specific natural heritage issues.
6. The current designation of the subject land is 'Unique Agricultural'. This designation permits:

All types of agriculture including livestock operations, forestry, conservation and small scale commercial operations related to, and serving the agricultural area.
7. The proposed amendment replaces the designations in the Official Plan.
8. The 'Unique Agricultural' designation is being replaced.
9. The land uses authorized by the proposed Official Plan Amendment are residential, conservation and existing uses.
10. To the south-west, on the south side of Regional Road #20, the lands known as the Timmsdale Lands are the subject of a comprehensive urban boundary expansion by the Town of Pelham under Official Plan Amendment No. 30 now before the Ontario Municipal Board.

## Appendix G-1

### LIST OF PUBLIC BODIES GIVEN NOTICE OF PROPOSED PLAN OR AMENDMENT BUT WHICH DID NOT RESPOND

Ministry of Municipal Affairs and Housing

District School Board of Niagara

Ministry of Natural Resources

Ontario Hydro, Markham

Enbridge Gas, Thorold

Enbridge Gas, Scarborough

Niagara Peninsula Conservation Authority

Niagara Catholic District School Board

Ministry of Environment

TransCanada Pipelines Ltd.

City of Thorold

City of Welland

Niagara Escarpment Commission

**Appendix H-1**

AMENDMENT BEING INITIATED BY:

APPLICANT - Jim Garrett  
R. R. #2  
Niagara-on-the-Lake ON L0S 1J0

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT