


## THE REGIONAL MUNICIPALITY OF NIAGARA

OFFICIAL PLAN AMENDMENT NO. 42  
Regional Long-Term Care Facility for Seniors  
Town of Pelham

Amendment No. 42 to the Official Plan of the Town of Pelham, which was adopted by the Council of the Town of Pelham, is hereby approved under Section 17 of the Planning Act.

DATE: September 11, 2001



David J. Farley  
Director of Planning and Development  
Regional Municipality of Niagara

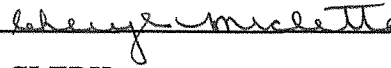
**AMENDMENT NO. 42  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWN OF PELHAM**

TOWN OF PELHAM  
CERTIFICATE  
OFFICIAL PLAN OF THE  
TOWN OF PELHAM  
AMENDMENT NO. 42

The attached text constituting Amendment No. 42 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. 2307 (2001) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 24th day of July, 2001.



MAYOR



CLERK

THE CORPORATION OF THE  
TOWN OF PELHAM

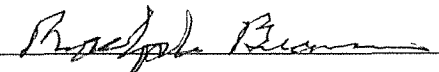
BY-LAW NO. 2307 (2001)

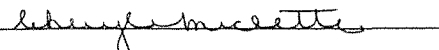
Being a by-law to adopt Amendment No. 42 to the  
Official Plan of the Town of Pelham.

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. 42 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. 42 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 24TH DAY OF JULY, 2001 A.D.

  
MAYOR RALPH BEAMER

  
CLERK CHERYL MICLETTE

TOWN OF PELHAM  
CERTIFIED A TRUE COPY

  
CLERK

## SCHEDULE 'A'

### AMENDMENT NO. 42

1. The alphabetical letter "g" be added as a prefix to the eighth paragraph of Section 1.10.1, and
2. The following is added to Section 1.10.1:
  - g) Notwithstanding the uses permitted by Policy 1.10.1, the lands occupying Part Lot 1, Concession 10, and located at the northwest corner of Pelham Street and Foss Road, in the Town of Pelham, and having a total area of approximately 1 hectare, may be used for a seniors' long term care facility.

**AMENDMENT NO. 42**

**TO THE OFFICIAL PLAN**

**FOR THE TOWN OF PELHAM**

**PLANNING AREA**

## Regional Niagara (Seniors')

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Introduction to the Official Plan Amendment

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#### PART B - THE AMENDMENT

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



## Regional Niagara (Seniors')

### PART A

#### PURPOSE

The Purpose of this amendment is to:

- ▶ Permit the use of a Regional Long Term Care Facility

#### LOCATION

The lands that are the subject of this amendment are located at the northwest corner of Pelham Street and Foss Road. The legal description of the property is Part of Lot 1, Concession 10, and shown as Part 3 on Reg. Plan 59R8309.

#### BASIS

The basis of this amendment is to:

- ▶ Permit, in addition to the permitted agricultural uses, a long term care facility
- ▶ Facilitate the rezoning of the lands to an Agricultural Exception Zone.
- ▶ Assist to fulfill the need for additional long term care beds within the Niagara Region.

**PART B**

**THE AMENDMENT**

## SCHEDULE 'A'

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TOWN OF PELHAM  
CERTIFIED A TRUE COPY

*Deborah M. McArthur*  
CLERK

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. 42

Part of Lot 1, Conc. 10, (Part 3 Reg. Plan 59R8309), 920 Pelham Street

A F F I D A V I T

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 16<sup>th</sup> day of May, 2001, 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 "A" to this Affidavit.
- (3) On the 22nd day of May, 2001, 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 "B" to this Affidavit, and to the respective persons whose names and addresses are shown on the list attached hereto and marked as Schedule "C" to this Affidavit, a notice of the public meeting.
- (4) On the 22nd day of May, 2001, I did cause to be sent by Regional Courier and in envelopes addressed to the respective public bodies whose names and addresses are shown on the list attached hereto and marked as Schedule "D" to this Affidavit, a notice of the public meeting.
- (5) On the 25th day of July, 2001, 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 "E" to this Affidavit, a copy of the Notice of Adoption of Official Plan Amendment No. 42.

SWORN BEFORE ME AT THE TOWN OF PELHAM )  
IN THE REGIONAL MUNICIPALITY OF NIAGARA )  
THIS 26TH DAY OF JULY, 2001 A.D. )

Cheryl Miclette  
CHERYL MICLETTE, CLERK

Jack Bernardi  
JACK BERNARDI

CHERYL MICLETTE, Clerk,  
Town of Pelham, a Commissioner,  
for taking Affidavits in the  
Regional Municipality of Niagara

The Voice of Pelham

Pelham News

Welland Tribune

SCHEDULE "B"

MAILING LIST OF PUBLIC BODIES FOR NOTICE OF PUBLIC MEETING

CITY OF WELLAND  
411 EAST MAIN STREET  
WELLAND ON L3B 3X4

D MANICCIA MGR OF OPERATIONS  
NIAGARA CATHOLIC DISTRICT  
SCHOOL BOARD  
427 RICE RD  
WELLAND ON L3C 7C1

ATTN MANAGER  
PLANNING & TRANSPORTATION  
DIST SCHOOL BOARD OF NIAGARA  
191 CARLTON ST  
ST CATHARINES ON L2R 7P4

ATTN SECRETARY

ENBRIDGE CONSUMERS GAS  
P O BOX 1051  
THOROLD ON L2V 5A8

PRESERVATION OF  
AGRICULTURAL LANDS  
BOX 1090  
ST CATHARINES ON L2R 7A3

LAND USE PLANNING SECTION  
REAL ESTATE SERVICES  
HYDRO ONE NETWORKS INC  
483 BAY ST 12<sup>TH</sup> FLR NORTH TOWER  
TORONTO ON M5G 2P5

MANAGER LAND SERVICES

ENBRIDGE CONSUMERS GAS  
101 CONSUMER DRIVE  
WHITBY ON L1N 1C4

MR JOHN BLAKELY  
RIGHT-OF-WAY AGENT  
INTERPROVINCIAL PIPE LINE  
P O BOX 128  
SARNIA ON N7T 7H8

TECHNICIAN 1  
RIGHT-OF-WAY DEPT  
TRANSCANADA PIPELINES LTD  
P O BOX 1000 STN M  
CALGARY AB T2P 4K5

## SCHEDULE "C"

VALENTIN & KATARINA SAJN  
763 CLARE AVE  
WELLAND ON L3C 3B9

R BLAIS & E LOSIER  
928 PELHAM ST  
WELLAND ON L3C 3E3

DON & PATRICIA HAMMOND  
924 PELHAM ST  
WELLAND ON L3C 3E3

S HATT & H STUTZ  
52 FOSS ROAD  
WELLAND ON L3C 3H7

BRIAN GARRARD  
60 FOSS ROAD  
WELLAND ON L3C 3H7

FLORENCE LITTLE  
66 FOSS ROAD  
WELLAND ON L3C 3H7

MARJORY GENNINGS  
72 FOSS ROAD  
WELLAND ON L3C 3H7

MIRELLA DINARDO  
122 BENJAMIN DR  
WOODBIDGE ON L4L 1H9

ALLAN & RETA HOWARD  
945 PELHAM ST  
WELLAND ON L3C 3E2

C & B SASSI  
957 PELHAM ST  
WELLAND ON L3C 3E2

PRES OF LETHBRIDGE STAKE  
C/O REAL ESTATE DIV 12<sup>TH</sup> FLR  
50 EAST NORTH TEMPLE ST  
SALT LAKE CITY UTAH 84150

N & M TANCREDI  
4 COUNTRYSIDE DR  
WELLAND ON L3C 6Z1

G & P MASTROIANNI  
8 COUNTRYSIDE DR  
WELLAND ON L3C 6Z1

MICHEL LUKACSY  
12 COUNTRYSIDE DR  
WELLAND ON L3C 6Z1

SCHEDULE "D"

ATTN CLERK

REGIONAL NIAGARA  
BOX 1042  
THOROLD ON L2V 4T7

REGIONAL NIAGARA HEALTH  
SERVICES  
573 GLENRIDGE AVE  
ST CATHARINES ON L2T 4C2

ATTN SEC-TREASURER  
NIAGARA PENINSULA  
CONSERVATION AUTHORITY  
250 THOROLD RD WEST 3RD FLOOR  
WELLAND ON L3C 3W3

LARRY BOUSFIELD  
REG MUNICIPALITY OF NIAGARA  
P O BOX 1042  
THOROLD ON L2V 4T7



SCHEDULE "E"

MAILING LIST FOR NOTICE OF PASSING OF OFFICIAL PLAN AMENDMENT NO. 42

Don Hammond  
924 South Pelham Road  
Welland ON L3C 3E3

Steve & Heidi Hatt  
52 Foss Road  
Welland ON L3C 3H7

Larry Bousfield  
Regional Municipality of Niagara  
P. O. Box 1042  
Thorold ON L2V 4T7

GC-109/2001

GENERAL COMMITTEE

GC-14/01

June 11, 2001

Minutes of a regular General Committee meeting held on Monday, June 11<sup>th</sup>, 2001 at 7:00 p.m. in the Municipal Council Chambers, 20 Pelham Town Square, Fonthill.

ATTENDANCE:

Council: Mayor R. Beamer;  
Councillor G. Berkhout  
Councillor U. Brand  
Councillor C. Kuckyt  
Councillor R. Hatt  
Councillor S. Matthews  
Councillor W. B. Walker;

Staff: C.A.O./Director of Financial Services G. Cherney  
Director of Planning Services J. Bernardi  
Director of Building/Enforcement Services E. Cronier  
Director of Operations L. J. Hodge  
Director of Fire Services S. McLeod  
Recording Secretary (Clerk) C. Miclette

Others: Glen Barker of BLS Planning Associates\*\*  
Drew Semple, Regional Planning Department\*\*  
Don Campbell, Regional Planning Department\*\*  
Dominic Ventresca, Assistant Director, Seniors Services  
Division, Regional Niagara\*\*  
Ken Dakin of May, Pirie, Dakin & Associates Ltd.\*\*  
Interested citizens

Media: Sarah Murrell, The Voice of Pelham  
Greg Furminger, Pelham News

\*\* - PART TIME ONLY

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 S. MATTHEWS - THAT the agenda for the June 11<sup>th</sup>, 2001  
regular General Committee meeting be adopted, as amended. CARRIED,  
CHAIR, MAYOR R. BEAMER

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE  
THEREOF:  
Councillor R. Hatt disclosed an indirect pecuniary  
interest with respect to Proposed Official Plan & Zoning By-law  
Amendment Application #AM-3/00, due to the fact that a member of  
his family owns the property adjacent to the proposed development.

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 W. B. Walker assumed the Chair as Chair of the Planning Services Division.

4. PUBLIC MEETING UNDER PLANNING ACT:

Joint Meeting - Proposed Official Plan & Zoning By-law Amendment Application #AM-3/00 - Regional Niagara, Part Lot 1, Conc. 10 (Pt. 3, Plan 59R-8309) - Pelham Street & Foss Road (northwest corner):

(I) Chair, Councillor W. B. Walker noted that this part of the meeting was a joint meeting between the Regional Municipality of Niagara and the Town of Pelham and he introduced Mr. Drew Semple, Regional Planning Staff and Mayor R. Beamer, member of the Regional Planning Committee.

Chair, Councillor Walker then recited the required form of notice pursuant to the Planning Act.

The Chair then called upon Mr. Glen Barker of BLS Planning Associates who provided an overview of the application.

Mr. Barker noted that the southwest portion of the property is identified as part of the Provincially Significant Draper's Creek Wetland.

Mr. Barker also noted that the Regional Municipality of Niagara had reviewed other sites, but it was their opinion that this site would accommodate the needs of both Welland and Pelham.

Mr. Barker also stated that the Regional Municipality of Niagara has carried out an Environmental Appraisal on the lands which are the subject of this application.

Mr. Barker noted that a 9 metre setback would be required between the wetlands and the complex.

In closing, Mr. Barker noted that, in conjunction with the Town's Director of Planning Services, they would assess the application taking into account the following:

- (a) need for facility
- (b) availability of available locations
- (c) agricultural implications
- (d) impact on the environment
- (e) impact on surrounding land uses
- (f) impact on servicing, i.e. water, sewer, etc.

Chair, Councillor Walker then called upon Mr. Drew Semple, a Planner with the Regional Municipality of Niagara to make a presentation.

Mr. Semple noted in his opening remarks to the audience that at this point in time the Regional Municipality of Niagara has not made a decision on this application and that anyone

wishing to receive a copy of the final report on this matter should sign the attendance list located on the back table in the Council Chambers.

Mr. Semple noted that the site is approximately 9.2 acres and that only 2 ½ acres requires an amendment. He noted that the 2 ½ acres is shown as "Good General Agricultural" in both the Regional Policy Plan and the Town of Pelham Official Plan. He also noted that the City of Welland Official Plan and Zoning By-law allow for this development and therefore no amendment is required on the lands located within the City of Welland.

Mr. Semple also noted the separation corridor which currently exists between Pelham and Welland which has been on the record for approximately 20 years as a possible route for the Mid-Peninsula Corridor, but he did state that a reduction in the corridor to 700 feet would be sufficient if, in fact, the Mid-Peninsula was slated for this area.

Mr. Semple then called upon Mr. Dominic Ventresca, Assistant Director, Seniors Services Division, Regional Niagara who provided an overview on the need for a long term care facility in the Welland/Pelham area; the design of the facility and the reason for the locating of a long term care facility on this parcel of land located at the corner of Pelham Street and Foss Road.

PUBLIC INPUT:

Mr. Steven Hatt, 52 Foss Road - noted the extra-ordinary wetlands which currently house frogs, toads, deer, geese, etc. He stated that he is not against the long term care facility, but he did note that he would like to see the wetlands preserved and a green space put in place for the neighbours in the area. In closing, Mr. Hatt questioned Mr. Ventresca as to whether or not there were grants for new buildings vs renovated buildings, to which Mr. Ventresca noted that grants were available for new buildings.

COMMITTEE INPUT:

Councillor Kuckyt questioned Mr. Ventresca as to the height of the facility, to which Mr. Ventresca noted that it would be a two-storey building. Councillor Kuckyt also inquired as to what plans the Region had for a buffer, to which Mr. Ventresca noted that there is nothing concrete at this point in time. In closing, Councillor Kuckyt noted that she had a concern with 4 entrances from the facility onto Pelham Street and she asked that consideration be given to reducing the number of entrances to 2.

Councillor Berkhout noted that this was the perfect site and that he would be supporting this application.

Councillor Brand noted a safety issue with respect to the kitchen areas, to which Mr. Ventresca noted that staff would monitor the kitchen areas. Councillor Brand also noted the issue of no sidewalks in the area and he questioned whether or not the Region would consider the installation of sidewalks in this area. Mr. Ventresca noted that they would be amenable to working with the municipality on this issue.

Councillor Kuckyt asked whether the residents of Sunset Haven would be moved to the new facility and then Sunset Haven would be rebuilt to meet the new standards.

Councillor Matthews asked whether any new beds would be added or was this just a re-distribution of beds, to which Mr. Ventresca noted that it would just be a re-distribution of beds.

Councillor Matthews also inquired as to whether or not the site plan stage would include staff from both Welland and Pelham, to which Director of Planning Services noted that it would be a three party agreement (Regional Niagara, City of Welland & Town of Pelham) and, as well, building inspection would also be a joint effort.

(II) The Chair then closed the public meeting portion of the agenda.

**Joint Public Meeting - Proposed Official Plan & Zoning By-law Amendment Application #AM-2/01 - Dermikland Inc. (Agent May, Pirie, Dakin & Associates Ltd.) - Part Lots 19 & 20 and Part of Road Allowance between Lots 19 & 20, Conc. 3, 2325 Regional Road #24 (Victoria Avenue):**

(I) Chair, Councillor Walker noted that this was a joint public meeting between the Regional Municipality of Niagara and the Town of Pelham. He then introduced Mr. Don Campbell, Staff from the Regional Planning Department who would be providing an overview on this application.

The Chair recited the required form of notice.

Chair, Councillor Walker then called upon Director of Planning Services J. Bernardi who provided an overview of the application.

Mr. Bernardi noted that a number of policies would be used to assess this application, i.e. Provincial Policy Plan, Regional Policy Plan, Town of Pelham Official Plan and Town of Pelham Zoning By-law.

Mr. Bernardi stated that the application before the Committee this evening was to permit a 9 hole golf course, driving range and accessory facilities as an amenity and entertainment facility for visitors to the NET Camping Resort, as well as from the applicant's other recreational facility, Bissell's and for the general public. He also stated that the present site contains and permits 193 site fully serviced seasonal campground with the opportunity for an additional 105 newly serviced campsites.

Mr. Bernardi outlined the surrounding land uses in the area.

In closing, Mr. Bernardi noted that once all comments have been received from the general public, a recommendation report will be prepared for consideration by the Committee at a future date.

Chair, Councillor Walker then called upon Mr. Don Campbell, Staff with the Regional Planning Department who provided an overview of the application.

Mr. Campbell noted that the area, in question, is located within the "Good General Agricultural" area of the Regional Policy Plan and he stated that this designation does not allow for golf courses, therefore an amendment is required.

He also noted that when reviewing this application, the Provincial Policy Plan as well as the Regional Policy Plan will be taken into account and, as well, he stated that a "notwithstanding" clause would be included if, in fact, this application is approved.

In closing, Mr. Campbell also stated that the Fifteen Mile Creek runs through the property in question and that this creek has been designated as a "Provincially Significant Wetland".

Chair, Councillor Walker then called upon Mr. Ken Dakin of May, Pirie, Dakin & Associates Ltd. to make a presentation on behalf of the applicant, Dermikland Inc. Mr. Dakin introduced the owner of the property, Mr. Emil Miklavcic and his son, as well as Mr. Andrew Zitaterna, P. Eng. with the firm of Aquatic Sciences Ltd.

Mr. Dakin, in his opening remarks, provided members of the Committee and interested citizens with an overview of the facilities currently being carried out on site and he noted the many changes which have occurred on site since Mr. Miklavcic has purchased the property.

Mr. Dakin also noted that his client feels that an additional recreational amenity is needed and therefore the proposal is for the addition of a 9-hole golf course for use by the campers at this location, as well as campers from the applicant's other facility, Bissell's, as well as the general public.

Mr. Dakin then stated that, in their opinion, the following issues have been addressed through the application:

- (1) need
- (2) design
- (3) traffic
- (4) water supply
- (5) environmental issues
- (6) agricultural

Mr. Dakin then elaborated on the above noted issues whereby he stated that a needs analysis had been prepared to address the need. Also, a traffic assessment study had been carried out which noted that a separate entrance to the golf course facility would be required. With respect to the environmental issues, he noted that an Environmental Impact Statement was completed in the fall of 2000 and Mr. Dakin outlined, on the drawings presented, the wetland boundary and the 30 metre buffer around the creek area. Mr. Dakin also noted that the biological

field work will be carried out in the spring of 2002.

With respect to the matter of water supply, he noted that there would be two demands for water on the property, i.e. use by campers and for irrigation of the golf course, which in his opinion could be accomplished by the stormwater pond and lagoon which is located on site. Mr. Dakin also noted that they currently have a certificate of approval for use of the lagoon and that a monitoring program is already in effect for same.

In closing, Mr. Dakin stated that a water supply analysis has been prepared.

PUBLIC INPUT:

Mr. Michael Goulet, Seasonal Camper - noted that he is very proud to be a part of this campground and that he is looking forward to the development of the golf course for use by the campers and general public.

Mr. Don Young - noted that he is in full support of the project and that, on behalf of the neighbours, he also expressed their support.

COMMITTEE INPUT:

Councillor Kuckyt questioned the use of chemical on the greens, to which Mr. Dakin noted that nutrients would be required for the greens.

Councillor Brand questioned whether or not the studies will be forwarded to the municipality, to which Mr. Dakin responded that the studies which have been prepared have been submitted to the municipality with the exception of the water analysis and biological study which will be completed in the spring of 2002.

Councillor Brand inquired as to what type of buffer would be installed and Mr. Dakin outlined the type of buffer which is being proposed for the site, which, in their opinion, would address stormwater management.

Councillor Hatt asked for clarification with respect to the location of the power line to which Director of Planning Services J. Bernardi noted that it is located to the south of the property.

(II) The Chair then closed the public meeting portion of the agenda for this application.

(5) BUSINESS SUBDIVISION:

(A) PLANNING SERVICES:

(i) Hearing of Delegations:

There were no letters received and/or persons in attendance.

(ii) Staff Reports:

Report P-29/01 re Request for Condominium Agreement - Mountainview Homes (Niagara) Ltd. - Proposed 16 Unit Brookhaven Condominium - Block 102, Plan 59M-221, 42 Concord Street, Oakridge Estates Subdivision - RECOMMENDATION - MOVED BY

COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT Report P-29/01 re Request for Condominium Agreement - Mountainview Homes (Niagara) Ltd. - Proposed 16 Unit Brookhaven Condominium - Block 102, Plan 59M-221, 42 Concord Street, Oakridge Estates Subdivision be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the appropriate by-law be passed authorizing a Condominium Agreement to be entered into with a Condominium Corporation to be created upon the registration of all required condominium documentation by Mountainview Homes (Niagara) Ltd." CARRIED, CHAIR, COUNCILLOR W. B. WALKER

Report P-30/01 re Objection to Expansion - Lookout Point Golf & Country Club - Preservation of Agricultural Lands Society - Director of Planning Services J. Bernardi noted two minor amendments to Report P-30/01.

RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT Report P-30/01 re Objection to Expansion - Lookout Point Golf & Country Club - Preservation of Agricultural Lands Society be received, as amended; AND THAT the recommendations contained therein be approved, as follows: - "THAT the Committee recommend to Council that the appeal of PALS not be supported; AND THAT Council request the Ontario Municipal Board to dismiss the appeal of PALS; AND THAT the Ontario Municipal Board be advised accordingly." CARRIED, CHAIR, COUNCILLOR W. B. WALKER

(iii) Other & New Business:

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

(iv) Communications Received to June 6<sup>th</sup>., 2001:

(A) Information Items #1 to #3 - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR C. KUCKYT - THAT Planning Services communications received to June 6<sup>th</sup>., 2001, Items #1 to #3, 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 G. Berkhout resumed the chair as Chair of the Operations Division.

(i) Hearing of Delegations:

Mrs. Lisa Harju re Use of Herbicides and Pesticides - It was noted that Mrs. Harju had advised the office earlier in the day that she would be unable to attend the meeting this evening.

(ii) Staff Reports:

Report MOR-46/01 re 2001 Roadside Mowing Program - RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR R. HATT - THAT Report MOR-46/01 re 2001 Roadside Mowing Program be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to



Council that the current agreement with Niagara Commercial Contracting for the Roadside Mowing Program be expanded." CARRIED, CHAIR, COUNCILLOR G. BERKHOUT

(iii) Other & New Business:

Update on Water Integration - In response to a question raised by Councillor Brand, Director of Operations L. J. Hodge advised that 10 of the 11 zones had been integrated, but that the area north of #20 Highway has not been completed at this point in time, but should be integrated in the near future.

(iv) Communications received to June 6<sup>th</sup>., 2001:

(A) Information Items - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR U. BRAND - THAT Operations Division communications received to June 6<sup>th</sup>., 2001, Items #1 & #2 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR G. BERKHOUT

(C) CORPORATE SERVICES:

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

(i) Hearing of Delegations:

Mrs. Juanita MacLean re "Way To Grow" Day Care  
- Mrs. MacLean provided an overview to members of the Committee and staff with respect to their efforts to establish a much needed "day care facility" in the Town of Pelham. She indicated that they were looking for 2,500 square feet of space, as well as a green area, which is required by the Ministry for the operation of a day care facility. In closing, Mrs. MacLean noted that they were in attendance this evening to determine whether or not the Committee would, in fact, support a rezoning if they purchased the residence located at 39 College Street.

Councillor Walker indicated that he would not be able to support the rezoning of the property located at 39 College Street.

Chair, Councillor Kuckyt inquired as to whether or not Mrs. MacLean had spoke with the neighbours in the area, to which she responded that she had spoken with the owners of 34 College Street and 35 College Street. She also inquired as to whether or not renovations would be required to the residence, to which Mrs. MacLean replied that renovations would need to be carried out in order to make it appropriate for a day care facility.

Councillor Berkhout asked whether or not the group had considered the vacant building adjacent to St. Alexander's, to which Mrs. MacLean noted that they had considered this avenue but stated that they were informed that this was not an option.

GC-117/2001

Chair, Councillor Kuckyt thanked the group for their presentation.

(ii) Staff Reports:

Report B&E-11/01 re Building Permit & Complaints Report for the Month of May, 2001 - RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT Report B&E-11/01 re Building Permit & Complaints Report for the Month of May, 2001 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

Report TR-7/01 re Final 2001 Tax Rates - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT Report TR-7/01 re Final 2001 Tax Rates be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that Council pass a by-law adopting the 2001 Operating Budget and setting the tax rates for the year for the non-capped property classes." CARRIED, CHAIR, COUNCILLOR C. KUCKYT

(iii) Other & New Business:

Approval of Accounts - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the Committee recommend to Council that the accounts as per Cheque Register dated June 11<sup>th</sup>., 2001, in the amount of \$82,886.16, be approved and ordered paid. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

(iv) Communications Received to June 6<sup>th</sup>., 2001:

(A) Information Items #1 to #4 - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT Corporate Services communications received to June 6<sup>th</sup>., 2001, Items #1 to #4 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR C. KUCKYT

6. 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 the Mayor as Chair. CARRIED, CHAIR, MAYOR R. BEAMER

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

7. REPORT ON COMMITTEE OF THE WHOLE:

Report FD-05/01 re Budget Update - Station in the North End of Pelham - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT Report FD-05/01 re Budget Update - Station in the North End of Pelham be received for the information of the Committee. CARRIED, CHAIR, MAYOR R. BEAMER

Report FD-06/01 re Disposal of Redundant Fire Equipment -

GC-118/2001


RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT Report FD-06/01 re Disposal of Redundant Fire Equipment be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the Fire Chief be authorized to begin the process of disposal of the following redundant fire apparatus:

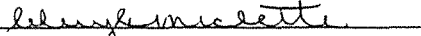
- (1) 1966 Thibault Aerial Ladder (former Aerial #1)
- (2) 1985 Tanker (former Tanker #2)."

CARRIED, CHAIR, MAYOR R. BEAMER

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, JUNE 25<sup>th</sup>, 2001, unless sooner called by the Chair. CARRIED, CHAIR, MAYOR R. BEAMER

  
CHAIR

  
SECRETARY

PLANNING SERVICES: CORRESPONDENCE RECEIVED TO JUNE 6, 2001:

(A) Items for Information of Committee and/or Follow up by Staff:

1. Regional Niagara Planning and Development Department:

(a) Re Regional Policy Plan Amendment 153 - Leiden's Tent Service, Maple St., Fenwick - correspondence forwarding Notice of Adoption of Amendment 153 on May 17, 2001.

(b) Re Consent Applications B7/2001 and B8/2001 on behalf of Brian and Margaret Hadley, Foss Road - copy of correspondence noting that the Ridgeville Drain traverses part 3 and the comments of the Conservation Authority and Town of Pelham should be obtained to determine if a condition in this regard is necessary. Otherwise they have no objection to approval of these applications.

(c) Re Official Plan Amendment 38, Condominium Townhouse Development, Line Avenue, Town of Pelham - Notice of Regional Council decision to approve Town of Pelham Official Plan Amendment 38 - **appeal date June 11, 2001.**

(d) Re Official Plan Amendment 39, Recognition of Existing Tent Rental Business, Maple St., south of Regional Road 20 - Notice of Regional Council decision to approve Town of Pelham Official Plan Amendment 39 - **appeal date June 11, 2001.**

(e) Re Consent Applications B7/2001 and B8/2001 on behalf of Brian and Margaret Hadley, Foss Road - copy of additional correspondence noting that they have no objections, subject to the Town of Pelham comments.

(f) Re Regional Niagara's Comments on Proposed Changes to the Niagara Escarpment Plan - correspondence attaching report DPD 62-2001 and advising that they have requested an opportunity to make a submission before the NEC Hearing Panel in St. Catharines during the week of July 23 to 27, 2001, as a few key areas were not fully supported by the Commission which involve cottage wineries, estate winery restaurants, events and Bed & Breakfast establishments.

(g) Re Topsoil Stripping - correspondence forwarding Report DPD 52-2001 which provides information on legislation, policies, local regulations and issues concerning the stripping of topsoil from agricultural lands in Niagara. Regional Council has requested that municipalities with a topsoil preservation by-law in place give some consideration to reviewing their by-law to ensure consistency across the Niagara Region.

(h) Re Notice of Public Meeting - Regional Policy Plan Amendment 157, NET Camping Resource - Proposed Golf Course - correspondence advising of Joint Public Meeting on June 11, 2001, and enclosing a copy of Regional Report DPD 37-2001.

2. Committee of Adjustment:

(a) Re Consent Application #B4/2001P on behalf of Escarpment Farms Ltd. (Wayne Lockey), 335 Roland Road - subject property Centre Street - to convey 62.6 acres of land (Part 2) for continued agricultural use and 2 acres of vacant land (Part 1) is to be retained as a farm retirement lot - **final consent**.

(b) Re Consent Application #B5/2001P on behalf of Timothy and Kathleen VanHoffen, 1010 Canboro Road (to convey 4.2 ac. of land, minor boundary adjustment) - **final consent**.

(c) Re Consent Application #B5/2001P on behalf of Timothy and Kathleen VanHoffen, 1010 Canboro Road (to convey 4.2 ac. of land, minor boundary adjustment) - **final certification**.

3. Niagara Escarpment Commission:

(a) Re Development Permit Application N/A/99-00/363 on behalf of Chris and Virginia Vanrooy, Part Lot 6, Conc. 3, 2460 Effingham St. - (to construct an arched agricultural building 15 x 36 metres (50x120 ft.) for cattle cover, hay and machinery storage on a 6.7 ha (16.47 ac.) property) - **development permit issued subject to conditions**.

(b) Re Development Permit Application N/R/00-01/389 on behalf of Adam & Lucy Majerski, Effingham St. (to construct a 2 storey plus walk-out basement, maximum 12m (40') high (walk-out side), 308.5 sq m (3317 sq ft) single dwelling including attached garage with septic system and accessway, on an existing 0.92 ha (2.3 ac.) lot) - **conditionally approved**.

(c) Re Development Permit Application N/R/01-02/65 on behalf of Frank and Kelly Gualtieri (Agent Carlo Gualtieri), south-east corner of Wessel and Sawmill - to construct a 2000-5000 sq.ft. (186-465 sq. m), one storey dwelling with a walkout basement and a main floor deck. The subject lot will be created by the merger of 3 existing lots originally severed by testamentary devise - **request for comments**.

**GENERAL COMMITTEE OF COUNCIL-OPERATIONS DIVISION: CORRESPONDENCE RECEIVED TO JUNE 6, 2001:**

(A) Items for Information of the Committee:

1. Canada Day Committee - being the minutes of the Wednesday, April 25<sup>th</sup>., 2001 meeting of the Canada Day Committee.
2. Communities in Bloom - being the minutes of the May 15<sup>th</sup>., 2001 meeting of the Communities in Bloom Committee.

**CORPORATE SERVICES DIVISION: CORRESPONDENCE RECEIVED TO JUNE 6, 2001:**

(a) Information Items:

1. E. L. Crossley Secondary School - being an expression of thanks to the municipality for their generosity by way of scholarships.

# MINUTES OF THE JULY 24, 2001, GENERAL COMMITTEE MEETING WILL BE FORWARDED UPON RATIFICATION

There were no written submissions or comments received.

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. 42

Part of Lot 1, Conc. 10 (Part 3 Reg. Plan 59R8309), 920 Pelham Street

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 person made an oral submission at the public meeting held on June 11, 2001:

Mr. Steven Hatt

SWORN BEFORE ME AT THE  
TOWN OF PELHAM IN THE  
REGIONAL MUNICIPALITY OF NIAGARA  
THIS 26TH DAY OF JULY, 2001 A.D.

[illegible]

  
JACK BERNARDI

Cheryl Miclette  
CHERYL MICLETTE, CLERK

**CHERYL MIOLETTE, Clerk,**  
Town of Pelham, a Commissioner,  
for taking Affidavits in the  
Regional Municipality of Niagara



PLANNING SERVICES REPORT

P-13/00

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

**DATE OF REPORT:** March 10, 2000

**DATE OF MEETING:** March 13, 2000

**FROM:** J. Bernardi, Director of Planning Services

**SUBJECT:** TECHNICAL INFORMATION REPORT  
Proposed Official Plan and Zoning By-law Amendment Application #AM-3/00  
Regional Municipality of Niagara, Part Lot 1, Conc. 10 (Pt. 3 Plan 59R8309)  
Pelham Street and Foss Road (northwest corner)

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**RECOMMENDATION:**

**THAT** the General Committee, Planning Services Division, receive Planning Services Report P-13/00 re Technical Information Report - Proposed Official Plan and Zoning By-law Amendment Application #AM-3/00 - Regional Municipality of Niagara, Part Lot 1 Conc. 10 (Pt. 3 Plan 59R8309); and

**THAT** a public meeting be targeted for some time in late April or May 2000, pursuant to the provisions of the Planning Act.

Background:

The Town is in receipt of an application from the Regional Municipality of Niagara to amend the Town's Official Plan and Zoning By-Law.

Proposal:

The applicant proposes to amend the Official Plan and Zoning By-Law to permit a 120 bed Regional Long Term Care Facility on 1 hectare (2.56 ac.) of land (Part 3) for the major purpose of road access, parking, landscaping and possibly a small portion of the proposed building. The majority of the building will be located on Part 2 to the south which lies entirely within the City of Welland. It is our understanding that the applicant will be submitting the appropriate application for site plan approval to the City of Welland. We have been advised that the proposed use lies within the City's urban area and is permitted within their zoning by-law.

Location:

The subject lands are located at the northwest corner of Pelham Street and Foss Road. The legal description is Part of Lot 1, Concession 10, shown as Part 3 on the attached Plan 59R8309.

Property Description and Surrounding Land Use:

The subject land is rectangular in shape with a total area of approximately 1.0 hectare (2.56 ac.) with a total frontage of approximately 50.6 metres (166 ft.) along Pelham Street. The subject land is vacant. The subject lands are relatively flat in this particular area sloping to the south and west compared to the substantially low lying wetlands abutting to the south in Welland.

The lands abutting the subject land are as follows:

- (a) North - residential
- (b) South - vacant (political boundary between Pelham and Welland)
- (c) East - Pelham Street (across the street is residential)
- (d) West - residential

PLANNING REVIEW

Provincial Policy Statement:

2.1 Agricultural Policies

- 21.1 Prime agricultural areas will be protected for agriculture. Permitted uses and activities in these areas are: agricultural uses; secondary uses; and agriculture-related uses.

Proposed new secondary uses and agriculture-related uses will be compatible with, and will not hinder, surrounding agricultural operations.

- 2.1.3 An area may be excluded from prime agricultural areas only for:
- a) an expansion of an urban area or rural settlement area, in accordance with policy 1.1.1.c);
  - b) extraction of mineral resources, in accordance with policy 2.2; and
  - c) limited non-residential uses, provided that:
    - 1. there is a demonstrated need for additional land to be designated to accommodate the proposed use;
    - 2. there are no reasonable alternative locations which avoid prime agricultural areas; and
    - 3. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Impacts from any new non-agricultural uses on surrounding agricultural operations and lands will be mitigated.

- 2.1.5 In prime agricultural areas, agricultural uses and normal farm practices will be promoted and protected.

Regional Niagara Policy Plan:

The subject land is located within the Good General Agricultural Area of the Regional Policy Plan. The predominant use of land, for this category, will be for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted.

The policy for this category, relative to this proposal, can be found under policy 6.A.8 and it reads as follows:

"6.A.8 Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be received. These applications will be reviewed through a Regional Policy Plan Amendment using the following review criteria:

- (a) the quality of the agricultural land including soils, climate, and the nature of agricultural activity in the area. It is expected that Rural Areas will be preferred, that poorer general agricultural lands will be the next preference and that good general agricultural lands will be less preferred for such uses. These uses are not permitted on unique agricultural lands;
- (b) the need for and desirability of the proposed use to the community;
- (c) the availability of alternative sites in Urban Areas and Rural Areas;
- (d) non-agricultural uses shall not be permitted in Unique Agricultural Areas. Furthermore, estate residential development is not permitted in Agricultural Areas and/or in close proximity to agricultural activity;
- (e) the degree of conflict with surrounding agricultural uses. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways, and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- (f) impact on the environment and on rural resources such as forestry and fisheries; and
- (g) compliance with other policies contained in the Regional Policy Plan."

Town of Pelham Official Plan:

Agricultural Area:

The Town of Pelham Official Plan designates the subject lands 'Good General Agricultural'. The predominant use of land in the Agricultural Area shall be all types of agriculture, which shall include the raising of livestock. Compatible uses relating to agriculture are also permitted subject to the other policies in this Plan.

The policy for this category, relative to this proposal, can be found under policy 1.1 and it reads as follows:

#### General Development Policy

"1.1 Before any development takes place, and before any land division or consent for a land severance is permitted, or any amendment to a zoning by-law is made, it shall be established to the satisfaction of the Council and of all other bodies having jurisdiction, that:

1.1.1 Soil and drainage conditions are suitable to permit the proper siting of buildings;

1.1.2 Suitable arrangements have been made for water supply, sewage disposal, storm drainage and all other necessary public services and that there is no danger of air pollution;

1.1.3 No traffic hazards will ensue because of excess traffic generation, or limited sight lines on curves or grades;

1.1.4 The land fronts a public road which is of a reasonable standard of construction."

#### Town of Pelham Zoning By-law No. 1136 (1987):

The subject land is zoned Agricultural 'A' Zone in accordance with Zoning By-law No. 1136 (1987), as amended. The 'A' zoning states as follows:

#### Section 7 - Agricultural A Zone

Subject to the general provisions of Section 6 and all other applicable requirements of this by-law, the provisions of this section shall apply throughout the Agricultural A Zone.

##### 7.1 Permitted Uses

- (a) Agricultural uses including greenhouses;
- (b) seasonal or permanent farm help houses on farms larger than 10 hectares;
- (c) one single detached dwelling on one lot;
- (d) home occupations;
- (e) kennels;
- (f) animal hospitals;
- (g) uses, buildings and structures accessory to the foregoing permitted uses;
- (h) forestry and conservation uses.

##### 7.2 Regulations for Agricultural Uses Permitted in Clause (a) Of Subsection 7.1

- |     |                      |                           |
|-----|----------------------|---------------------------|
| (a) | Minimum Lot Frontage | 180 m (590.55 ft)         |
| (b) | Minimum Lot Area     | 10 hectares (24.71 acres) |
| (c) | Maximum Lot Coverage | 10 percent                |
| (d) | Minimum Front Yard   | 20 m (65.62 ft)           |
| (e) | Minimum Side Yard    | 46 m (150.92 ft)          |

(f)	Minimum Exterior Side Yard	20 m (65.62 ft)
(g)	Minimum Rear Yard	46 m (150.92 ft)

The proposed long term care facility does not comply with the permitted uses listed above nor with the minimum lot size or possibly the setback requirements of the zone.

Servicing:

This area is serviced by municipal water and sanitary sewer. Pelham Street drainage is provided by roadside ditches and existing watercourses. No sidewalks exist on Pelham Street.

Conclusion:

The proposed Official Plan and Zoning By-Law amendments would permit the use of the lands for the purpose of providing road access, parking, landscaping and possibly a portion of the building for the proposed 120 bed long term care facility.

A public meeting is being targeted for sometime in late April early May 2000.

This report is for information only and serves to make the Committee aware of its submission and to advise of a future public meeting date. A recommendation report will be prepared and presented to this Committee at a future date. It is not intended to discuss or debate the merits of this proposal at tonight's meeting as such discussion must occur during a public meeting.

Prepared by,



Jack Bernardi  
Director of Planning Services

Reviewed by,



Gord Cherney  
C.A.O.

/JB  
Encl.

\_\_\_\_\_

I HEREBY THIS PLAN TO BE DEPOSITED  
UNDER THE REGISTRY ACT  
DATE: DECEMBER 15, 1992  
R. J. Robert  
R. J. ROBERTS  
Fiduciary - LIAISON & ASSOCIATES

PLAN 59R- 8309  
RECEIVED AND DEPOSITED  
DATE: DEC. 16, 1992

**ASST.** \_\_\_\_\_  
**REP.** \_\_\_\_\_

LAND REGISTRAR FOR THE REGISTRY DIVISION  
OF NIAGARA SOUTH NO. 92.

Caution  
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF  
THE PLANNING ACT  
Bearing Note  
Bearings hereon are astronomical, and are referred to the unbroken westerly limit of  
South Petham Road as shown on Plan 59A-4694, having a bearing of  
N100°41'00" E

Legend

- ♂ denotes a Found Monument
- ♀ denotes a Planted Monument
- 11B denotes 1 1/2" standard iron bar 4' long
- 11B.1 denotes 1 1/2" Short Standard iron bar 1' long
- 10 denotes 3/8" 14-UNC bar
- 12.6 denotes 3/4" diameter Round iron Bar
- 11 denotes Iron Tube
- ♂ denotes Cu Cross
- ♂ denotes Concrete Monument
- 11T denotes Wiremesh

OU denotes Organ Unknown  
CSL denotes Cane & Lava (not essential)  
The length of Found Bar has not been verified  
Bar planted prior the letters RMH.

PLAN OF SURVEY OF  
PART OF LOT 1,  
CONCESSION IO  
IN THE GEOGRAPHIC TOWNSHIP OF PELHAM  
PARTLY IN THE TOWN OF PELHAM and  
PARTLY IN THE CITY OF WELLAND  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 IN = 100 FT  
A F ROBERTS, O.L.S.  
1992

### Surveyor's Certificate

1. This plan and survey are correct and in accordance with the Survey Act and the Registry Act and the regulations made thereunder.

01160 DECEMBER 13, 1972

*A. F. Roberts*  
A. F. ROBERTS  
Ontario Land Surveyor

THE REGIONAL MUNICIPALITY OF NIAGARA  
PUBLIC WORKS AND UTILITIES DEPARTMENT  
2201 ST DAVID'S RD, P.O. BOX 1042, THOROLD, ONTARIO, L2V 4T7

SCALE: 1 IN = 100 FT	DR. J. R. EDWARDS CH. BY J. C. MOSEBROOK	FILE: 91-28	NO. 30, SEC. 27 & 38A
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TRMN FILE 91-98

## PLANNING REPORT

P-32/01

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

**DATE OF REPORT:** July 16, 2001

**DATE OF MEETING:** July 24, 2001

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

**SUBJECT:** Recommendation Report  
Proposed Official Plan and Zoning By-law Amendment  
Application AM-3/00 - Regional Municipality of Niagara,  
Part Lot 1, Concession 10, Plan 59R-8309.

### 1 RECOMMENDATION

- a) THAT the General Committee, Planning Services Division, receive Planning Report P-32/01, regarding Official Plan and Zoning By-law Amendment Application AM-3/00, Regional Municipality of Niagara, Plan 59R-8309.
- b) THAT Official Plan Amendment Application AM-3/00 be approved which would:
  - i) add a special policy to the Agricultural Policy Section of the Pelham Official Plan to permit a Senior Citizens Apartment House and/or a Nursing Home (seniors long term care facility) within the Agricultural designation.
- c) THAT Zoning By-law Amendment Application AM-3/00 be approved which would:
  - i) rezone the subject 2.56 acres (1 hectare) as "Agricultural (A) Special Exception", with the special exception:
    - a) permitting a Senior Citizens Apartment House and/or a Nursing Home in the "Agricultural A" Zone; and
    - b) apply the regulations of the Institution (I) Zone, Section 25.2, thereto.

- d) THAT the Region be advised that the Town of Pelham supports Regional Policy Plan Amendment 145 to permit a seniors Long Term Care Facility on the subject lands.
- e) THAT the lands be subject to a tri-party site plan control process between the City of Welland, the Regional Municipality of Niagara and the Town of Pelham.
- f) THAT the Official Plan Amendment and the Zoning By-law Amendment appended hereto be placed before Council for consideration.

## **2 BACKGROUND**

The subject lands are currently owned by the Regional Municipality of Niagara who wishes to construct a Long Term Care Facility on South Pelham Road within the municipal boundaries of both Fonthill and Welland. The proposed Long Term Care Facility will replace the existing Sunset Haven Home in Welland.

The original submission was to amend the Regional Policy Plan, the Town's Official Plan and the Town's Zoning By-law to permit a one storey 120 bed Long Term Care Facility with the majority of the building to be located in Welland. However, concern was raised regarding the Provincially Significant Draper Creek Wetland Complex located on the southwest portion of the site. The Regional Municipality of Niagara retained Gartner Lee Limited to conduct a Environmental Impact Study of the subject lands. The study indicated that the northeast corner of the site was the only possible area for development.

### **2.1 Site Information**

The subject land comprises of Part of Lot 1, Concession 10, (Pt.3 Plan 59R8309) in the Town of Pelham and consists of approximately 2.56 acres (1 hectare) of land. The subject lands are the northerly portion of the overall 9.2 acre (3.7 hectare) site.

The Pelham portion of the property has a frontage of 50.6 metres (166 feet) along South Pelham Road. The property also has 129.7 metres (425.6 feet) of frontage along South Pelham Road in the City of Welland.

The subject land located within the Town of Pelham is relatively flat. The southerly portion and the remainder of the site located in the City of Welland contains a wetland complex and it's associated forest area.



## **2.2 Surrounding Land Uses**

The subject site is located at the northwest corner of South Pelham Road and Foss Road. The subject site is presently vacant land. To the north and west are residential lands and to the east and south South Pelham Road and Foss Road respectively.

## **3 PROPOSAL**

The subject portion of land located within the Town of Pelham is approximately 2.56 acres (1 hectare) in size and is designated "Good General Agricultural" and zoned "Agricultural" which does not permit a Long Term Care Facility. The remaining portion of the site, which is located within the Municipal Boundary of the City of Welland, permits the proposed Long Term Care Facility. The amendment to the Town of Pelham's Official Plan will add a special policy to the Agricultural policy section to permit the proposed Long Term Care Facility on the 2.56 acre (1 hectare) site. The Zoning By-law Amendment will add Nursing Home/Seniors Citizen Apartment House as a permitted use to the Agricultural Zone and apply the zone regulations of the Institutional Zone to guide site development.

The amendment to the Regional Plan will add a notwithstanding policy to permit a seniors Long Term Care Facility.

It is noted that the original design of the proposed development has been modified due to the recommendations and conclusions presented in the Environmental Impact Study. The new proposal includes:

- a two-storey facility building footprint rather than a one storey building footprint;
- access from South Pelham Road;
- 41 Staff parking spaces;
- 15 Visitor parking spaces along the frontage of South Pelham Road; and
- shifting of the facility to the northeast corner of the subject site.

## 4 PLANNING DOCUMENTS

### 4.1 Provincial Policy Statement

The subject application has been examined to ensure compliance with the Provincial Policies. The subject lands are located within an area designated for agricultural purposes. The Provincial Policy Statement contains agricultural policies in Section 2.1. Specifically, policies 2.1.1 and 2.1.3 apply to the subject property.

*2.1.1 Prime agricultural areas will be protected for agriculture. Permitted uses and activities in these areas are: agricultural uses; secondary uses; and agricultural related uses.*

*Proposed new secondary uses and agricultural related uses will be compatible with, and not hinder, surrounding agricultural operations.*

*2.13 An area may be excluded from prime agricultural areas only for:*

- a. an expansion for an urban area or rural settlement in accordance with policy 1.1.1 (c);*
- b. extraction of mineral resources, in accordance with policy 2.2; and*
- c. limited non-residential uses, provided that:*
  - 1. There is a demonstrated need for additional land to be designated to accommodate the proposed use.*
  - 2. There are no reasonable alternative locations which avoid prime agricultural areas; and*
  - 3. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

*Impacts from any new non-agricultural uses on surrounding agricultural operations and lands will be mitigated.*

The proposed Long Term Care Facility is not a permitted use in the agricultural area. However, a need does exist to provide more Long Term Health Care facilities in the Niagara Region. Alternative sites were examined and were determined to be unfeasible, as they did not meet the locational goals of the Region. In addition, the majority of the subject site contains the Provincial Significant Drapers Creek and its surrounding associated forested lands, which leaves very little land for agricultural purposes.

The Wetland Complex warrants the review of the Provincial Natural Heritage Policies located in Section 2.3 of the Provincial Policy Statement.

*2.3.1 Natural heritage features and areas will be protected from incompatible development.*

*(a) Development and site alteration will not be permitted in:*

- Significant wetlands south and east of the Canadian Shield; and*
- Significant portions of the habitat of endangered and threatened species.*

*(b) Development and site alteration may be permitted in:*

- Fish habitat;*
- Significant wetlands in the Canadian Shield;*
- Significant woodlands south of and east of the Canadian Shield;*
- Significant valleylands south of and east of the Canadian Shield;*
- Significant wildlife habitat; and*
- Significant areas of natural and scientific interest.*

*If it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.*

*2.3.2 Development and site alteration may be permitted on adjacent lands to a) and b) if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.*

*2.3.3 The diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible.*

The Environmental Impact Study determined that if the proposed development occurred in the northeast corner of the site no negative impact would occur in the wetland boundaries. In addition, it was recommended that a natural vegetation link be maintained and enhanced between the north pond and the adjacent property.

The proposed Long Term Care Facility meets the requirements of the Provincial Policy Statement provided the recommendations detailed in the Environmental Impact Study are adhered to.

#### **4.2 Regional Policy Plan**

The subject lands are designated "Good General Agricultural" which permits agricultural and agriculturally related uses. The Good General Agricultural Area includes organic soils, areas of Classes 1 and 2 lands, areas of 60 to 70 percent Class 1 and 2 land, and the majority of Class 3 lands. These areas were originally based on the Canada Land Inventory: Soil Capability for Agriculture and consultation with local agriculturalists.

The proposed Long Term Care Facility is not a permitted use within the "Good General Agricultural" designation. A Regional Policy Plan Amendment has been filed and the policies of 6.A.8 of the Regional Policy Plan apply which requires that any non-agricultural uses should address the following: need, quality of agricultural land, alternative sites, compatibility with surrounding land uses, the impact on the environment, and the compliance with other Regional Policies. The majority of these issues will be addressed in the forthcoming sections.

#### **4.3 Town's Official Plan**

The Pelham Official Plan designates the subject lands as " Good General Agricultural" which permits agricultural and agriculturally related uses. The proposed Long Term Care Facility is not a permitted use within this designation and the submitted application proposes to recognize the Long Term Care Facility as a special exception within the Agricultural area.

#### **4.4 Town's Zoning By-law**

The subject lands are designated "Agricultural A" Zone which permits various agricultural and agriculturally related uses. The proposed Long Term Care Facility is not a permitted use within the "Agricultural A" Zone and must be rezoned "Agricultural A" Special Exception Zone to permit the proposed use. Due to the institutional nature of the use the proposed Long Term Care Facility will be subject to the regulations in Section 25.2 which state:

- |    |                      |                                  |
|----|----------------------|----------------------------------|
| a) | Minimum Lot Area     | 0.15 ha (0.37 ac) or as existing |
| b) | Minimum Lot Frontage | 30m (98.43 ft) or as existing    |
| c) | Maximum Lot Coverage | 40 percent                       |
| d) | Minimum Front Yard   | 8m (26.25 ft)                    |

e)	Minimum Exterior Side Yard	7.5m (24.61 ft)
f)	Minimum Side Yard	The greater of one-half the height of the building or 4.5 m (14.76 ft)
g)	Maximum Building Height	10.5m (34.45 ft)
h)	Minimum Landscaped Area	25 percent
i)	Minimum Rear Yard	7.5m (24.61 ft)

In addition, all the applicable provisions of Section 6 shall apply. Specifically, the parking requirement for a Nursing Home of 1 parking space for 2 beds.

## **5 ANALYSIS**

Planning Services Report P-13/00 was presented to the Planning Services Division of General Committee on March 13, 2000. The report provided technical information relative to the Official Plan and Zoning By-law Amendment Application AM-3/00. A copy of the said report is appended hereto.

Both the Regional Policy Plan and the Pelham Official Plan establish criteria for the evaluation of amendment applications to expand existing uses in agriculturally designated areas. The evaluation criteria are:

- a) the need and desirability of the proposed use;
- b) the quality of the agricultural land involved;
- c) compatibility with surrounding land uses;
- d) impact on the environment;
- e) the efficient use of the land being developed; and
- f) alternative locations for the development.

It is noted that the Provincial Policy Statement also contains similar criteria.

The subject application was examined according to the above noted criteria to determine the appropriateness of permitting a Long Term Care Facility within the agriculturally designated areas. The following is noted:

## **A. Need**

In March of 1999, a report was prepared by the Health Services Restructuring Commission (HSRC) entitled "Niagara Regional Health Services Restructuring Report". The report indicated, "In its October 1998 report, the HSRC noted that Niagara requires an additional 318 long term care beds. As a result of further analysis, the HSRC has concluded that in fact 555 additional long terms care beds are required within the Niagara Region and that an additional 1, 387 long term care places are required."

In addition, the Assistant Director of the Niagara Regional Senior Services Division indicated that the Region of Niagara has 412 of its 918 beds designated as "non-compliant" with new Provincial building design standards and will require rebuilding. Also, the Region of Niagara is redistributing some of its 412 beds closer to local communities that need beds such as Pelham.

The proposed facility will contain 120 beds and will help to fulfill the need for additional long-term care beds within the Niagara Region.

## **B. Quality of Agricultural Land**

The lands are designated in the Niagara Regional Policy Plan and the Town's Official Plan as "Good General Agricultural". This designation requires the second highest priority for preservation. Additionally, the Provincial Policy Statement would categorize the lands as "prime agricultural".

Due to the Provincially Significant Wetland complex located on site, the majority of the site could not be used for agricultural purposes. In addition, the surrounding lands and the existing site are not being used for agricultural purposes.

The soil along the front portion of the subject lands consist of Tuscola soils which, have imperfect drainage that may require tiling and are used mostly for field crops. The rear portion of the subject lands consist of Beverly soils which are rated as Class two. They are mainly used for corn, small grain and forage crops. These types of soil are also susceptible to erosion.

Without some type of drainage system the lands are marginal and farming the lands could disrupt the existing wetland on site. Therefore, the loss of minimal agricultural land (about 2 acres) with poor drainage capabilities, and heavy clay content should not adversely affect the agricultural land base in Pelham.

### ***C. Compatibility With Existing Land Uses***

The subject site is located on the northwest corner of South Pelham and Foss Road. To the south is the political boundary between the Town of Pelham and the City of Welland. To the north and west are residential lands and to the east and south are South Pelham Road and Foss Road.

The site plan provided in the Environmental Impact Study Report illustrates that a 9 metre to a 4.5 metre building setback is to be provided along the northerly property line. This setback coupled with a 3 metre landscape area should minimize any negative impacts on the northerly lands.

To the east and south are South Pelham Road and Foss Road respectively. The site plan proposes 15 visitor parking spaces to be located along South Pelham Road. These parking spaces should be adequately screened from South Pelham Road. The proposed facility should be adequately screened from the Foss Road by the existing wetland complex and associated forests.

By providing additional landscaping treatments negative impacts to surrounding properties should be minimized.

### ***D. Impact on the Environment***

The applicants retained Gartner Lee Limited to prepare an Environmental Impact Study for the subject lands. Gartner Lee Limited examined the entire 9.2 acres (3.7 hectare) parcel and found that approximately 40% of the site was occupied by the Provincially Significant Wetland. The wetland complex is made up of three ponds. Two ponds are located on site and the third pond is located just off-site near the northwest corner. The wetland complex on site is not hydrogeologically connected to Draper's Creek.

The study indicated that the site was believed to contain a rare Red-shouldered hawk breeding area and a Green Heron, which is restricted to a wetland habitat and is sensitive to disturbance. The Red-shouldered hawk was not observed during the study and Gartner Lee feels that the surrounding young vegetation does not suit the nesting preferences of the red-shouldered hawk.

In addition, 130 plant species were recorded of which 47 are non-native. None of these species are Provincially or Regionally significant. Most of the 20 wildlife species recorded are common and typical of the young habitat. The site does however provide a locally important amphibian breeding habitat.

The study concluded stating the importance of the buffer setback normally required from the boundary of the Provincially Significant Wetland. In addition, an unbroken habitat

should be maintained between the wetland on site and the main body of the wetland to the northwest to encourage wildlife corridor movement.

Gartner Lee Limited recommended:

1. No development or intrusion should occur within the boundary of the Provincially Significant Wetland (PSW) as indicated on Figure 1 of this report;
2. Access or use of the wetland unit by staff and residents should be discouraged;
3. A natural vegetation buffer (where no grading or vegetation removal occurs) should be maintained between the wetland boundary and development area, allowing the easement of 5m (the point where the Long Term Care Facility structure is closest to the wetland boundary), mitigated by a larger buffer for the remainder of the property;
4. A natural vegetation link should be maintained and enhanced between the north pond and the adjacent property to the northwest, and be no less than 60m in width;
5. Construction should occur between mid-summer and winter to avoid disturbing wildlife during breeding periods between spring and early summer;
6. The creation of vegetated swales to convey storm water from the parking lots and buildings should occur, following pretreatment in a Stormceptor;
7. Bioengineering techniques to successfully attenuate water flow should be used;
8. The use of alternative paving to enhance infiltration and lighting methods should be used to reduce impact;
9. Sediment fences between exposed ground and wetland to reduce erosion and prevent discharge of sediment into the ponds must be installed prior to construction (e.g. filter cloth and hay bales);
10. Water clarity should be monitored during construction; and
11. Post-construction monitoring of benthic invertebrates and vegetation should be scheduled.

If these recommendations are adhered to, minimal impacts on the Wetland complex and surrounding vegetative area should occur.



### **E. Efficient Use of the Land**

The location of the proposal allows the Long Term Care Facility to serve both the residents of Pelham and Welland. The subject site contains a wetland complex, which encompasses the majority of the site. The remaining farmable lands on site are not enough to sustain a farm operation. The proposal will complement the natural area and a number of mitigative measures should ensure the survival of the wetland. In addition, the proposal is surrounded by residential development to the north, west and east. Thus, the proposed Long Term Care Facility should not adversely affect the surrounding uses provided the suggested mitigative measures are in place.

### **F. No Alternative Locations**

The Regional Municipality of Niagara examined a few opportunities. One alternative site was located north of the Welland Campus of Niagara College. This site however could not adequately address the need for long-term facilities within Pelham. The locational opportunities of the original site meet the objectives and goals of the Niagara Regional Health Services. The proposal has looked at alternative locations and the subject site is the preferred location from a logistics perspective.

### **G. Other Issues**

#### **Mid Peninsula Corridor**

A separation corridor exists between the municipality of Pelham and Welland to address Regional Policy 3.2, which states:

3.2 To facilitate and maintain a pattern of distinctive and identifiable urban communities.

- Separation between urban areas;
- Integrated urban communities;
- A variety of housing suited for each urban area;
- Recognition of historical features; and
- Provision of opportunities for selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted.

The proposed redesignation and rezoning of these lands will still provide a 700 foot separator. The Regional Policy Plan also indicates that there may be the possibility of the "Mid Peninsula Transportation Corridor" running immediately north of the subject lands.

The proposed development will encroach onto the 1200' separator for the Mid Peninsula Corridor. It has however been indicated by the Region that a reduction in the corridor to 700 feet would still be sufficient to accommodate the Mid Peninsula Corridor.

### **Entrances**

Originally, four entrances were to be provided along South Pelham Road. The site plan illustrated in the Environmental Impact Study indicates that three are now proposed. Due to heavy traffic flows along South Pelham Road it is suggested that the site be limited to two entrances and that these entrances be coordinated with other entrances on the street. The entrances can be further examined through the site plan process.

### **Parking**

The Town's Zoning By-law 1136 (1987), as amended requires that a Nursing Home provide 1 parking space for every 2 beds. This provision requires that the subject site provide a minimum of 60 parking spaces on site. The proposal indicates a total of 57 parking spaces, thus being deficient by three spaces. The requirement to provide an additional 3 parking spaces can be further examined at the site plan stage.

### **Sidewalks/Linear Walkways**

Sidewalks and/or linear trails will be provided on site and shall be further examined through the site plan process.

### **Water and Sewer**

Water and sanitary sewers currently service this area. No addition services will be required to accommodate the proposed 120 bed Long Term Care Facility.

### **Stormwater**


Stormwater management was examined in the Environmental Impact Study. The report suggested that drainage from parking lots, buildings and other up stream areas should be directed to the wetlands through a series of vegetation swales. It was indicated that this course of action would help to maintain the water levels and preserve their function. It

was indicated in the report that the Ministry of Natural Resources is in agreement but did suggest that the vegetative swales be of sufficient size, appropriate slope and proper vegetation density to capture sediments and other contaminants conveyed in the storm water. The report also suggested the use of a Stormceptor to improve water quality.


## 6 CONCLUSION

The proposed amendment application does not create land use incompatibilities provided the mitigation measures recommended are implemented. Due to the locational attributes of the site and the indicated need for a Long Term Care Facility within Pelham, the subject proposal can be supported. Furthermore, the proposal satisfies the required criteria established in the Provincial Policy Statement, Regional and Municipal Official Plans to permit a non-agricultural use within the agricultural area and represent good planning.

Reviewed by,

  
Jack Bernardi  
Director of Planning Services


Approved and submitted by,

  
Gordon Cherney  
C.A.O.

Prepared by:

**BLS PLANNING ASSOCIATES**

  
for Kira Perry  
Planner

  
Glen Barker  
Director

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 2307 (2001)

Being a by-law to adopt Amendment No. 42 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. 42 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. 42 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 24TH DAY OF JULY, 2001 A.D.

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MAYOR RALPH BEAMER

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CLERK CHERYL MICLETTE

## SCHEDULE " A "

### AMENDMENT NO. 42

1. The alphabetical letter "(g)" be added as a prefix to the eighth paragraph of Section 1.10.1, and
2. The following is added to Section 1.10.1:
  - (g) Notwithstanding the uses permitted by Policy 1.10.1, the lands occupying Part Lot 1, Concession 10, and located at the northwest corner of Pelham Street and Foss Road, in the Town of Pelham, and having a total area of approximately 1 hectare, may be used for a seniors' long term care facility.

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 2308 (2001)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended.

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, as amended, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the General Committee, Planning Services Division of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. That the lands identified on Schedule 'A' attached hereto be and are hereby zoned as Agricultural "A-163" Special Exception Zone.
2. THAT Section 30 - Exceptions of By-Law No. 1136 (1987) is amended by adding thereto the following exception:

"A-163 Notwithstanding the provisions of Section 7 of the Agricultural "A" Zone, the lands indicated as "A-163" on Schedule 'A' of this By-law shall be subject to the following special provisions:

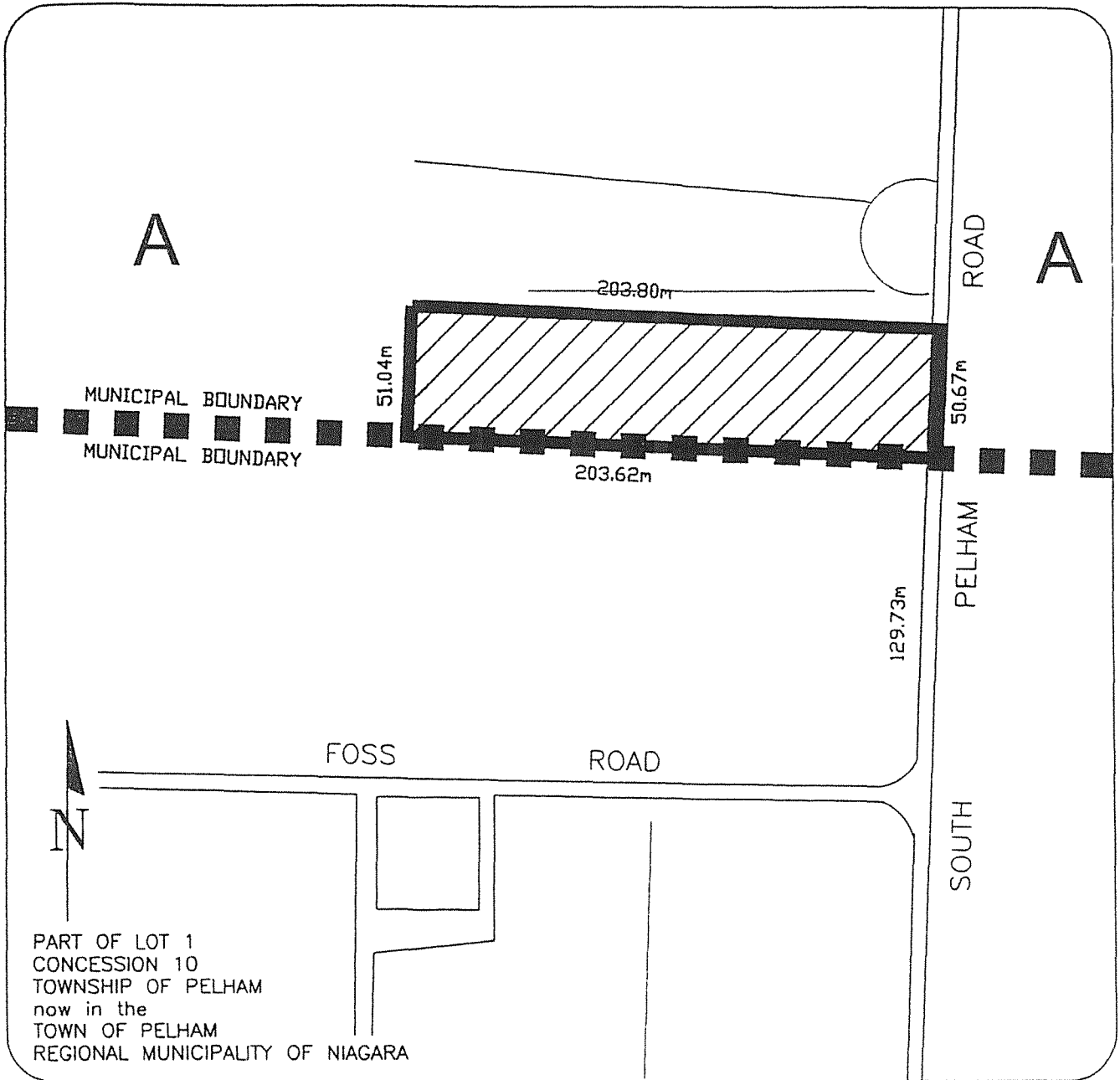
- a) permitted uses - Senior Citizens Apartment House and/or a Nursing Home;  
and
- b) the regulations of Section 25.2 of the Institutional (I) Zone apply."

- 3 That this By-Law shall come into force and take effect pursuant to Sections 34(21) and 34(30) of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
24TH DAY OF JULY, 2001 A.D

\_\_\_\_\_  
MAYOR

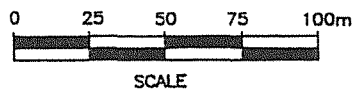
\_\_\_\_\_  
CLERK



## TOWN OF PELHAM



CHANGE FROM AGRICULTURAL "A" ZONE TO  
AGRICULTURAL "A-163" ZONE.



THIS IS SCHEDULE "A" TO BY-LAW No. 2308 (2001)  
PASSED THIS 24<sup>th</sup> DAY OF July, 2001.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_

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. 42


PART OF LOT 1, CONC. 10 (Part 3 Reg. Plan 59R8309), 920 PELHAM ST.


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 information required under Section 6(2) of Ontario Regulation 198/96 attached as Schedule "A" is provided and is true.

SWORN BEFORE ME AT THE TOWN OF PELHAM )  
IN THE REGIONAL MUNICIPALITY OF NIAGARA )  
THIS 26TH DAY OF JULY, 2001 A.D. )

)   
)  
)  
)  
)  
) JACK BERNARDI  
)

  
CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk,  
Town of Pelham, a Commissioner,  
for taking Affidavits in the  
Regional Municipality of Niagara



## SCHEDULE "A"

1. Pelham Council is submitting an Official Plan Amendment.
2. The lands are described as Part of Lot 1, Concession 10, Part 3 of Reg. Plan 59R8309, 920 Pelham Street in the Town of Pelham, 1 hectare (2.47 acres).
3. The purpose of the amendment is to add a special policy to permit an additional use of a seniors' long term care facility.
4. The current designation of the subject land is Good General Agricultural. This designation permits:

all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted. Residential uses relating to agriculture are also permitted subject to the other policies in this Plan.
5. The said lands are the subject of a rezoning application under application number AM-3/00. The Town recently approved By-law No. 2308 (2001) rezoning the lands from an Agricultural "A" to an "A-163" Special Exception Zone. The by-law implements the intent of the Official Plan Amendment and it is currently proceeding through the appeal period.

## Appendix G-1

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

Niagara Catholic District School Board

District School Board of Niagara

Enbridge Consumers Gas, Thorold

Preservation of Agricultural Lands

Hydro One Networks Inc., Toronto

Enbridge Consumers Gas, Whitby

Interprovincial Pipe Line, Sarnia

Transcanada Pipe Line, Calgary

City of Welland

Niagara Peninsula Conservation Authority

Niagara Regional Health Services

## Appendix H-1

AMENDMENT BEING INITIATED BY:

APPLICANT - Larry Bousfield  
Regional Municipality of Niagara  
Thorold ON L2V 4T7  
(905) 685-1571

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT