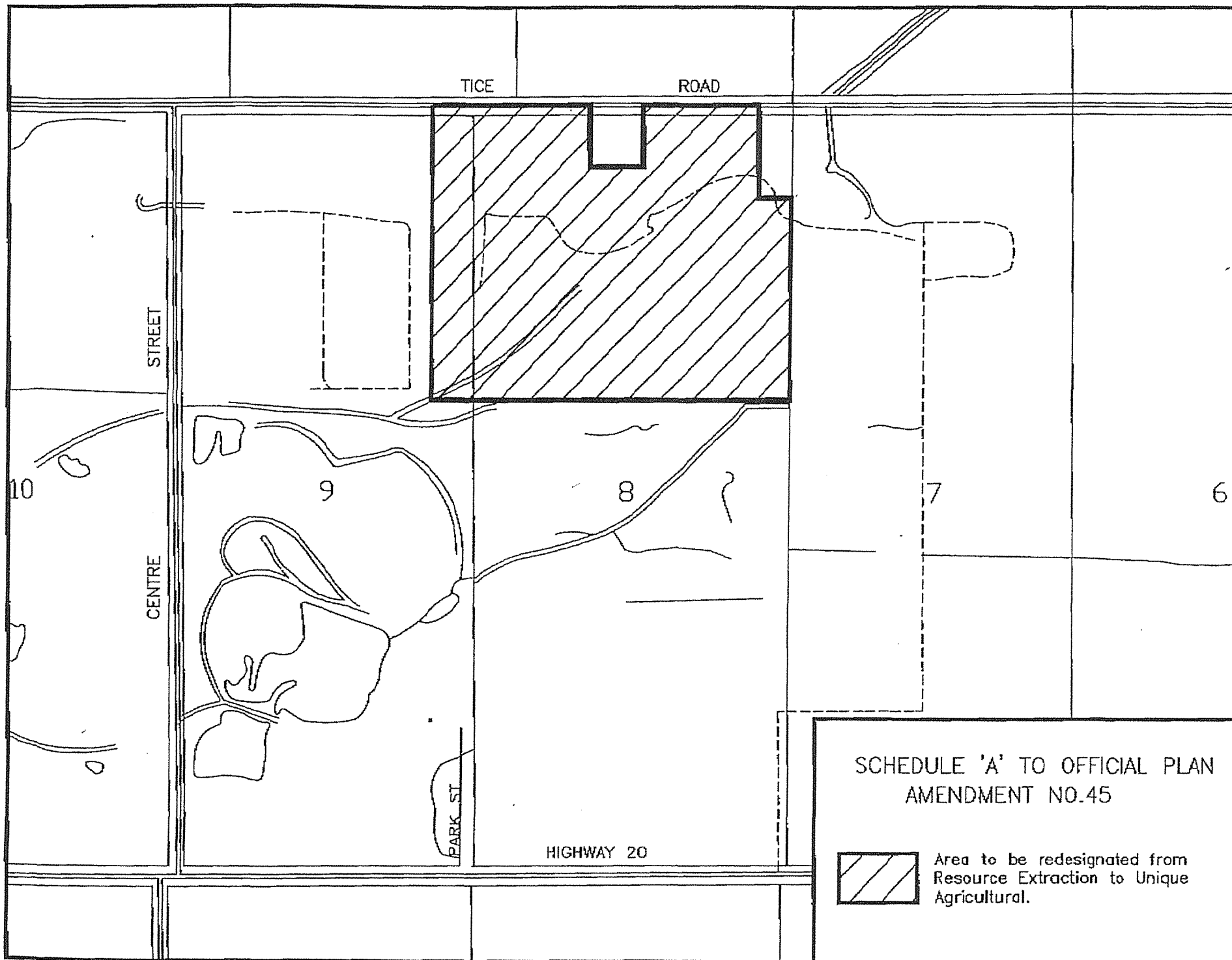


## SCHEDULE 'A'

### AMENDMENT NO. 45

1. The alphabetical letter "a" be added as a prefix at the end of Section 1.10.6.2, and
2. The following is added to Section 1.10.6.2:
  - a) Notwithstanding Policy 1.10.6.2, wherein a future rezoning of the remnant parcel to allow a farm-related dwelling in the good tender fruit lands will not be permitted, Council considers it desirable to permit a farm-related dwelling on the lands identified on Schedule 'A' of Zoning By-Law Amendment No. 2433 (2002) being lands located on the south side of Tice Road described as Part of Lots 8 & 9, Concession 7.

Notwithstanding the above, this amendment shall not be construed to be an agreement for the future division of these lands for residential purposes.



**OFFICIAL PLAN FOR THE  
TOWN OF PELHAM  
AND  
OFFICIAL PLAN AMENDMENT NO. 45  
RESOURCE EXTRACTION TO UNIQUE AGRICULTURAL (JANSEN FARM)  
TOWN OF PELHAM**

I hereby approve the following further portion of the Official Plan for the Town of Pelham in accordance with Section 17 of the Planning Act:

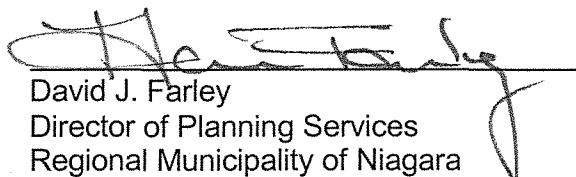
1. DEFERRAL AREA 7, as defined on Schedule "A", Land Use Plan, only as it relates to a 43.6 acre parcel on the south side of Tice Road, east of Centre Street described as Part of Lots 8 & 9, Concession 7.

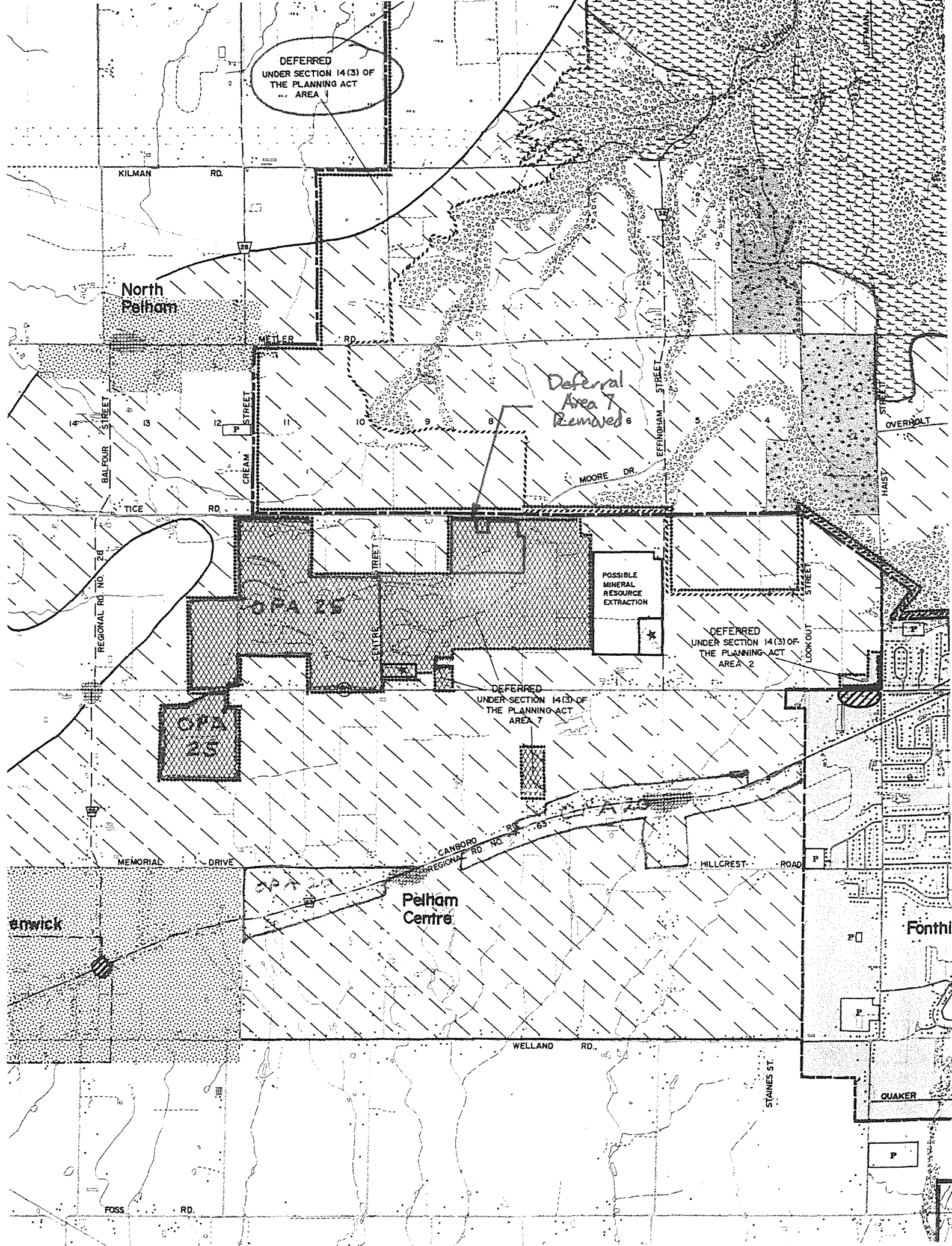
Further, the Amendment No. 45 to the Official Plan of the Town of Pelham, adopted by the Council of the Town of Pelham, is hereby modified under the provisions of subsection 17 (34) of the Planning Act, R.S.O. 1990, as follows:

1. PART B, THE AMENDMENT, Policy 1.10.6.2 (a) is hereby revised by adding the words "(unique agricultural)" in brackets after the words "good tender fruit lands" on the second line.

As thus modified, Amendment No. 45 to the Official Plan for the Town of Pelham is hereby approved under subsection 17 (34) of the Planning Act, R.S.O. 1990.

DATE: Feb 18<sup>th</sup>, 2003

  
David J. Farley  
Director of Planning Services  
Regional Municipality of Niagara



DEFERRED  
UNDER SECTION 14(3) OF  
THE PLANNING ACT  
AREA 1

North  
Pelham

Deferral  
Area 7  
Removed

POSSIBLE  
MINERAL  
RESOURCE  
EXTRACTION

DEFERRED  
UNDER SECTION 14(3) OF  
THE PLANNING ACT  
AREA 2

DEFERRED  
UNDER SECTION 14(3) OF  
THE PLANNING ACT  
AREA 7

OPA  
25

OPA  
25

Pelham  
Centre

Fonthi

QUAKER

enwick

FOSS RD.

MEMORIAL DRIVE

REGIONAL RD NO. 28

KILMAN RD.

BALFOUR STREET

CREAM STREET

METTER RD.

TICE RD.

RD.

CENTRE STREET

MOORE DR.

EFFINGHAM STREET

OVERHOLT

HAIST

LOOKOUT STREET

HILLCREST ROAD

WELLAND RD.

STANES ST.

CANBORO RD NO. 65


REGIONAL RD NO. 65

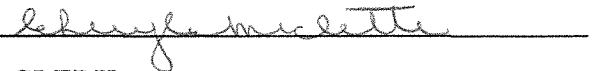
**AMENDMENT NO. 45  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWN OF PELHAM**



TOWN OF PELHAM  
CERTIFICATE  
OFFICIAL PLAN OF THE  
TOWN OF PELHAM  
AMENDMENT NO. 45

The attached text constituting Amendment No. 45 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. 2432 (2002) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 2nd day of December, 2002.

  
MAYOR

  
CLERK

THE CORPORATION OF THE  
TOWN OF PELHAM


BY-LAW NO. 2432 (2002)

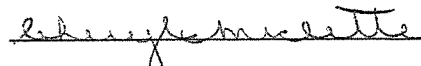
Being a by-law to adopt Amendment No. 45 to the  
Official Plan of the Town of Pelham.


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. 45 to the Official Plan of the Town of Pelham, consisting of the attached Text and Schedule 'A', 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. 45 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 2ND DAY OF DECEMBER, 2002 A.D.

  
MAYOR RALPH BEAMER

  
CLERK CHERYL MICLETTE

12/2/02  
12:11 PM  
CERTIFIED TRUE COPY  
  
Clerk

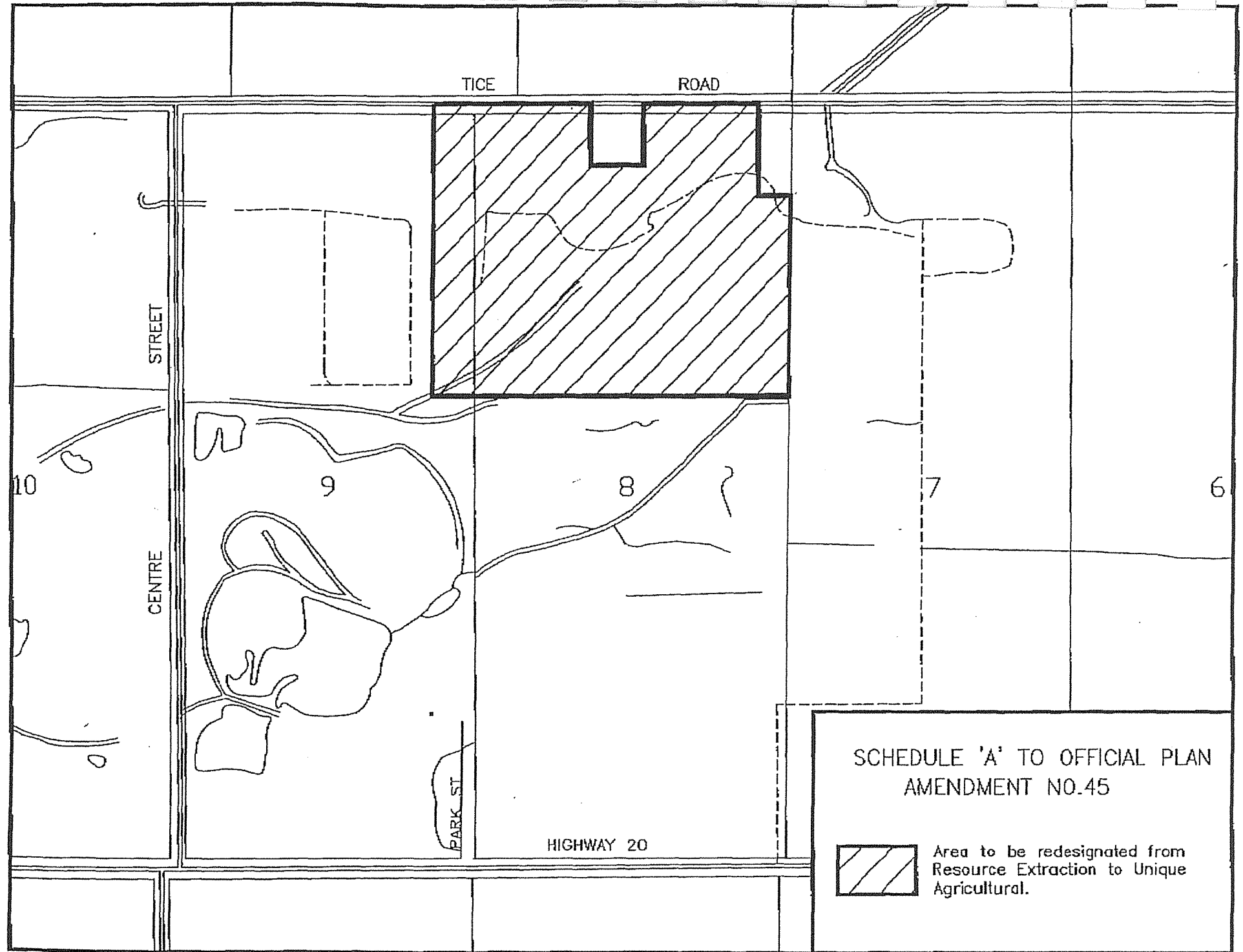
## SCHEDULE 'A'

### AMENDMENT NO. 45

1. The alphabetical letter "a" be added as a prefix at the end of Section 1.10.6.2, and
2. The following is added to Section 1.10.6.2:
  - a) Notwithstanding Policy 1.10.6.2, wherein a future rezoning of the remnant parcel to allow a farm-related dwelling in the good tender fruit lands will not be permitted, Council considers it desirable to permit a farm-related dwelling on the lands identified on Schedule 'A' of Zoning By-Law Amendment No. 2433 (2002) being lands located on the south side of Tice Road described as Part of Lots 8 & 9, Concession 7.

Notwithstanding the above, this amendment shall not be construed to be an agreement for the future division of these lands for residential purposes.





SCHEDULE 'A' TO OFFICIAL PLAN  
AMENDMENT NO.45



Area to be redesignated from  
Resource Extraction to Unique  
Agricultural.

**AMENDMENT NO. 45**

**TO THE OFFICIAL PLAN**

**FOR THE TOWN OF PELHAM**

**PLANNING AREA**

Charles A. Jansen

## TABLE OF CONTENTS

### PART A - PREAMBLE

Introduction to the Official Plan Amendment

- i) Purpose
- ii) Location
- iii) Basis

### 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**

## PART A

### PURPOSE

The Purpose of this amendment is to:

- ▶ Redesignate the land from Resource Extraction to Unique Agricultural

### LOCATION

The lands that are the subject of this amendment are located on the south side of Tice Road, west of Moore Drive. The legal description of the property is Part of Lots 8 and 9, Concession 7.

### BASIS

The basis of this amendment is to:

- ▶ Facilitate the rezoning of a specific area of the subject land to permit the construction of a farm-related single family detached dwelling.
- ▶ Permit a farm-related dwelling for a bona fide farmer and locates the dwelling in a location which does not impact on the existing farm operation.
- ▶ Provide an understanding that the future division of the subject land for residential purposes will not be supported.



# **PART B**

## **THE AMENDMENT**

## THE AMENDMENT

The alphabetical letter "a" be added as a prefix at the end of Section 1.10.6.2, and

The following is added to Section 1.10.6.2:

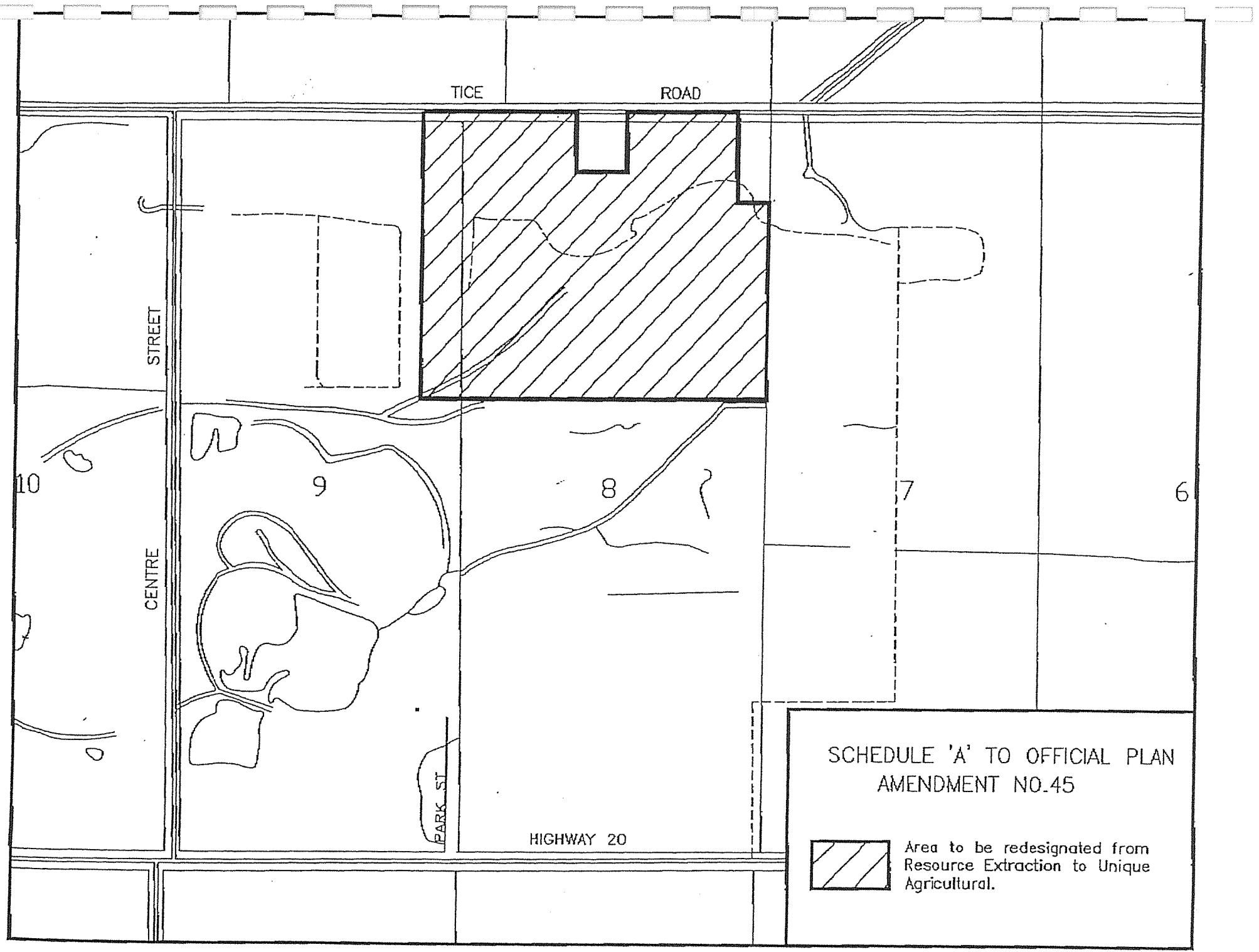
- a) Notwithstanding Policy 1.10.6.2, wherein a future rezoning of the remnant parcel to allow a farm-related dwelling in the good tender fruit lands will not be permitted, Council considers it desirable to permit a farm-related dwelling on the lands identified on Schedule 'A' of Zoning By-law Amendment No. 2433 (2002) being lands located on the south side of Tice Road described as Part of Lots 8 & 9, Concession 7.

Notwithstanding the above, this amendment shall not be construed to be an agreement for the future division of these lands for residential purposes.

MODIFICATION  
NO. 1  
UNDER SECTION 17 (34) OF  
THE PLANNING ACT, 1990

THE CORPORATION OF  
THE TOWN OF PELHAM  
CERTIFIED A TRUE COPY

Sheryl Maclette  
Clerk



TICE

ROAD

STREET

CENTRE

10

9

8

7

6

PARK ST

HIGHWAY 20

SCHEDULE 'A' TO OFFICIAL PLAN  
AMENDMENT NO.45



Area to be redesignated from  
Resource Extraction to Unique  
Agricultural.



# **PART C**

## **APPENDICES**

## LIST OF APPENDICES

- Appendix A-1 Notice of Public Meeting October 28, 2002  
A-2 Affidavit re  
- Giving Notice of Public Meeting  
- Giving Notice of Adoption
- Appendix B-1 Minutes of General Committee Meeting October 28, 2002  
B-2 Minutes of General Committee Meeting November 18, 2002
- Appendix C Written Submissions or Comments and when they were received  
C-1 Regional Niagara Planning & Development Dept. Oct. 8, 2002
- Appendix D-1 Affidavit re  
- List re Oral Submissions at Joint Public Meetings
- Appendix E-1 Planning Report dated October 1, 2002  
E-2 Planning Report dated November 4, 2002
- 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



**TOWN OF PELHAM**  
20 PELHAM TOWN SQUARE  
P. O. BOX 400, FONTHILL ON L0S 1E0  
905.892.2607 (tel.) 905.892.5055 (fax)

## Appendix A-1

October 4, 2002

File No. AM-8/02

### NOTICE OF PUBLIC MEETING

#### THE CORPORATION OF THE TOWN OF PELHAM

#### PROPOSED AMENDMENT TO THE OFFICIAL PLAN AND ZONING BY-LAW OF THE CORPORATION OF THE TOWN OF PELHAM PURSUANT TO SECTIONS 17 AND 34 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED.

The Public Meeting will be held as follows:

**DATE:** Monday, October 28, 2002 **TIME:** 7:00 p.m.  
**LOCATION:** COUNCIL CHAMBERS  
Town of Pelham Municipal Offices  
20 Pelham Town Square, Fonthill, Ontario

The proposed Official Plan and Zoning By-law Amendments involve the following lands:

**OWNER:** Charles A. Jansen  
**LOCATION:** South side of Tice Road, lying west of Moore Drive  
Part of Lots 8 & 9, Conc. 7, Town of Pelham

#### EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION

The subject lands are currently designated Resource Extractive according to the Town of Pelham Official Plan. The lands are zoned Agricultural 'A-13' in Pelham Zoning By-law No. 1136 (1987). The lands are vacant. The purpose of this application for Official Plan and Zoning By-law Amendment is to designate the lands Unique Agricultural and remove the 'A-13' Zoning on a portion of the lands to permit the construction of a farm related single family dwelling for the applicant.

A **KEY MAP** and a preliminary site plan illustrating the location of the site is on the reverse of this Notice.

#### THE PROCESS

The General Committee, Planning Services Division, has not yet made a decision regarding this application.

Those persons who attend the public meeting will be given an opportunity to make an oral submission to Council. Those persons who attend the public meeting may provide written comments to the Clerk in advance of the public meeting.

A Technical Information Report, prepared by the Planning Services Department, will be available to the public on **Friday, October 25, 2002**. The matter will be further considered at a subsequent meeting of the General Committee, Planning Services Division, at which time comments submitted at the Public Meeting will be considered along with a Recommendation Report, prepared by the Planning Services Department. Any recommendation from that Committee meeting will be considered at a following meeting of Council.

If a person or public body that files an appeal of a decision of the Town of Pelham in respect of the proposed zoning by-law amendment or plan of subdivision does not make oral submissions at a Public Meeting or make written submissions to the Town of Pelham before the zoning by-law amendment is enacted or is approved or refused, the Ontario Municipal Board may dismiss all or part of the appeal.

If you wish to be notified of the enactment of the proposed zoning by-law amendment, you must make a written request to the Clerk of the Town of Pelham at 20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1E0. Such request should include the name and address of the person or public body to whom notice should be sent.

Further information regarding the application may be obtained by contacting the undersigned.

Jack Bernardi, extension 16  
Director of Planning Services  
[jbernardi@town.pelham.on.ca](mailto:jbernardi@town.pelham.on.ca)

or

Craig Larmour, extension 22  
Planner  
[clarmour@town.pelham.on.ca](mailto:clarmour@town.pelham.on.ca)



MAILING LIST OF PUBLIC BODIES FOR NOTICE OF PUBLIC MEETING

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

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

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

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

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

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

MANAGER LAND SERVICES  
ENBRIDGE CONSUMERS GAS  
101 CONSUMER DRIVE  
WHITBY ON L1N 1C4

PLAN ADMINISTRATION  
NIAGARA ESCARPMENT COMM  
232 GUELPH ST  
GEORGETOWN ON L7G 4B1

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

MARTIN KILIAN SR PLANNER  
NIAGARA ESCARPMENT COMM  
232 GUELPH ST  
GEORGETOWN ON L7G 4B1

SCHEDULE B

MAILING LIST OF PERSONS FOR NOTICE OF PUBLIC MEETING

LAFARGE CANADA INC TRUSTEE  
7880 KEELE ST  
CONCORD ON L4K 4G7

DAVID & DOROTHY BARBER  
1764 SOUTH SERVICE RD  
R R 3  
ST CATHARINES ON L2R 6P9

JOSEPH & TERESA HOZJAN  
361 CANBORO RD  
RIDGEVILLE ON L0S 1M0

K FULLER & C TIMMS  
417 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

WILLIAM & ELIZABETH HARPER  
466 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

HARRY JANSEN  
433 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

GARY & ELIZABETH BELL  
460 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

CHARLES & LAURIE JANSEN  
461 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

PAUL & BONNIE FURTNEY  
430 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

MARIA SCHIPPER  
445 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

ANTOINE JANSSEN  
400 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

GEORGE & HELEN LEPPERT  
455 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

HARRY & CHARLES JANSEN  
441 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

WM & MARGARET DE FOREST  
465 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

ARTHUR & DORIS UTZ  
365 TICE RD  
R R 1  
RIDGEVILLE ON L0S 1M0

BOB McGLASHEN  
1308 BALFOUR ST  
FENWICK ON L0S 1C0

SCHEDULE C

COURIER LIST OF PUBLIC BODIES FOR NOTICE OF PUBLIC MEETING

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

REGIONAL CLERK (PLANNING)  
REGIONAL NIAGARA  
THOROLD ON L2V 4T7

SCHEDULE D

MAILING LIST FOR NOTICE OF PASSING OF  
OFFICIAL PLAN AMENDMENT NO. 45

CHARLES A JANSEN  
R R 1  
RIDGEVILLE ON L0S 1M0

BOB McGLASHEN  
1308 BALFOUR ST  
FENWICK ON L0S 1C0

RICK BRADY  
6736 BUCKINGHAM DR  
NIAGARA FALLS ON L2H 2S3



GC-166/2002

## GENERAL COMMITTEE

GC-24/02

October 28, 2002

Minutes of a regular General Committee meeting held on Monday, October 28, 2002 at 7:00 p.m. in the Municipal Council Chambers. The meeting was called for the purpose of holding a public meeting under the Planning Act and to review an application for an Official Plan and Zoning By-law Amendment, #AM-08/02, on behalf of Charles A. Jansen, Part of Lots 8 & 9, Concession 7, Tice Road.

## ATTENDANCE:

## Council:

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

## Staff:

Director of Planning Services J. Bernardi  
Recording Secretary(Deputy Clerk) N. Bozzato

## Others:

Charles A. Jansen, Applicant  
H. Jansen  
R. Brady, Authorized Agent for Applicant  
Interested Parties

## Media:

Sarah Murrell, The Voice

## 1. CALLED TO ORDER:

The meeting was called to order by Councillor R. Hatt, Chair, Planning Services Committee.

## 2. ADOPTION OF AGENDA:

**RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the agenda for the October 28<sup>th</sup>, 2002 regular General Committee meeting be adopted. CARRIED, CHAIR, COUNCILLOR R. HATT.**

## 3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

There were no disclosures of pecuniary interest noted by members of Council.

The Region noted that the applications appear to be consistent with the improvements to the lands and the Regional Policy Plan classification for the property. The Region is requesting that the Town ensure that any dwelling be constructed at such a location so as to reduce impacts on surrounding lands and preclude any future infilling potential for the parcel. The Region also notes that they will not entertain support for a severance application for the proposed dwelling.

Mr. Bernardi stated that he had not received any objections from the public to date and he noted that notice of this public hearing was sent by first-class mail to all property owners within 120 metres of the land, as well as a poster being placed on the parcel. He received a telephone call from Ms. Horton, of LaFarge Canada Inc. wherein she advised that the abutting lands are the site of an active gravel pit which may be associated with certain inconveniences to abutting property owners. She stated that she would submit written correspondence to this effect in order to warn the applicants of the existence of the active extraction site so as to minimize any potential conflicts between the two properties.

Mr. Bernardi advised that there are no water or sewer services available for this parcel and private services would be required for any dwelling on the lands. He concluded that if the application were approved, it would have the result of permitting the construction of a single-family dwelling on the subject lands, which is the impetus behind the application.

#### APPLICANT'S PRESENTATION:

Mr. Rick Brady, Land Use Planner and authorized agent for the applicant, stated that a similar application was presented to this Council about one year ago, and he noted that several councillors were sympathetic to the wishes of the applicants, however felt compelled to uphold the Official Plan Policy and thus the application was denied. Recognizing that the policies contained in the Unique Agricultural designation prohibit severances except in certain instances, he indicated that the applicants do not intend to seek a severance approval if they are permitted to construct a dwelling on the subject lands.

Since the time of the application last year, it has been determined that the Town and Region appear to have misinterpreted the Official Plan designation for the subject lands, which in the opinion of the applicant, contributed to the refusal of the first application. Essentially nothing has changed from the filing of the previous application to this application, and all policies are still in place, except for the designation of Resource Extraction. Mr. Brady submitted that, having become aware of the misinterpretation, the applicants could have determined to accept the previous decision or proceed with this new application. He also indicated that the applicants entertained the idea of taking the matter to the Ontario Municipal Board to identify the error, reverse Council's decision, and further to seek awarding of costs associated with the applications.

However, Mr. Brady indicated that the applicants decided to seek approval for the present application. He noted that the Jansens have been long-time residents of the Town of Pelham and have made a significant investment in this property in terms of time and money to rehabilitate the pit to a viable agricultural use.

Mr. Bernardi stated that the lands have actually been designated as Resource Extraction since 1974 when the Town of Pelham Official Plan was adopted. A specific amendment to the Town Official Plan pertaining to this site was deferred by the Province of Ontario, thus the original Resource Extraction designation remained in place. The new "Schedule A" to the Plan, however, looked like the subject lands were within the Unique Agricultural area, as depicted by unclear cross-hatching lines on the sketch.

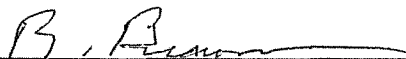
The public meeting was declared closed by the Chair.

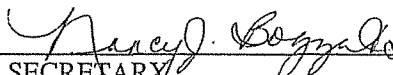
**RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY MAYOR R. BEAMER - THAT** staff be requested to prepare a report for consideration by this Committee regarding the request by the applicant that fees submitted pertaining to zoning amendment application AM-08-02, be reimbursed in full. **CARRIED, CHAIR, COUNCILLOR R. HATT.**

**RECOMMENDATION - MOVED BY COUNCILLOR SANDEE MATTHEWS, SECONDED BY COUNCILLOR G. BERKHOUT - THAT** Report P-38-02 re Technical Information Report - Proposed Official Plan and Zoning By-law Amendment Application #AM-08/02 - Charles A. Jansen, Part of Lots 8 and 9, Concession 7, Tice Road be received for the information of the Committee. **CARRIED, CHAIR, COUNCILLOR R. HATT**

5. ADJOURNMENT:

**RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR C. KUCKYT - THAT** this regular meeting of General Committee be adjourned until the next regular meeting scheduled for MONDAY, NOVEMBER 4<sup>TH</sup>, 2002, unless sooner called by the Mayor. **CARRIED, CHAIR, COUNCILLOR R. HATT.**

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
SECRETARY

GC-178/2002

## GENERAL COMMITTEE

GC-26/02

November 18, 2002

Minutes of a regular General Committee meeting held on Monday, November 18<sup>th</sup>, 2002 at 7:45 p.m. in the Municipal Council Chambers, 20 Pelham Town Square, Fonthill.

## ATTENDANCE:

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

Absent: Councillor S. Matthews

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

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

Other: Mr. Jack Toffolo  
Interested Citizens

1. CALL TO ORDER:  
The meeting was called to order by Mayor R. Beamer.
2. ADOPTION OF AGENDA:  
**RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT the agenda for the November 18<sup>th</sup>, 2002 regular General Committee meeting be adopted. CARRIED, CHAIR, MAYOR, R. BEAMER**
3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:  
There were no disclosures of pecuniary interest noted by members of the Committee.

(A) Information Items #1 & #2 - **RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR C. KUCKYT - THAT** Planning Services Division communications received to November 13, 2002, Items #1 & #2 be received for the information of the Committee. **CARRIED, CHAIR, COUNCILLOR R. HATT**

(B) **OPERATIONS:**

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

At this point in the meeting, Planner Craig Larmour attended the meeting.

(i) **Hearing of Delegations:**

Mr. Jack Toffolo, Pelham Youth Soccer Association - Mr. Toffolo outlined a possible partnership between Pelham Youth Soccer, District School Board of Niagara, Parent Advisory Council of A. K. Wigg School and the Town of Pelham with respect to the establishment of a soccer field behind A. K. Wigg School in order to assist the Pelham Youth Soccer Association with the running of their programs. Mr. Toffolo was requested to provide additional information to the Town of Pelham Operations Department as to cost, draft agreement, etc. in order to allow staff an opportunity to prepare a report and recommendation for consideration by the Committee.

**RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR G. BERKHOUT - THAT** the Committee recommend to Council that the correspondence received from Mr. Jack Toffolo with respect to a possible partnership be received; **AND THAT** Mr. Toffolo be requested to supply additional information to staff as to costs, terms of agreement, etc. **CARRIED, CHAIR, COUNCILLOR U. BRAND**

(ii) **Staff Reports:**

Report MOR-69/02 re Tender for Harold Black Park Renovations - **RECOMMENDATION- MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT** Report MOR-69/02 re Tender for Harold Black Park Renovations be received; **AND THAT** the recommendation contained therein be approved, as follows: - **"THAT** the Committee recommend to Council that no tenders for Harold Black Park Renovations be accepted and bid deposits and bid bonds included in tender bid submissions for this work be forthwith returned to the respective bidders."**CARRIED, CHAIR, COUNCILLOR U. BRAND**

Report P-44/02 re Design Alternatives for the Intersection of Regional Road 20 & Station Street - **RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR C. KUCKYT - THAT** Report P-44/-2 re Design Alternatives for the Intersection of Regional Road 20 & Station Street be received; **AND THAT** the recommendations contained therein be approved, as follows: - **"THAT** the Committee recommend to Council that the installation of a roundabout at Regional Road 20 & Station Street be recommended

Report CAO-35/02 re Replacement of Mailing Equipment - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR R. HATT - THAT Report CAO-35/02 re Replacement of Mailing Equipment be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that staff be directed to replace the Town's current mailing equipment with a new NEOPOST system and that the Treasurer be directed to transfer the balance of the General Administration portion of the Consolidated Reserve Fund to the Town's General Account to offset a portion of the cost of this equipment." CARRIED, VICE-CHAIR, COUNCILLOR C. KUCKYT

Report B&E-20/02 re Building Permit & Complaints Report for the Month of October, 2002 - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT Report B&E-20/02 re Building Permit & Complaints Report for the Month of October, 2002 be received for the information of the Committee. CARRIED, VICE-CHAIR, COUNCILLOR C. KUCKYT

(iii) Other & New Business:

Budget Requests - Vice-Chair, Councillor C. Kuckyt asked members of Council to submit any budget requests, in writing, to the Treasurer at their earliest convenience.

(iv) Communications Received to November 13<sup>th</sup>, 2002:

(A) Information Items #1 & #2 - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT Corporate Services Communications received to November 13, 2002, Items #1 & #2 be received for the information of the Committee. CARRIED, VICE-CHAIR, COUNCILLOR C. KUCKYT

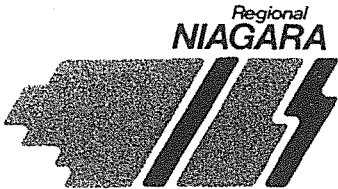
5. COMMITTEE OF THE WHOLE (IN CAMERA):

RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the General Committee enter into Committee of the Whole (In Camera) with respect to a personal matter about an identifiable individual as per Section 55 (5) (b) of the Municipal Act. CARRIED, CHAIR, MAYOR R. BEAMER

RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR C. KUCKYT - THAT the General Committee adjourn the Committee of the Whole (In Camera) session and resume the balance of the agenda. CARRIED, CHAIR, MAYOR R. BEAMER

6. REPORT ON COMMITTEE OF THE WHOLE:

Report C-15/02 re Appointment to Fill Vacancy on Town of Pelham Library Board - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT Report C-15/02 re Appointment to Fill Vacancy on Town of Pelham Library Board be received.



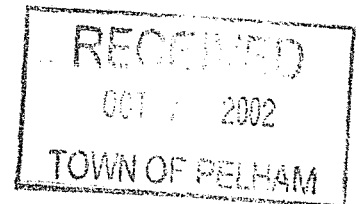
## PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara  
 3550 Schmon Parkway, P.O. Box 1042  
 Thorold, Ontario L2V 4T7  
 Telephone: (905) 984-3630  
 Fax: (905) 641-5208  
 E-mail: plan@regional.niagara.on.ca

October 3, 2002

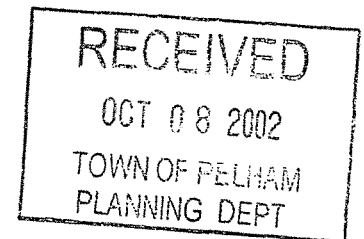
File: D.10.M.19.27

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



Dear Mr. Bernardi:

**Re: Proposed Official Plan and Zoning By-law Amendments  
 Removal of APO Restriction - Jansen Farm  
 Tice Road, east of Centre Street  
 Town of Pelham  
 Town File: AM-8/02 (C. A. Jansen)**



This application proposes to amend the Town's planning documents in order to facilitate the construction of a farm related residential dwelling on a portion of this 45-acre property. Specifically, the following changes are proposed:

- amend the Official Plan designation from Resource Extraction to Unique Agricultural, and
- remove the Agricultural "A-13" (Agricultural Purposes Only - 'APO') zoning on a 1.5 acre portion of the property.

These lands are located within a Good Tender Fruit Area according to the Regional Policy Plan. The Pelham Official Plan designation of Mineral Resource Extraction for these lands was deferred and, therefore, we understand that the previous designation of Resource Extraction is still in effect. This property was previously a gravel pit as reflected by the approved designation. When the Jansens purchased the property, it was slightly rehabilitated to agriculture and was planted at that time in alfalfa. The Jansens severed a dwelling 17 years ago as a surplus farm dwelling and used the proceeds of the sale of the surplus dwelling to rehabilitate the lands to a sour cherry orchard, which is still in operation on this site. The proposed redesignation to Unique Agricultural would be consistent with the existing use of and improvements to this property for a cherry orchard and with the Regional Plan classification for these lands.

A considerable period of time has passed since the 'APO' restriction was placed on this farm. An additional dwelling is now requested for a third generation family member who

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



## PLANNING SERVICES REPORT

P-38/02

TO: Chair, Councillor Rick Hatt and Members of the General Committee,  
Planning Services Division

DATE OF REPORT: October 1, 2002

DATE OF MEETING: October 28, 2002

FROM: J. Bernardi, Director of Planning Services

SUBJECT: TECHNICAL INFORMATION REPORT  
Proposed Official Plan and Zoning By-law Amendment Application #AM-08/02  
Charles A. Jansen, Part of Lots 8 & 9, Concession 7, Tice Road

---

1. RECOMMENDATION:

THAT the General Committee, Planning Services Division, receive Planning Services Report P-38/02 re: Technical Information Report - Proposed Official Plan and Zoning By-law Amendment Application #AM-08/02 - Charles A. Jansen, Part of Lots 8 & 9, Concession 7, Tice Road

2. LOCATION, BACKGROUND AND PROPOSAL

The subject lands are located on the south side of Tice Road, just west of Moore Drive. The legal description is part of Lots 8 & 9, Concession 13.

The lands are currently farmed, predominantly, for sour cherries. The lands were previously used as a sand and gravel pit and subsequently rehabilitated by the aggregate producer and the Jansens, in and around 1985. The parcel measures approximately 382 metres (1253 feet) in frontage and 17.6 hectares (43.6 acres) in area.

The purpose of the applications for Official Plan and Zoning By-law Amendment is to redesignate the lands from Resource Extraction to Unique Agricultural and to rezone a specific area of the subject land to permit the construction of a single family detached dwelling for the applicant. The zoning of the lands is intended to remain for agricultural purposes only, save and except for the area of land to be devoted to the said proposed single detached dwelling noted above. The intent is also to provide the applicant's son, Matthew Jansen, who is now working as a bonafide farmer and forms part of the family farm operation, the opportunity to reside in his father's existing home on the north side of Tice Road just north west of the subject lands. A sketch illustrating the configuration of the subject land (highlighted as Part 2) is included as Attachment No. 1 to this report.

3. PROVINCIAL POLICY STATEMENT

Section 3 of the Planning Act requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policy statements issued under the Act. To this end, the Town shall have regard for the policies of the Provincial Policy Statement.

Cont.../2

- The **Regional Niagara Planning and Development Department** supports the applications subject to certain matters being addressed. Such matters are identified in their correspondence dated October 3, 2002 included as Attachment No. 2.

## 8. PUBLIC COMMENT

Notice of the applications were mailed to all assessed property owners within 120 metres of the boundaries of the subject lands. Additionally a Public Notice sign was posted on the Tice Road frontage of the property. No comments in support of or opposition to the applications have been received to date.

## 9. SERVICING

This area is not serviced by municipal water or sanitary sewer. The proposed dwelling would be serviced by a private sewage disposal system and water supply.

## 10. CONCLUSION

The proposed Official Plan and Zoning By-Law amendments would permit the construction of a single family detached dwelling for the applicant.

The purpose of this report is to make the Committee and public aware of the applicable policies and agency comments and to facilitate discussion between the interested parties.

**A recommendation report will be prepared and presented to this Committee at a subsequent meeting following this Public Meeting.**

## 11. ATTACHMENTS


1. Sketch
2. Regional Niagara Planning and Development Department correspondence dated October 3, 2002

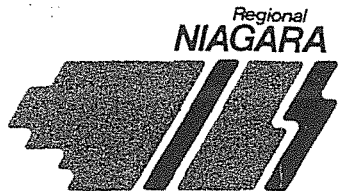
Prepared by,

  
Jack Bernardi  
Director of Planning Services

/JB

Approved and Submitted by,

  
Gord Cherney  
CAO



## PLANNING AND DEVELOPMENT DEPARTMENT

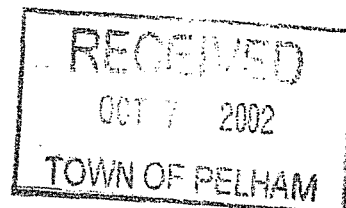
The Regional Municipality of Niagara  
3550 Schmon Parkway, P.O. Box 1042  
Thorold, Ontario L2V 4T7  
Telephone: (905) 984-3630  
Fax: (905) 641-5208  
E-mail: plan@regional.niagara.on.ca

REPORT NO. 38/02  
ATTACHMENT NO. 2  
PAGE NO. 5

October 3, 2002

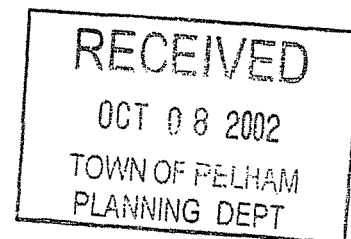
File: D.10.M.19.27

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



Dear Mr. Bernardi:

Re: **Proposed Official Plan and Zoning By-law Amendments  
Removal of APO Restriction - Jansen Farm  
Tice Road, east of Centre Street  
Town of Pelham  
Town File: AM-8/02 (C. A. Jansen)**



This application proposes to amend the Town's planning documents in order to facilitate the construction of a farm related residential dwelling on a portion of this 45-acre property. Specifically, the following changes are proposed:

- amend the Official Plan designation from Resource Extraction to Unique Agricultural, and
- remove the Agricultural "A-13" (Agricultural Purposes Only - 'APO') zoning on a 1.5 acre portion of the property.

These lands are located within a Good Tender Fruit Area according to the Regional Policy Plan. The Pelham Official Plan designation of Mineral Resource Extraction for these lands was deferred and, therefore, we understand that the previous designation of Resource Extraction is still in effect. This property was previously a gravel pit as reflected by the approved designation. When the Jansens purchased the property, it was slightly rehabilitated to agriculture and was planted at that time in alfalfa. The Jansens severed a dwelling 17 years ago as a surplus farm dwelling and used the proceeds of the sale of the surplus dwelling to rehabilitate the lands to a sour cherry orchard, which is still in operation on this site. The proposed redesignation to Unique Agricultural would be consistent with the existing use of and improvements to this property for a cherry orchard and with the Regional Plan classification for these lands.

A considerable period of time has passed since the 'APO' restriction was placed on this farm. An additional dwelling is now requested for a third generation family member who

## PLANNING SERVICES REPORT

P-41/02

**TO:** Chair, Councillor Rick Hatt and Members of the General Committee,  
Planning Services Division

**DATE OF REPORT:** November 4, 2002

**DATE OF MEETING:** November 18, 2002

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

**SUBJECT:** RECOMMENDATION REPORT  
Proposed Official Plan and Zoning By-law Amendment Application #AM-8/02  
Charles A. Jansen, Part of Lots 8 & 9, Concession 7, Tice Road

---

**1. RECOMMENDATION:**

**THAT** the General Committee, Planning Services Division, receive Planning Services Report P-38/02 re: Technical Information Report - Proposed Official Plan and Zoning By-law Amendment Application #AM-8/02 - Charles A. Jansen, Part of Lots 8 & 9, Concession 7, Tice Road;

**AND THAT** application #AM-8/02 be approved;

**AND FURTHER THAT** the Niagara Regional Planning and Development Department be requested to remove the deferral from the subject lands.

**2. LOCATION, BACKGROUND AND PROPOSAL**

The subject lands are located on the south side of Tice Road, just west of Moore Drive. The legal description is part of Lots 8 & 9, Concession 7.

The lands are currently farmed, predominantly, for sour cherries. The lands were previously used as a sand and gravel pit and subsequently rehabilitated by the aggregate producer and the Jansens, in and around 1985. The parcel measures approximately 382 metres (1253 feet) in frontage and 17.6 hectares (43.6 acres) in area.

The purpose of the application for Official Plan is to redesignate the lands from Resource Extraction to Unique Agricultural. The purpose of the Zoning By-Law amendment application is to rezone a specific area of the subject land to permit the construction of a single family detached dwelling for the applicant. The zoning of the lands is intended to remain zoned for agricultural purposes only, save and except for the area of land to be devoted to the said proposed single detached dwelling noted above. The intent is also to provide the applicant's son, Matthew Jansen, who is now working as a bonafide farmer and forms part of the family farm operation, the opportunity to reside in his father's existing home on the north side of Tice Road just north west of the subject lands. A draft zoning by-law schedule illustrating the configuration of the subject land and the location and area devoted to the proposed dwelling is included as Attachment No. 1 to this report.

## 5. TOWN OF PELHAM OFFICIAL PLAN AND THE AMENDMENT

The lands are designated Resource Extraction Area according to the Town of Pelham Official Plan. The Fonthill Kame is a source of gravel and sand which is being actively extracted at the present time. The intent of the Plan is to reserve the necessary area for this purpose and to provide protection to adjacent uses and a restoration of the land when extraction operations cease.

The redesignation of the subject lands to Unique Agricultural will achieve conformity with the Regional Policy Plan Good Tender Fruit Area designation. The intent is to amend the Official Plan to permit the construction of the farm related dwelling in a location which does not impact on the existing farm operation. Also, the amendment will prohibit any future severances on the subject lands for residential purposes.

Based on the above, the proposal would appear to conform with the purpose and intent of the Pelham Official Plan as:

- (a) the application is farm related for a bona fide farmer;
- (b) the location, shape and size of the lands devoted to the farm related dwelling minimizes the amount of land being removed from agricultural production; and
- (c) of the 17.6 hectares (43.6 ac.) only 0.5 hectares (1.25 ac.) is proposed to be rezoned.

A copy of the draft Official Plan amendment is provided as Attachment No. 4.

## 6. TOWN OF PELHAM ZONING BY-LAW AND THE AMENDMENT

The lands are zoned Agricultural "A-13" Zone according to Zoning By-Law No. 1136 (1987), as amended. This zoning does not permit the erection of buildings for human habitation.

The proposed zoning by-law amendment will permit the construction of the farm related dwelling in a specific location, as identified on Attachment No. 1, and will be zoned Agricultural 'A' Zone. The remainder of the lands will continue to be zoned Agricultural 'A-13' Zone which does not permit the erection of buildings for human habitation.

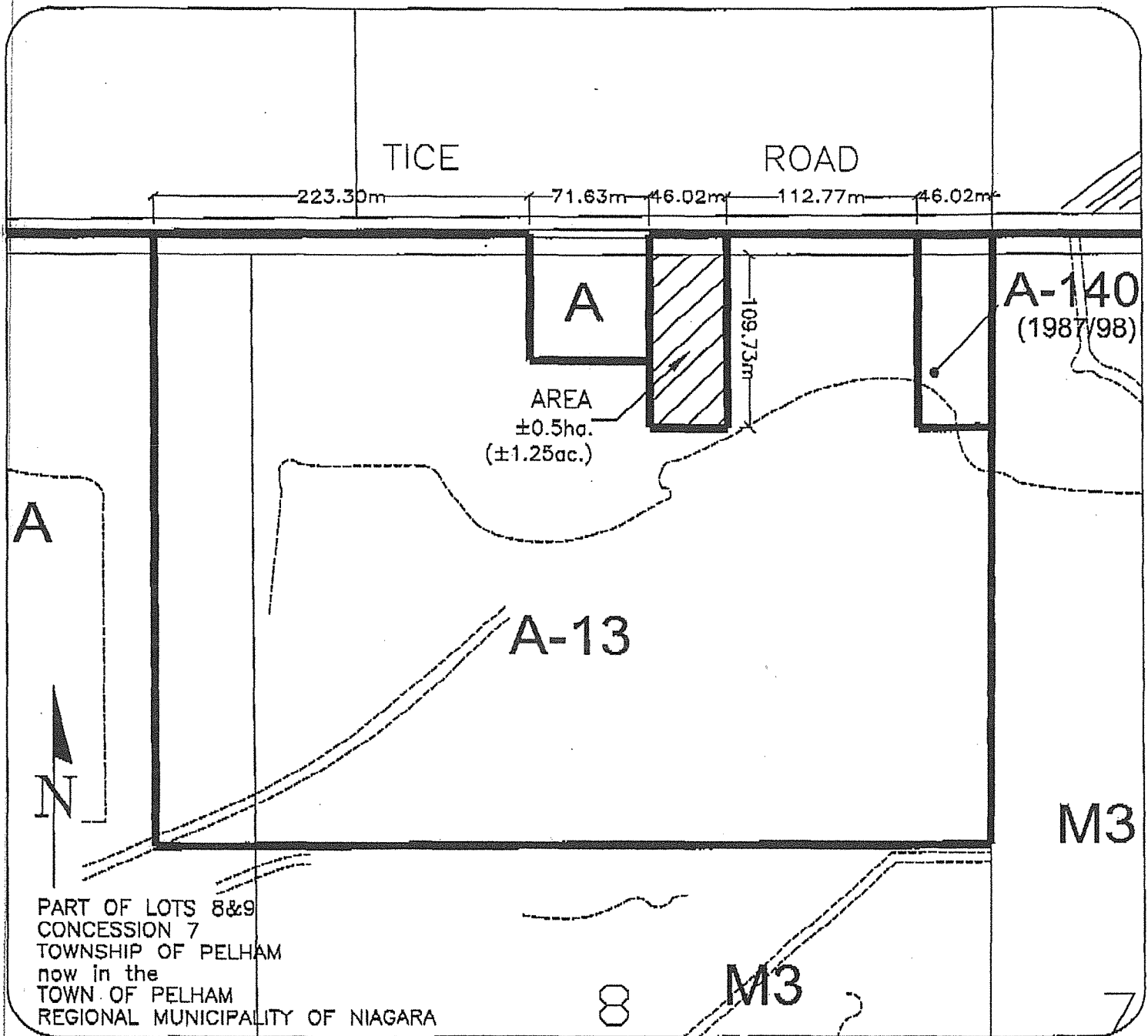
Based on the above the proposal would appear to comply with the intent of the Town's Zoning By-Law.

A copy of the draft Zoning By-Law amendment schedule is provided as Attachment No. 1.

## 7. AGENCY COMMENT

The applications were circulated to all internal departments and external agencies having an interest in the applications. The following comments have been received to date:

- The Town's Chief Building Official has indicated that he has no objection to the applications.
- The Town's Director of Operations has indicated that he has no objection to the applications.



## TOWN OF PELHAM

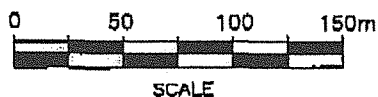


LAND TO BE REZONED FROM AGRICULTURAL  
'A-13' ZONE TO AGRICULTURAL 'A' ZONE

THIS IS SCHEDULE "A" TO BY-LAW No. \_\_\_\_\_  
PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



recently has become involved in the farm operation. We understand that Charles Jansen's son, Matthew Jansen, is now working as a bona fide farmer and is an integral part of the farm operation. The removal of the 'APO' zoning restriction on a portion of the lands will allow the construction of another dwelling on the Jansen's farm holdings so that Matthew Jansen would be able to have his own accommodations. In recognition of the above (i.e. size of this farm parcel and the overall farm operation, rehabilitation of lands for tender fruit, the time elapsed since 'APO' was applied, and Matthew Jansen's involvement in the farm operation), the removal of the 'APO' restriction appears to be appropriate. The Town should ensure that the location of the dwelling minimizes any impact on the farm operation. We note, however, that we would not be able to support an application whose purpose was to provide for a severance of the dwelling.

In conclusion, the proposed redesignation to Unique Agricultural for the entire farm property is appropriate as noted above. Furthermore, on the understanding that Matthew Jansen has joined the farming operation on a full time basis, Regional Planning staff could support the removal of the 'APO' restriction as proposed subject to the private servicing requirements of the Regional Public Health Department. Upon the adoption of an Official Plan amendment by Town Council, a complete application including the Region's fee of \$1,300 should be forwarded to this Department.

Please send notice of Town Council's decision on these applications.

Yours truly,



for David J. Farley  
Director of Planning Services

PB/

c: Mr. R. Brady, Urban and Environmental Management Inc., 8-6100 Thorold Stone  
Road, Niagara Falls, ON, L2J 1A3  
Mr. D. Beresh, Regional Public Health  
Mr. W. Stevens, Regional Public Works

pb/Bernardi-Jansen

## DRAFT OFFICIAL PLAN AMENDMENT

### APPLICATION #AM-8/02 CHARLES A. JANSEN

- (a) Notwithstanding Policy 1.10.6.2 wherein a future rezoning of the remnant parcel to allow a farm-related dwelling in the good tender fruit lands will not be permitted, Council considers it desirable to permit a farm-related dwelling on the lands identified on Schedule 'A' of Zoning By-Law Amendment No. ....(2002) being lands located on the south side of Tice Road described as Part of Lots 8 & 9, Concession 7.

Notwithstanding the above, this amendment shall not be construed to be an agreement for the future division of these lands for residential purposes.



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. 45

Part Lots 8 & 9, Concession 7  
Tice Road

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 6TH DAY OF DECEMBER, 2002 A.D.

  
CHERYL MIOLETTE, CLERK

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

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JACK BERNARDI

## SCHEDULE A

1. Pelham Council is submitting an Official Plan Amendment.
2. The lands are described as Part of Lots 8 and 9, Concession 7, Tice Road in the Town of Pelham, having an area of approximately 17.6 hectares (43.6 acres).
3. The proposed amendment adds a notwithstanding policy to the Agricultural Area Policies
4. The purpose of the amendment is to redesignate the lands from Resource Extraction to Unique Agricultural and to permit a farm related dwelling.
5. The current designation of the subject land is Resource Extraction. This designation permits:

the extraction and processing of sand and gravel
6. The proposed official plan amendment permits the following land uses:

all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted.
7. The said lands are the subject of a rezoning application under application number AM-8/02. The Town recently approved By-law No. 2433 (2002) rezoning a portion of the subject lands to an Exception 'A-173' Zone from an Agricultural 'A-13'. The by-law implements the intent of the Official Plan Amendment and it is currently proceeding through the appeal period.

Appendix H-1

AMENDMENT BEING INITIATED BY:

APPLICANT - Charles A. Jansen  
205 Metler Road, R. R. #1  
Ridgeville ON L0S 1M0  
(905) 892-5706

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT