

AMENDMENT NO. 47
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM
PART 1 - PREAMBLE

1.1 TITLE

This Amendment when approved shall be known as Amendment No. 47 to the Official Plan for the Town of Pelham.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified Schedule 'A'. The preamble and background do not constitute part of the actual amendment, but are included as background information.

1.3 PURPOSE

The purpose of the Amendment to change the land use designation on lands within the Urban Area Boundary from Village Residential to Open Space. The Amendment also purposes to modify the Good General Agricultural designation to allow for a community sports park.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the east side of Church Street. The lands are composed of parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham, now in the Town of Pelham.

1.5 BASIS

The subject lands are currently designated Village Residential and Good General Agricultural according to the Town's Official Plan. The Amendment is intended to permit the development of the lands for public park purposes. The proposal represents the expansion of the existing municipal Centennial Park.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedules 'A' and 'B' constitute Amendment No. 47 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

1. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from a Village Residential designation to an Open Space designation.
2. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by identifying the lands, shown as the subject lands on Schedule 'B' attached hereto and forming part of this Amendment, as being affected by Official Plan Amendment No. 47 (Subsection 1.10.1h)).

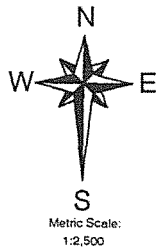
Text Amendment

Section 1, Land Use, Subsection 1.10.1 (Agricultural & Rural Areas - Permitted Uses and Policies) be amended by adding the following subsection:

- h) In addition to the permitted uses of the Good General Agricultural designation, those lands located on the east side of Church Street, in parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham, may also be used for a public park.

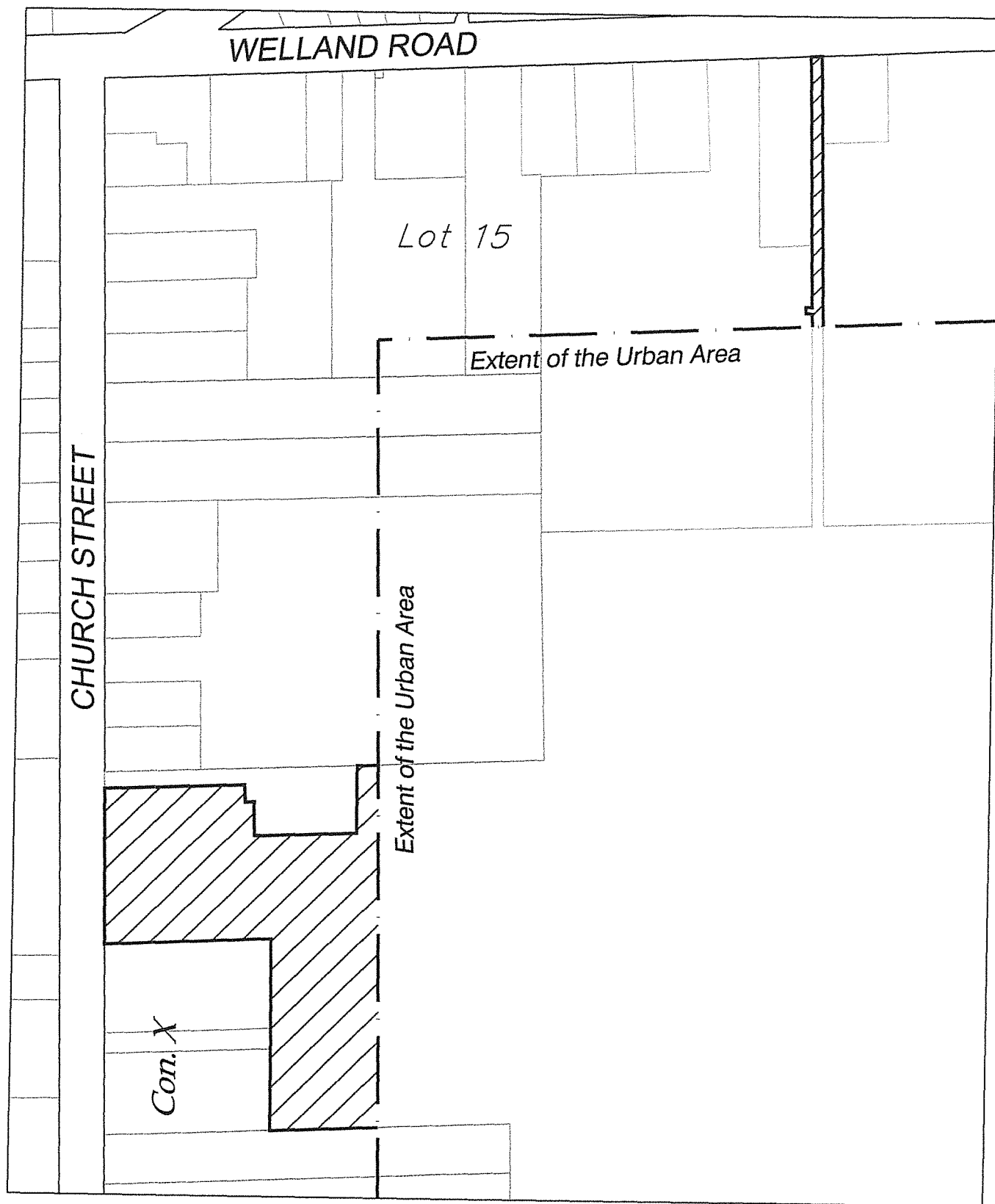
2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.



SCHEDULE 'A'

OFFICIAL PLAN AMENDMENT No. 47

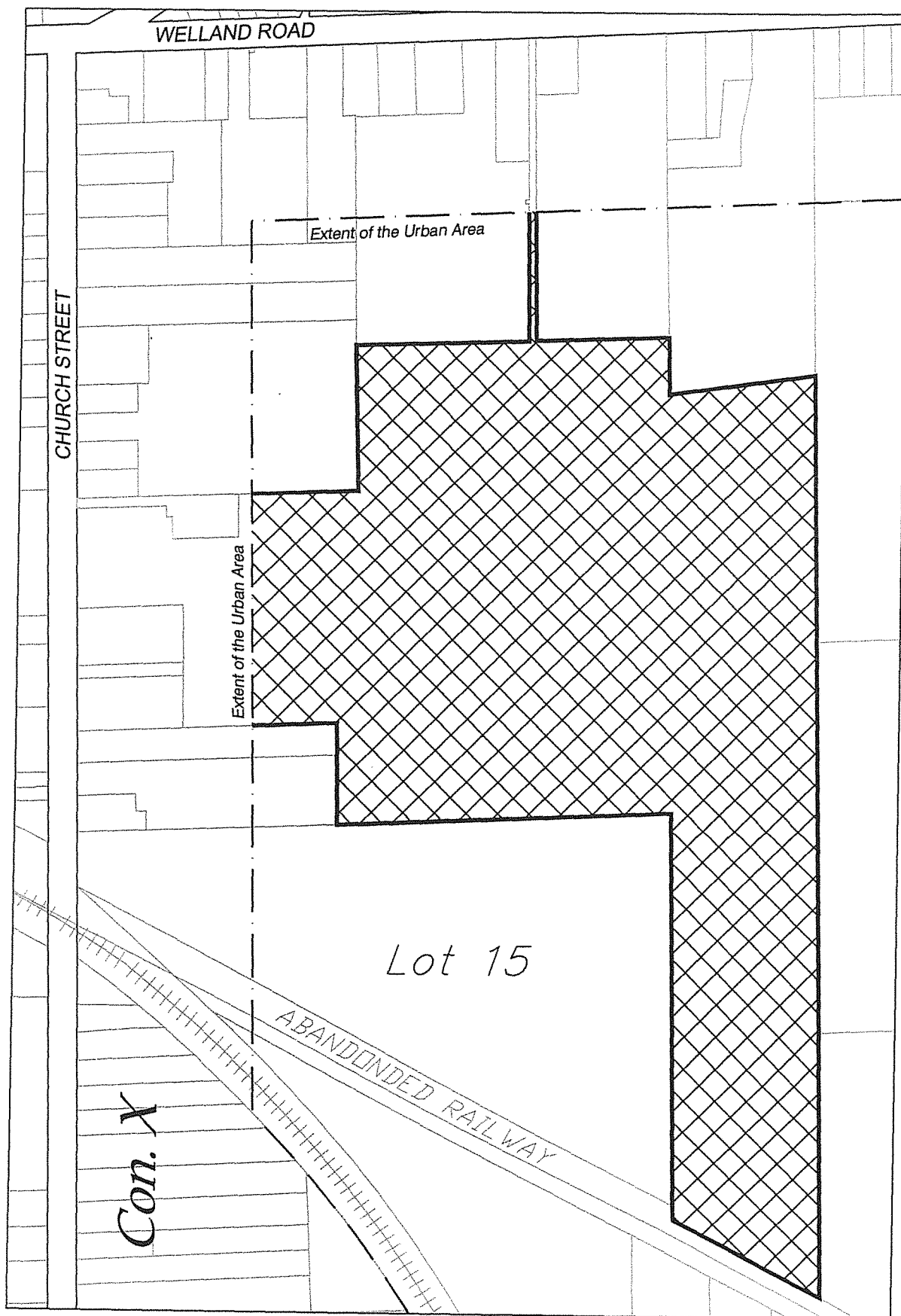


Subject Lands 



SCHEDULE 'B'

OFFICIAL PLAN AMENDMENT No. 47



Subject Lands 

AMENDMENT NO. 47
TO THE
OFFICIAL PLAN
OF THE
TOWN OF PELHAM



CERTIFIED COPY OF
BY-LAW NO. 2530 (2003)
ADOPTING OFFICIAL PLAN AMENDMENT NO. 47

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2530 (2003)

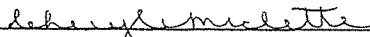
Being a by-law to adopt Amendment No. 47 to the
Official Plan of the Town of Pelham.

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:

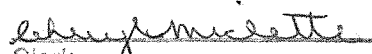
- (1) Amendment No. 47 to the Official Plan of the Town of Pelham, consisting of the attached text and Schedules A and B, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforementioned Amendment No. 47 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.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
3RD DAY OF NOVEMBER, 2003 A.D.


MAYOR RALPH BEAMER


CLERK CHERYL MICLETTE

THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED TRUE COPY


Clerk

AMENDMENT NO. 47
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM
PART 1 - PREAMBLE

1.1 TITLE

This Amendment when approved shall be known as Amendment No. 47 to the Official Plan for the Town of Pelham.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified Schedule 'A'. The preamble and background do not constitute part of the actual amendment, but are included as background information.

1.3 PURPOSE

The purpose of the Amendment to change the land use designation on lands within the Urban Area Boundary from Village Residential to Open Space. The Amendment also purposes to modify the Good General Agricultural designation to allow for a community sports park.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the east side of Church Street. The lands are composed of parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham, now in the Town of Pelham.

1.5 BASIS

The subject lands are currently designated Village Residential and Good General Agricultural according to the Town's Official Plan. The Amendment is intended to permit the development of the lands for public park purposes. The proposal represents the expansion of the existing municipal Centennial Park.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedules 'A' and 'B' constitute Amendment No. 47 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

1. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from a Village Residential designation to an Open Space designation.
2. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by identifying the lands, shown as the subject lands on Schedule 'B' attached hereto and forming part of this Amendment, as being affected by Official Plan Amendment No. 47 (Subsection 1.10.1h)).

Text Amendment

Section 1, Land Use, Subsection 1.10.1 (Agricultural & Rural Areas - Permitted Uses and Policies) be amended by adding the following subsection:

- h) In addition to the permitted uses of the Good General Agricultural designation, those lands located on the east side of Church Street, in parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham, may also be used for a public park.

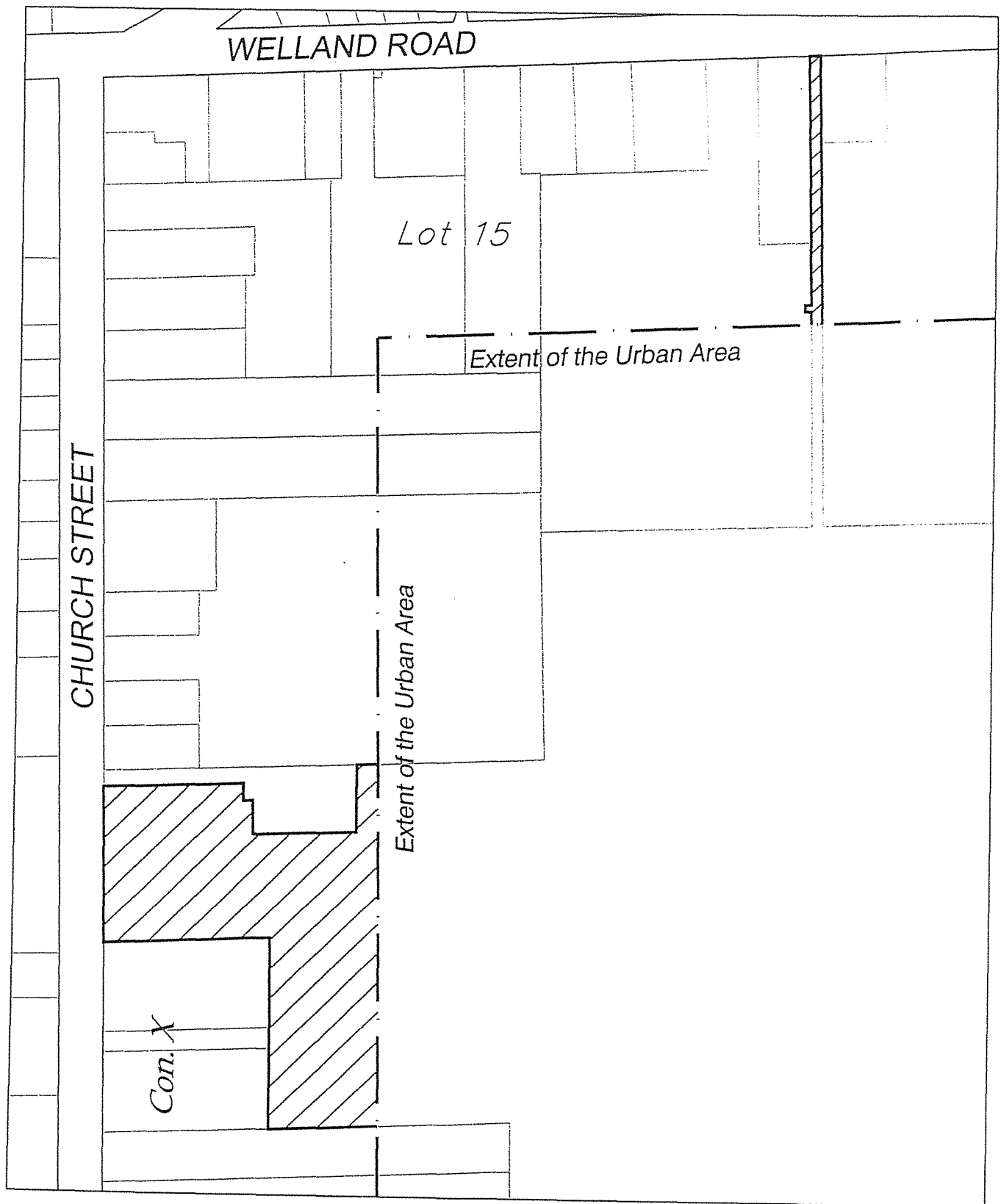
2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

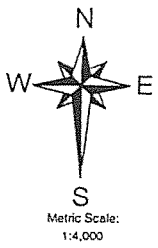


SCHEDULE 'A'

OFFICIAL PLAN AMENDMENT No. 47

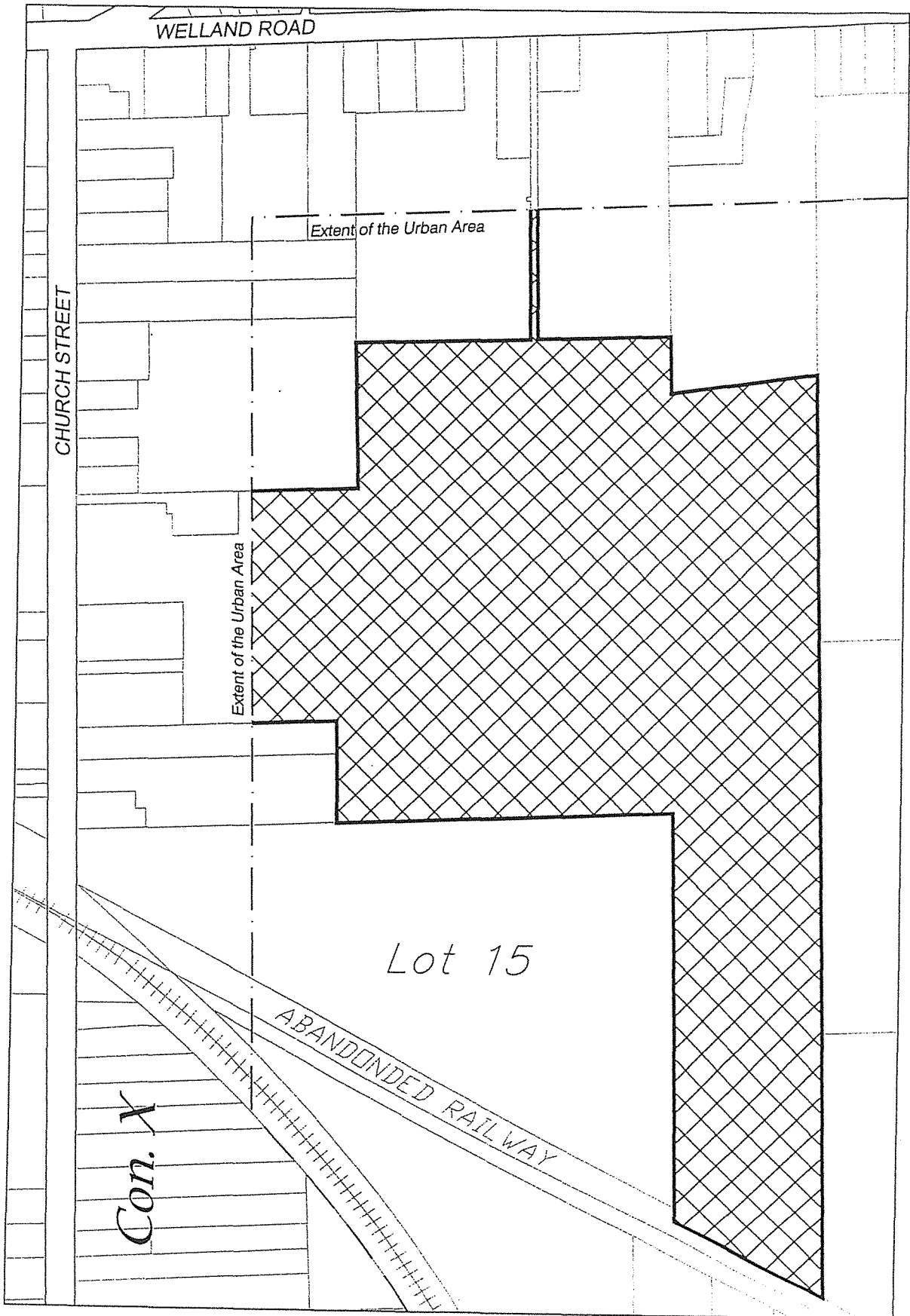


Subject Lands 



SCHEDULE 'B'


OFFICIAL PLAN AMENDMENT No. 47

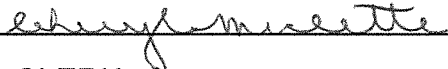


Subject Lands 

TOWN OF PELHAM
CERTIFICATE
OFFICIAL PLAN OF THE
TOWN OF PELHAM
AMENDMENT NO. 47

The attached text and map constituting Amendment No. 47 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning Services Department and was adopted by the Corporation of the Town of Pelham by By-law No. 2530 (2003) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 3rd day of November, 2003.


MAYOR


CLERK

**CERTIFIED COPY OF
OFFICIAL PLAN AMENDMENT NO. 47**

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedules 'A' and 'B' constitute Amendment No. 47 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

1. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from a Village Residential designation to an Open Space designation.
2. Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by identifying the lands, shown as the subject lands on Schedule 'B' attached hereto and forming part of this Amendment, as being affected by Official Plan Amendment No. 47 (Subsection 1.10.1h)).

Text Amendment


Section 1, Land Use, Subsection 1.10.1 (Agricultural & Rural Areas - Permitted Uses and Policies) be amended by adding the following subsection:

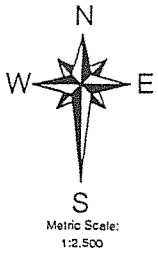
- h) In addition to the permitted uses of the Good General Agricultural designation, those lands located on the east side of Church Street, in parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham, may also be used for a public park.

2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

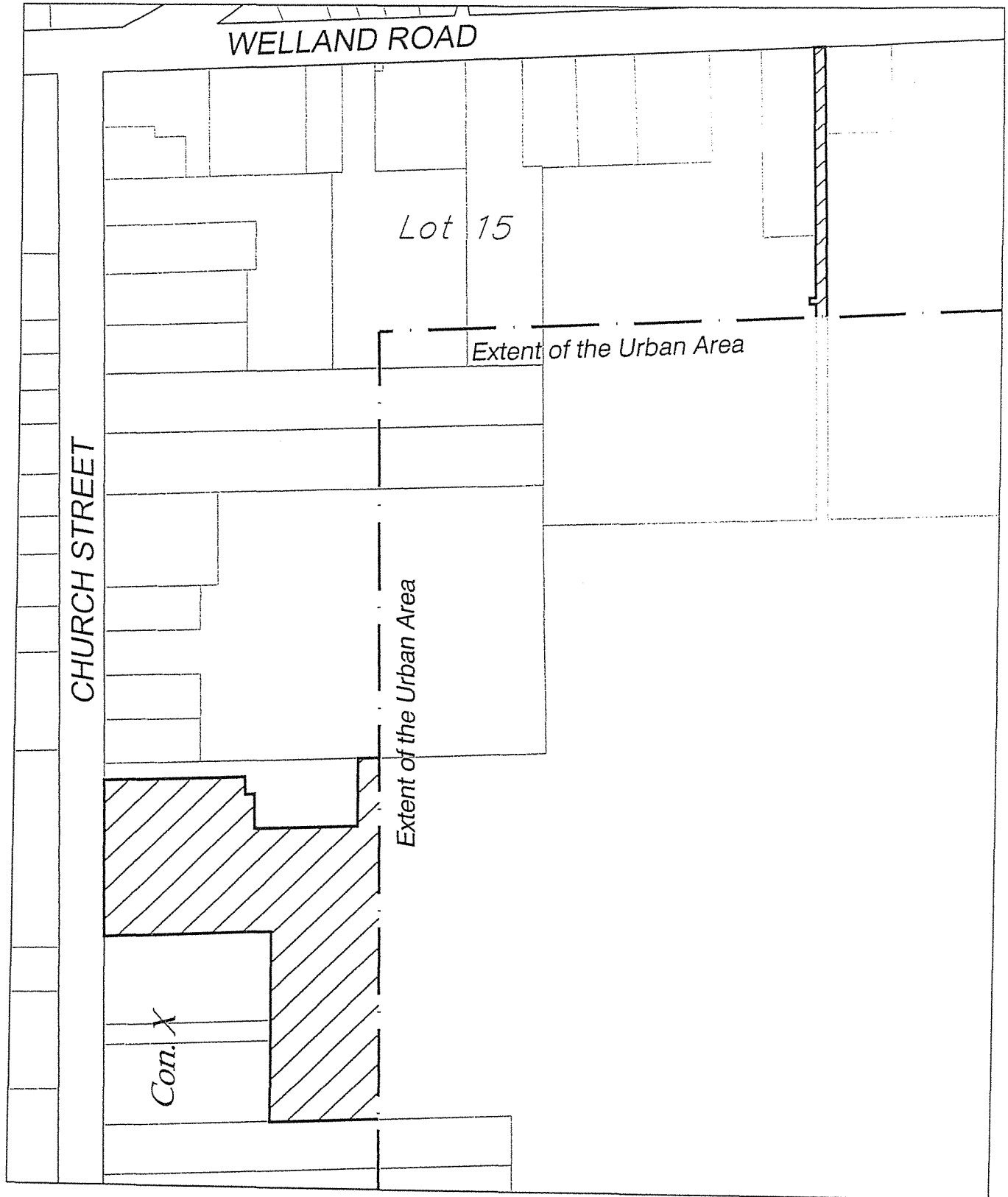
THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED A TRUE COPY


Clerk

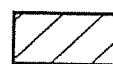


SCHEDULE 'A'

OFFICIAL PLAN AMENDMENT No. 47



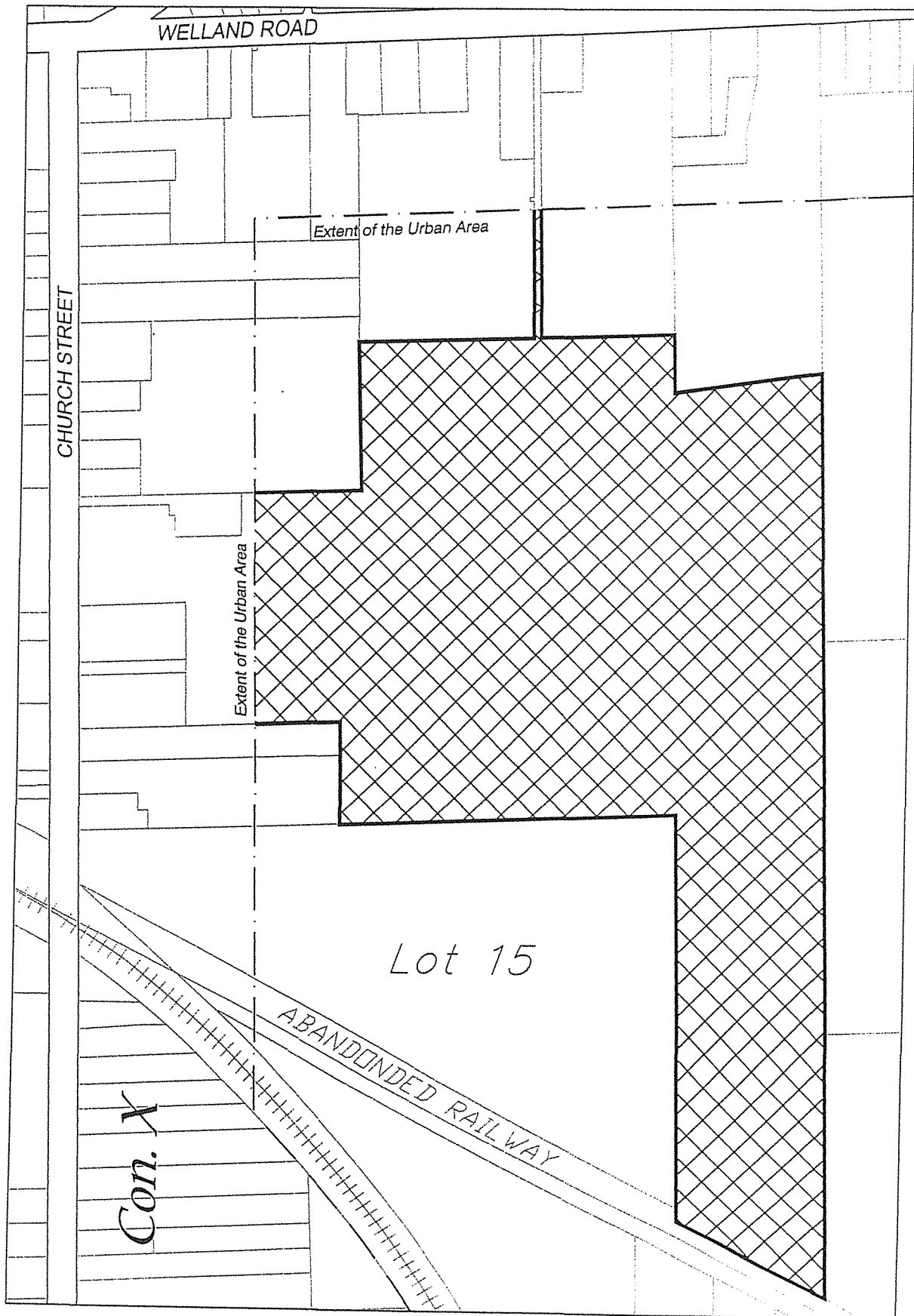
Subject Lands






SCHEDULE 'B'

OFFICIAL PLAN AMENDMENT No. 47



Subject Lands 

PART 3 - APPENDICES

Appendix	A	Written Submissions or Comments and when they were received	
	A-1	Niagara Peninsula Conservation Authority	Feb. 7, 2003
	A-2	Regional Niagara Public Health Dept.	Feb. 10, 2003
	A-3	Regional Niagara Planning & Development Dept.	Feb. 20, 2003
	A-4	Niagara Peninsula Conservation Authority	March 31, 2003
Appendix	B	Affidavit re - Giving Notice of Public Meeting - Giving Notice of Adoption	
Appendix	C	Affidavit re - List re Oral Submissions at Public Meeting	
Appendix	D	Minutes of General Committee Meeting March 19, 2003	
Appendix	E-1	Planning Report dated November 26, 2002	
	E-2	Planning Report dated March 14, 2003	
	E-3	Planning Report dated October 15, 2003	
Appendix	F	Affidavit re - Information under Section 6(2) of Ont. Reg. 198/96 is provided and is true	
Appendix	G	List of public bodies given Notice but which did not respond	

Appendix A-1



250 Thorold Road West, 3rd Floor Tel (905) 788-3135
Welland, Ontario L3C 3W2 Fax (905) 788-1121
E-mail: npca@conservation-niagara.on.ca

February 7, 2003

Our File No. MPR 4.22.12

Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

Attention: Mr. Jack Bernardi, Director of Planning Services

Dear Mr. Bernardi,

Subject: Official Plan and Zoning By-law Amendment
Fenwick Centennial Park Expansion
East side of Church Street
Town of Pelham

Further to your circulation of the above noted proposal, we offer the following comments for your consideration.

The purpose of the Official Plan and Zoning By-law Amendments is to add 10.2 hectares to the existing Fenwick Centennial Park. The Official Plan is proposed to be amended to redesignate the park into an Open Space designation. The site is also proposed to be redesignated to an Open Space Zone. The Conservation Authority interests with respect to this amendment include implementation of the Welland River Strategy and fish habitat in accordance with our memorandum of agreement with the Region of Niagara and our partnership with the Federal Department of Fisheries and Oceans.

The expanded park area includes two upstream tributaries of Coyle Creek within the Welland River Watershed. The Ministry of Natural Resources has identified the tributaries as Type 2 - Important Fish habitat. MNR guidelines recommend a 15 metre vegetative buffer on Type 2 watercourses. The Conservation Authority has prepared, in conjunction with municipalities, agencies and the public, a comprehensive watershed management strategy for the Welland River. The Strategy's overall goal is "to restore the ecological health of the Welland River and its watershed". Several targets are identified in the Welland River Strategy including targets for Urban Land Management and Drainage practices. The report identifies the need to increase the amount of natural vegetative buffer zones along watercourses because it will help to reduce bank erosion and create natural filters to prevent pollutants from entering the river. Since this site was previously used for agricultural purposes, there are opportunities on the site for the Town to set an example for other landowners by creating natural vegetative buffers along the tributaries of Coyle Creek. The Conservation Authority would be pleased to work with the Town to develop plans to restore vegetative buffers along the tributaries.

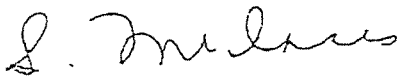
The upstream drainage area of the site is less than 1/2 square mile and therefore permits under the Conservation Authorities Regulations are not required for any works on the site. However, if there are plans to alter the watercourse in anyway to accommodate the development of the park the Conservation Authority would need to review the proposal in accordance with our partnership with the Federal Department of Fisheries and Oceans.

Based on the above, the Conservation Authority recommends that the tributaries of Coyle Creek and a 15 metre setback on each side of the tributaries be included within the Town's Official Plan Hazard Land designation. Policy 1.38.8 includes a policy about the re-establishment of vegetation along watercourses particularly in headwater areas. The tributaries and the 15 metre setback on each side of the tributaries should also be included within the appropriate Hazard zone.

This concludes the NPCA's comments at this time. Please provide the Conservation Authority with notice of the passing of the proposed Official Plan and Zoning By-law Amendments.

If you have any questions, please give me a call.

Sincerely,



Suzanne McInnes, M.C.I.P., R.P.P.
Watershed Planning Coordinator (ext. 235)

cc: Eric Conley, Regional Niagara, Planning and Development, fax 905-641-5208

M-12/02

Page 3 of 3

If you wish to be notified of the passing of the proposed amendment, you must make a written request to the undersigned and such request must include the name and address to which such notice should be sent. Alternatively, the box at the bottom left of page 3 of this Notice can be checked.

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

or

Craig Larmour, extension 22
Planner
clarmour@town.pelham.on.ca



Regional Niagara

Public Health Department

(905) 688-3762 or 1-800-263-7248

Fax: (905) 682-3901

AGENCY COMMENTS

Name of Agency

Person Submitting Comments

☒ NO OBJECTION

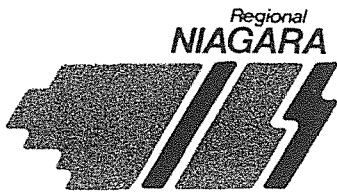
COMMENTS (If additional space is required, please attach a separate sheet):

RECEIVED

FEB 10 2003

TOWN OF PELHAM
PLANNING DEPT

Please send notice of the passing of the Official Plan and/or Zoning By-law Amendment.



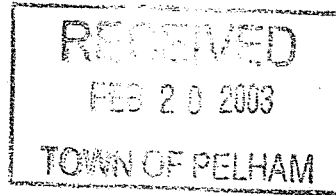
PLANNING AND DEVELOPMENT DEPARTMENT

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

Appendix A-3

February 11, 2003

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



Files: D.10.M.19.27

Dear Mr. Bernardi:

**Re: Preliminary Regional/Provincial Comments
Proposed Official Plan and Zoning By-law Amendments
Expansion of Fenwick Centennial Park
Church Street, south of Canboro Road
Town of Pelham
Your File: AM-12/02 (Town of Pelham)**

These applications propose to amend the Town's planning documents in order to permit an expansion to the Fenwick Centennial Park as follows:

- the portion of the existing park located within the Fenwick Urban Area Boundary is to be redesignated from 'Village Residential' to 'Open Space' to recognize the existing land use. This area is zoned 'Open Space OS' by the Pelham Zoning By-law.
- the 'Good General Agricultural' designation that applies to the remainder of the existing park and to the proposed expansion area is to be modified to allow a community sports park. The expansion area is to be rezoned from 'Agricultural A' to Open Space OS'.

The expansion area is located within a Good General Agricultural Area according to the Regional Policy Plan. The Regional Plan does not permit non-farm uses in the agricultural area and, therefore, an amendment to the Regional Plan is required to permit the park extension. Regional Policy Plan Amendment 178 is being considered in this regard.

On a preliminary basis, the following issues are relevant to this proposal:

- The eastern-most tributary of Coyle Creek draining the site is identified as an Important Type 2 fish habitat. The Niagara Peninsula Conservation Authority (NPCA) has provided comments regarding fish habitat protection requirements of which a copy is attached. The NPCA recommends that the two tributaries through

these lands as well as 15 metre buffers on each side of the tributaries be placed in a 'Hazard Land' designation of the Town's Official Plan and be zoned accordingly.

- Any alteration of the watercourses to accommodate the development of the park would need to be reviewed by the NPCA in accordance with its partnership with the Federal Department of Fisheries and Oceans. Approval from the Ministry of Natural Resources under the Lakes and Rivers Improvement Act may also be necessary for any proposed alterations. The Official Plan amendment could include a statement to this effect.
- The wooded areas on the northeast and southeast portion of the expansion area appear to be subject to the provisions of the Regional Tree Conservation By-law. We understand that the Town intends to protect all significant woodland resources and that a Park Master Plan that the Town intends to prepare will direct the future development of the site in a manner that will minimize impacts on environmental features. The amendment should include reference to the preparation of a Master Plan and the issues to be considered in the plan.
- The site appears to exhibit a moderate to high potential for the discovery of archaeological resources based on the presence of the two Coyle Creek tributaries through the lands. An archaeological assessment of the expansion area would, therefore, appear to be warranted. The use of a holding zone provision for the expansion area would allow the Town to address archaeological interests before any development occurs. The removal of the holding zone should be to the satisfaction of the Region in consultation with the Ministry of Culture.

A decision on the amendment to the Regional Policy Plan will not be made until after a joint public meeting with the Town, receipt and consideration of comments from review agencies and a recommendation report to the Regional Planning Services Committee and Council. The above provides some preliminary comments on issues that would need to be addressed by the Town should the proposed Regional Plan amendment receive favourable consideration.

Please send notice of the Town's decision on this application.

Yours truly,



for David J. Farley
Director of Planning Services

PB/

c: Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority
Mr. N. Ferris, Ministry of Culture, London
Mr. W. Stevens, Regional Public Works
Mr. D. Semple, MCIP, RPP, Senior Planner

Appendix A-4



250 Thorold Road West, 3rd Floor Tel (905) 788-3135
Welland, Ontario L3C 3W2 Fax (905) 788-1121
E-mail: npca@conservation-niagara.on.ca

March 21, 2003

Our File No. MPR 4.22.12

Regional Municipality of Niagara
3350 Schmon Parkway
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Mr. Drew Semple

Dear Mr. Semple,

Subject: Regional Official Plan 178
Fenwick Centennial Park Expansion
East side of Church Street
Town of Pelham

Further to your circulation of the above noted proposal, we offer the following comments for your consideration.

The purpose of the Regional Official Plan Amendment is recognize the existing parklands outside the Fenwick urban area and permit the 10.2 hectares addition to the existing Fenwick Centennial Park. The Conservation Authority provided comments on the Local Official Plan Amendment and rezoning in our letter dated February 7, 2003 attached. The NPCA's issues can be addressed through the Local Official Plan Amendment and rezoning of the site. The NPCA has no objection to the Regional Official Plan Amendment.

This concludes the NPCA's comments at this time. Please provide the Conservation Authority with notice of the passing of the proposed Official Plan Amendment.

If you have any questions, please give me a call.

Sincerely,



Suzanne McInnes, MCIP, RPP
Watershed Planning Coordinator (ext. 235)

cc: C. Larmour, Town of Pelham Planning Dept.

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

GC-41/2003

GENERAL COMMITTEE

GC-7/03

March 19, 2003

Minutes of a special General Committee meeting held on Wednesday, March 19th, 2003 at 7:00 p.m. at Pelham Fire Station #2, 792 Welland Road, Fenwick. The meeting was called for the purpose of holding a public meeting under the Planning Act with respect to the Centennial Park Expansion.

ATTENDANCE:

Council:

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

Regional Niagara
Planning Com.

Councillor Jill Hildreth

Staff:

Chief Administrative Officer, G. Cherney
Planner, C. Larmour
Director of Operations L. J. Hodge
Recording Secretary(Clerk) C. Miclette

Regional Niagara

Staff:

Mr. Drew Semple, Senior Planner

Other:

Interested Parties

Media:

Sarah Murrell, The Voice
Greg Furminger, Pelham News

1. CALLED TO ORDER:

The meeting was called to order by Mayor R. Beamer.

2. ADOPTION OF AGENDA:

**RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT,
SECONDED BY COUNCILLOR W. B. WALKER- THAT the agenda for the
March 19th, 2003 special meeting of General Committee be adopted.
CARRIED, CHAIR, MAYOR R. BEAMER**

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

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

At this point in the meeting, Mayor R. Beamer vacated the Chair and Councillor R. Hatt, Chair, Planning Services Committee resumed the Chair for the balance of the public meeting.

4. PUBLIC MEETING UNDER THE PLANNING ACT:

7:00 p.m. - JOINT PUBLIC MEETING - PROPOSED REGIONAL POLICY PLAN AMENDMENT #178 AND TOWN OF PELHAM OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATION #AM-12/02 - CENTENNIAL PARK EXPANSION, TOWN OF PELHAM:

Chair, Councillor R. Hatt noted that this public meeting was a joint meeting with the Regional Municipality of Niagara. Chair, Councillor R. Hatt then recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Hatt then introduced Mr. Craig Larmour, Planner, Town of Pelham.

Mr. Larmour provided an overview of the application and information report with respect to the Official Plan and Zoning By-law Amendment applications by the municipality in order to permit the development and use of the lands for recreational purposes and to recognize the historical use of Centennial Park and to permit the development of the lands which were recently acquired.

Mr. Larmour, using an aerial photograph attached to Regional Report DPD 20/03, outlined the subject parcel, both existing and proposed expansion.

Mr. Larmour then outlined the official plan and zoning by-law designations, as well as the proposed changes.

Mr. Larmour also noted that the Town has recently engaged a consultant who will be preparing a Master Recreation Plan for Centennial Park and he indicated that the public consultation process will begin in late spring or early summer.

Mr. Larmour then turned the meeting over to Mr. Drew Semple, Senior Planner with the Regional Municipality of Niagara.

Mr. Semple noted that the amendment to the Regional Policy Plan was necessary as the lands are currently designated "Good General Agricultural Area". He also stated that a portion of the existing park is inside the urban area, but that a large portion is outside the urban area.

Mr. Semple stated that the application by the municipality will be considered under the provisions of Policy 6.A.8 which states that non-agricultural uses such as this park should not be located in Agricultural Areas, but that applications may be received and reviewed through a Regional Policy Plan Amendment. Mr. Semple then highlighted the review criteria:

- (a) the quality of agricultural land
- (b) the need for and desirability of the proposed use to the community
- (c) the availability of alternative sites in the urban areas
- (d) the degree of conflict with surrounding agricultural uses

- (e) impact on the environment and on rural resources such as forestry and fisheries
- (f) compliance with other policies contained in the Regional Plan

Mr. Semple also made note of the Provincial Policy Statement which all agencies, including Regional Council, must have regard for and he highlighted the sections in the Provincial Policy Statement which apply to this application:

- (a) Sections 1.1.1 and 1.1.2 - provision of sufficient land for industrial, commercial, residential, recreational, open space and institution uses
- (b) Section 2.1.3 - regarding the criteria for considering non-residential uses in prime agricultural areas
- (c) Section 2.3.1 (b) - regarding the protection of natural features. With respect to this section, Mr. Semple stated that the eastern-most tributary of Coyle Creek draining the site is identified as a Type 2 (important) Fish Habitat stream and also that the woodlots and hedgerows on the site should be protected.
- (d) Section 2.5 - regarding the protection of heritage resources.

PUBLIC INPUT:

Helen Locking, 715 Foss Road - Mrs. Locking inquired as to how much of the wooded area would be removed or retained, to which Mr. Larmour advised that the consultant, engaged by the municipality, has retained a biologist to review this issue, but that every effort will be made to retain as much of the wooded area as possible.

Peter Ward-Whate, 1010 Church Street - Mr. Ward-Whate indicated that he has recently purchased the home directly across from the park and he stated that this proposed expansion would impact his property because of additional noise, traffic, etc. and he inquired as to whether or not an additional access to the park would be possible.

Mr. Larmour noted that the municipality only owns frontage on Church Street.

Larry Clark, 940 Balfour Street - Mr. Clark inquired as to what the plans were for the park.

Chair, Councillor Hatt noted that at the present time the installation of one soccer field was a priority and that the consultant will be bringing forward a plan with respect to the possible development.

Mayor Beamer stated the reasons for the hiring of a consultant by the municipality with respect to the preparation of a Master Plan for this area.

Councillor Kuckyt inquired as to when the public process would start to which Director of Operations J Hodge responded that a time frame has not yet been set but he stated that hopefully a meeting will be held sometime in May. He also indicated that the development of a plan will be based on input from focus groups and that hopefully the consultant will be in a position to submit a final report to Committee for consideration early in September, 2003. Mr. Hodge also noted that the dmA Report, as well as comments received from the Pelham Sports & Leisure Council will be taken into account by the consultant when preparing the plan and he stated that possibly this could be a new home for the Fonthill Platform Tennis Club.

Mayor Beamer noted that the Lions Club of Fenwick will be one of the stakeholders in the process.

Jack Toffolo, 14 Pinecrest - Mr. Toffolo inquired as to what the time lines were for the next year.

Director of Operations J. Hodge noted that one regulation soccer field would be installed for use by the 2005 season and that any additional facilities would be dependant on demand, need, etc. over the next 20 years.

Wendy Vahrmeyer, 1178 Balfour Street - Mrs. Vahrmeyer inquired as to the timeframe with respect to the zoning of the property.

Planner C. Larmour indicated that all comments from various agencies have not been received and that the details of the master park plan, as well as the holding of a public meeting by the consultants will be required prior to a report being submitted to Council for consideration and he stated that possibly a report would be submitted by July or August depending on the meeting schedule. He also noted that the planning applications should be completed by the end of December.

Mr. Semple noted that the Regional portion of the application should be completed within 2-3 months, as long as the policy issues of affect on Coyle Creek and protection of woodlots is addressed by the municipality.

Chair, Councillor R. Hatt declared the public meeting closed.

(4) STAFF REPORT:

Report P-06/03 re Information Report - Proposed Regional Policy Plan Amendment No. 178 and Town of Pelham Official Plan and Zoning By-law Amendments Application #AM-12/02 - Centennial Park Expansion, Town of Pelham - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report P-06/03 re Information Report - Proposed Regional Policy Plan Amendment No. 178 and Town of Pelham Official Plan and Zoning By-law Amendments Application #AM-12/02 - Centennial Park Expansion, Town of Pelham be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR R. HATT

(5) ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR W. B. WALKER - THAT this special meeting of General Committee be adjourned until the next regular meeting scheduled for MONDAY, APRIL 7th., 2003, unless sooner called by the Mayor. CARRIED, CHAIR, MAYOR R. BEAMER

Ralph Beamer
CHAIR

Sheryl Mucette
SECRETARY

PLANNING SERVICES REPORT

P-45/02

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

DATE OF REPORT: November 26, 2002

DATE OF MEETING: December 02, 2002

FROM: Craig Larmour, Planner

SUBJECT: INFORMATION REPORT
Centennial Park Expansion

RECOMMENDATION:


THAT the General Committee, Planning Services Division, receive Planning Services Report P-45/02 regarding the expansion of Centennial Park in Fenwick.

STAFF COMMENTS:

On October 7, 2002, Planning Staff provided a verbal report informing that applications for amendments to the Regional Policy Plan and the Town of Pelham Official Plan and Zoning By-law were required in order to facilitate the expansion of Centennial Park. Staff also indicated the need for the preparation of a Background Report in support of the applications. The Background Report has now been completed, a copy is included as an attachment to this report.

For Committee's information, Staff intend to submit the application for Regional Policy Plan Amendment following Council's acceptance of this report. At the same time, Staff will begin processing the necessary applications for amendments to the Town's Official Plan and Zoning By-law.

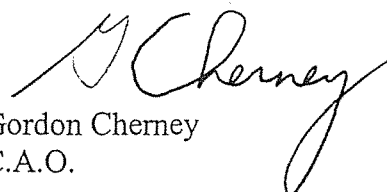
Prepared by,



Craig Larmour
Planner

/CDL

Approved and Submitted by,



Gordon Cherney
C.A.O.

CENTENNIAL PARK EXPANSION

BACKGROUND REPORT

Part of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16 (n.k.a. Plan 703)

and Part of Lot 14, Concession 10 (former Township of Pelham)

Village of Fenwick

Town of Pelham

November 2002

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1. INTRODUCTION

This report has been prepared in support of applications for Regional Policy Plan and Town of Pelham Official Plan and Zoning By-law Amendments. More specifically, this report provides background information in support of applications for development of the subject property for recreational purposes.

1.1 Location of Property

The lands are described as parts of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16 (n.k.a. Plan 703) and Part of Lot 14, Concession 10, in the former Township of Pelham.

1.2 Background

The original plot of land was conveyed from the Harlem Haney Fry Estate by Arnold B. Morris and Beulah Madelene Morris to the Fenwick Lion's Club in 1958. A number of subsequent transactions between the Town of Pelham and various other parties, including the Fenwick Lion's Club, over the next number of decades resulted in the creation of the 5.95 hectare (14.68 acre) parcel that is at present identified as Fenwick Centennial Park. This parcel of land is presently occupied by tennis courts, three baseball diamonds, a soccer pitch, playground area, parking lot, concession building and pavilion seating area. The Fenwick Lion's Club Hall occupies an adjacent parcel of land and is not directly related to this park in terms of ownership.

During the year 2002, the Town secured ownership of an additional 10.2 hectares (25.3 acres). More specifically, the Town purchased approximately 3.9 hectares (9.7 acres) from Mark Robert Benning and Janis Audrey Benning and 6.3 hectares (15.6 acres) from Robert Nunn Elliott, Betty Grayce Morris and Bradshaw Elliott (beneficiaries of the Estate of Gwendolyn May Elliott).

The 'Benning' property, identified on Schedule 'A', has been used for cash crop purposes in the past, however that practice seems to have been abandoned in recent years. The northerly limit of the parcel is occupied by a small woodlot. With the exception of a small wood shed, the property is vacant of any buildings or structures.

The 'Elliott' property (see Schedule 'A') has historically been used for passive agricultural purposes, most recently and presently for the growing of Christmas trees. The rear of the lands is occupied by a woodlot that measures approximately 2.3 hectares (5.6 acres), extending from the abandoned rail line. The property is vacant of any structures or buildings.

1.3 Site Description

There is great difference in topography between the existing park and the newly acquired lands. The existing park is relatively flat, which is the result of the importation of fill and regrading of the easterly portion of the site now occupied by playing fields. The recently acquired parcels are rolling in terms of topography and are traversed by a number of minor, seasonal watercourses.

The majority of the northerly limit of the site is heavily treed, providing a continuous buffer from the residences fronting on Welland Avenue. The easterly limit is defined by an established tree line that provides separation from the adjacent greenhouse operation that fronts Balfour Street. The southerly lot line is occupied by a low profile bush line that provides separation from the adjacent agricultural parcel, this bush line extends to the 'Elliott' property where a forested area then extends south to the abandoned rail line.

Land uses immediately surrounding the site are described as follows:

North	agricultural (greenhouses) and residential;
South	agricultural (orchard), railway lands and residential;
East	agricultural (greenhouses) and residential; and
West	residential.

2. PLANNING DOCUMENTS

2.1 Provincial Policy Statement

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns. Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.1.3 states, in part:

Long term economic prosperity will be supported by:

b) providing a supply of land to meet long term requirements, in accordance with policy 1.1.2;

Concerning agriculture, the PPS purposes to protect lands identified as *prime agricultural areas* for agricultural production and use. However, Policy 2.1.3 states, in part:

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

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 lands;*
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 land will be mitigated.

Prime agricultural area is defined by the PPS as:

Means an area where prime agricultural land predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

The PPS provides the following definition of prime agricultural land:

Means land that include specialty crop lands, and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order to priority for protection.

Specialty crop lands are in turn defined as:

Means an area where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from

soils that have suitability to produce specialty crops or lands that are subject to special climatic conditions, or a combination of both; and or

a combination of farmer skilled in the protection of specialty crop, and of capital investment in related facilities and services to produce, store or process specialty crops.

2.2 Regional Policy Plan

The lands straddle the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The UAB runs parallel to Church Street approximately 110 metres east of the limit of the Church Street

road allowance. Lands outside of the UAB in this proximity are located within the Good General Agricultural Area as defined by the Regional Plan.

Concerning that portion of the lands within the UAB, Regional Policy 5.5 recognizes that the primary responsibility for regulating land use rests with the local municipalities through the official plan and zoning by-law.

Regarding the Good General Agricultural lands, Policy 6.A.8 states:

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 the 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 site 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.*

2.3 Town of Pelham Official Plan

The Fenwick Urban Area Boundary (UAB) extends approximately 120 metres east of the Church Street road allowance from the southerly limit of Canboro Road through to the abandoned railway. Only a small portion of the lands, approximately 0.8 hectares (2 acres), lies within the UAB and is designated Village Residential according to the Town of Pelham Official Plan. The balance of the holding lies outside of the UAB and is designated Good General Agricultural.

The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The current Good General Agricultural designation on the lands does not permit the intended use of the lands for recreational purposes.

The purpose of the Open Space designation is to recognize major public, private, conservation and recreational open space uses of land in the Town. The major uses permitted in this designation are forestry, agriculture, conservation uses and public parks.

Policy 1.36.2 states:

Open Space uses within areas of Unique and Good General Agricultural land must leave land in large parcels that could be utilized for agriculture in the future. Buildings should not be a major part of any Open Space use, nor should the topography be altered to the future detriment of agriculture.

Section 3 (Schools and Parks) of the Official Plan advises that the policies of this Plan are designed to direct the majority of the projected growth in population to Fonthill and Fenwick. Consequently, the policies of the Plan are intended to direct the provision of schools and parks to the urban and village areas. The following policies apply to parks specifically:

3.3 *Parkland in the Municipality should be provided based on a range of 2 to 4 hectares per 1,000 population. This will include parkland provided by the local Municipality as well as*

3.4 Existing parks and facilities fill a majority of the municipal park requirements, for example, Fonthill Park [Marlene Stewart-Streit Park], Pelham Arena, Harold Black Park and Centennial park. The acquisition of a neighbourhood park is recommended for North Pelham

3.5 Local parks or tot lots should be provided in all residential areas of 10 or more dwelling units per hectare in accordance with the following criteria:

3.5.1 The minimum size of each local park or tot lot should be 0.5 hectare.

3.5.2 Local parks or tot lots should be within convenient walking distance of the area to be served.

3.5.3 Local parks or tot lots should be provided at a rate of 0.5 hectare per 120 dwelling units.

3.6 All parks within a built-up area should be interconnected by a walkway system whenever possible

3.7 As a condition of development or redevelopment of land Council shall required parkland dedication not exceeding 5% of the land being developed or redeveloped or, alternatively, 1 hectare per 300 dwelling units pursuant to Section 41 of the Planning Act, R.S.O. 1983. Council may accept cash in lieu of land conveyance subject to Sections 50(8) and 41(6) of the Planning Act.

3.8 The Council shall develop parks in conjunction with school sites whenever possible. Joint use agreements between Council and local Boards of Education shall be encouraged to maximize the use of recreational facilities.

3.9 Parks shall be developed in accordance with all secondary plan and/or recreation Master Plan requirements of the Municipality.

2.4 Town of Pelham Zoning By-law

The existing park is zoned Open Space OS according to the Town of Pelham Comprehensive Zoning By-law No. 1136 (1987), as amended. The recently acquired lands are currently zoned Agricultural A.

Section 26.1 of the By-law (OS Zone) permits the following uses of land:

- (a) *public and private parks, conservation and forestry uses;*
- (b) *cemeteries, mausoleums and crematoriums; and*
- (c) *uses, buildings and structures accessory to the foregoing permitted uses excluding accessory residential uses.*

3. SERVICING

3.1 Sanitary Sewer

An existing 200 millimeter sanitary sewer is located on Church Street extending across the full frontage of the subject lands. Sanitary sewer services are also available at the Welland Road frontage..

3.2 Water

An existing 200 millimeter watermain is also located on Church Street extending across the full frontage of the lands. Water service is also available at the Welland Road frontage.

3.3 Stormwater

The subject lands lie within the drainage area of the Swayze Drain, which outlets to Big Creek and ultimately Welland River.

The manner in which the Storm water will be managed and conveyed from the site will ultimately be determined through the completion of the Storm water management plan prepared by a qualified consultant.

3.4 Access

The site is located on the east side of Church Street, lying south of Canboro Road and north of the TH & B Railway.

Vehicular and pedestrian access to the site may be gained from Church Street. Pedestrian access may also be gained to the 'Benning' property from Welland Road by way of a 4.9 metres (16 foot) wide strip of land.

4. PROPOSAL

The purpose of these applications is to permit the development and use of the lands for recreational purposes. More specifically, it is proposed to recognize the historical use of Centennial Park and to permit the development of the lands that were more recently acquired.

The purpose of the three necessary applications is as follows:

Regional Policy Plan Amendment to modify the Agricultural policies in order to permit the additional use of lands for the purpose of accommodating a community sports park consisting of a variety of active and passive recreational uses.

Official Plan Amendment to predesignate lands within the UAB from Village Residential to Open Space and to modify the Agricultural designation to allow for a community sports park.

Zoning By-law Amendment to redone that portion of the lands lying outside of the UAB from Agricultural A to Open Space OS.

5. PLANNING RATIONALE

In March of 2001 the Town retained the services of d^{ma} Planning and Management Services to complete an “Updated Master Plan, Policy Review and Multi-Use Complex Feasibility Study”. That Study was finalized in October of 2001 and the Final Report Recommendations were adopted by Council as ‘Working Guidelines’ on February 18, 2002. The research and findings of this Study are utilized in the rationale put forward hereafter.

5.1 Need

The Consultant notes:

There are two major factors that will influence the need for future parkland in Pelham. Simply to keep pace with increasing population, expected to reach 18,626 people by the year 2020, a 20% increase over its 2000 population of 15,556, the level of park provision must be increased. The second fact, as noted above, is the inability of the current park system to accommodate active outdoor recreation facility requirements. (p. 48)

The Study classified the parks in Pelham as being of three distinct types: Neighbourhood (local); Community; and Special Open Space. The specific classification system is provided in Appendix ‘A’ attached hereto.

Consistent with the above classification system, Table ‘A’ (below) lists the various existing parks within the Town. Currently, there is 17.65 hectares (43.6 acres) of Community space, 12.01 hectares (29.7 acres) of Neighbourhood space and 38.2 hectares (94 acres) of Special Open Space in Pelham.

The large supply of Special Open Space is primarily attributed to the 20.23 hectares at the developing Harold Bradshaw Park as well as the 11.67 hectares in the abandoned railway. Neither of these land holdings will fill the Community park function of providing active recreation space to the community.

Upon closer review of the parks in terms of capability of accommodating active recreational uses, it is clear that active space is limited to 21.3 hectares (31.4%) (Community parks and North Pelham Park).

The balance of the parkland, 46.57 hectares (68.6%) (Neighbourhood parks, except North Pelham, and Special Open Space) is passive space.

Based on Pelham's 2000 population of 15,556, this supply provides 1.1 hectares of Community space per 1,000 people, 0.77 hectares of Neighbourhood space per 1,000 people and 2.44 hectares of Special Open Space per 1,000 people. The total supply of Community and Neighbourhood parkland in Pelham (not including Special Open Space) is 1.8 hectares per 1,000 people.

Table 'A' Existing Pelham Parks by Classification					
Community	Area (ha)	Neighbourhood	Area (ha)	Special Open Space	Area (ha)
Centennial Park	8.09	North Pelham Park	3.64	Harold Bradshaw Park	20.23
Harold Black Park	4.8	Woodstream Park	2.82	Former Railway Line (Fenwick)	11.67
Pelham Arena	2.74	Hillcrest Park	2.38	Steve Bauer Trail (Fonthill CN Spur)	3.32
Marlene Stewart- Streit Park	2.02	Sandra Drive Park	1.0	Millbridge/Bigelow/ Spruceside Parkette	1.07
		Pelham Corners Park	1.08	Hunter's Park	0.98
		Rolling Meadows Park	0.48	Peace Park	0.93
		Leslie Hills Park	0.35		
		Hurleston Park	0.26		
TOTAL	17.65		12.01		38.2
SUPPLY(ha)/ 1,000 PEOPLE	1.1		0.77		2.44

The Official Plan sets out the requirement of between 2 and 4 hectares per 1,000 population including parkland provided by the Municipality, the Niagara Peninsula Conservation Authority and the Province of Ontario. The Consultant suggests that parkland provided by the NPCA and the Province not be included in the standard of supply for the Municipality. While the benefit of having such resource available to the citizens is great, it is not useful to include them in the standard as their use is beyond the control of the Town.

The consultant also found the range of supply to be too broad, realizing the difference between the 2 hectare and 4 hectare per 1,000 people range equates to between 31.1 and 62.2 hectares of parkland using the year 2000 population figure. In response, the consultant recommended a level of provision equal to 2.5 hectares per 1,000 people for Community and Neighbourhood parks.

Under the current level of provision (1.8 hectares per 1,000 people), the Town would need to provide an additional 6.14 hectares (15.2 acres) of parkland by 2020. Based on the provision of 2.5 hectares (5 acres) per 1,000 people, the Town has a total requirement of 46.6 hectares (115 acres) in 2020. Using the 2.5 hectare standard, the Town currently experiences a shortfall of 9.23 hectares (22.8 acres), which would increase to 15.46 hectares (38.2 acres) in 2020. The addition of the proposed 10.2 hectares (25.3 acres) will accommodate a population of approximately 15,940 people which is anticipated to be achieved between 2003 and 2005 working under the growth projections utilized in the Study. In order to achieve the required 2.5 hectares per 1,000 people for the assumed 2020 population of 18,626 it will be necessary for the Town to acquire an additional 6.9 hectares in the future.

The Consultant concludes that the current and expected deficiency in the number of outdoor playing fields and the 'at capacity' status of Community parks in terms of additional space for expanded facilities, that the current level of parkland provided is not enough to meet the recreational needs of the community.

In terms of Facility and Parks Analysis specifically the Report contained three (3) specific recommendations pertaining to this issue as follows:

Recommendation 2.29

A minimum of 2.5 hectares per 1,000 population should be adopted to provide community and neighbourhood parks. The 2.5 hectares per 1,000

population allocation should not include special open space areas. Not less than 1.5 hectares per 1,000 should be committed to community parkland.

draft

Recommendation 2.30:

In the next 3-5 years, the municipality should assemble at 11 hectares of parkland for a major community park to be developed by 2020. If possible, the required parkland should be assembled as part of a larger site to accommodate future demand.

Recommendation 2.31:

A Master Plan should be developed upon retention of sufficient parkland for a major community park to define long-term use of the park.

5.2 Availability of Sites

Initially, the Town considered the possibility of reconfiguring and adding to existing sites in order to maximize their potential to accommodate additional development. Exploring those opportunities proved limited for a variety of reasons including servicing, proximity to environmentally sensitive features and proximity to existing development. Additionally, the Town has for several years attempted to put agreements into place facilitating the development and secure use of public school lands. To date, no formal arrangement has been achieved. While the existing informal, undocumented arrangement provides the necessary short-term solution until a multi-purpose facility development takes place, the Town is not able to rely on the long-term availability of these lands for recreational use.

In the beginning, the Town retained the services of personnel to search for available serviced lands between Fonthill and Fenwick. Contact was made with approximately 25 property owners concerning the availability of lands; however, this avenue of search proved fruitless for a variety of reasons. Additionally, Council issued a public request for available lands. In this instance, there was simply no response.

Understanding that the purchase of new lands would be required, the Town utilized the Site Selection criteria established in the Study for the assembly of lands for the accommodation of a multi-purpose facility. The criteria are as follows:

draft

Capital Development Costs - The evaluation of capital development costs includes costs for land acquisition, costs associated with unique site conditions such as poor drainage, or less than ideal topography, cost of access or servicing.

Size - Sites must be of suitable size for development of the proposed facility and parking. Sites with extra space for expansion are deemed most appropriate.

Access - Sites are preferred where at least one boundary fronts on a major arterial road to provide direct access to the site. Sites that are located generally central to the major user population, are preferred.

Compatibility - Sites where the proposed development is compatible with the surrounding land uses (open space, other recreation facilities) and site that complement the surrounding areas and contribute to an enhanced level of service or enjoyment for users are preferred.

Operating Cost - Sites where unique cost saving opportunities are present to more efficiently or effectively operate the recommended facility are preferred as are sites which present the opportunity for unique revenue opportunities, i.e. tournaments, ancillary uses such as food service etc.

Visibility - Sites that are highly visible, contributing to the urban form, a visual sense of community, and visibility of a public structure are preferred and increase the opportunity to display public facilities. There is a greater opportunity for sponsorships for such facilities potentially contributing to reduced costs. In addition, visible sites are more secure and less susceptible to vandalism.

Development Schedule - Anything that serves to lengthen the development schedule beyond the period when facilities are needed (i.e. a site that currently lacks servicing or road access), would make a site less favourable. (p. 60)

The objective in choosing a site began with the seemingly simple goal of achieving a balance of being central to the majority of the population and being geographically central in the Municipality. The difficulty in choosing a location forgetting for the moment cost and willingness of owners to sell, is the quality of agricultural lands and the location of environmental constraints (mostly wetland complexes). In its search, the Town repeatedly faced issues of incompatibility with agricultural operations (both

livestock and fruit farms) and environmentally sensitive areas.

In its final analysis, the Town was of the opinion that these lands best met the selection criteria outlined above.

5.3 Quality of Agricultural Land

The Provincial Policy Statement requires protection of prime agricultural lands in the following order: specialty crop lands; Class 1; Class 2; and Class 3. The Town of Pelham is fortunate to have a vast amount of prime agricultural land, particularly specialty crop lands which are predominant north of Welland Road. The relatively lower Class 1, 2 and 3 soils for the production of common field crops, generally predominate south of Welland Road.

The subject lands lie within the less productive Good General Agricultural Area of the Regional Policy Plan and are designated Good General Agricultural according to the Town of Pelham Official Plan designation. The Canada Land Inventory identifies the lands as Classes 2 and 3 for the production of common field crops, which is indicative of the majority of soils surrounding Fenwick. Class 2 soils predominate throughout the area, however, the centre portion of the 'Elliott' parcel and the southeast corner of the 'Benning' property are Class 3, which identification corresponds with the location of a drainage system.

5.4 Availability and Capability of Services

As noted, the Church Street frontage of the lands is located within the Fenwick Urban Area Boundary and is currently serviced with municipal water and sanitary sewer services. The existing services are considered to be of adequate size to accommodate the continued passive, open space use of the park.

Concerning Storm water management, the lands lie within the Swayze Drain watershed and are consequently provided with an adequate outlet.

5.5 Location and Effect

The Study notes that Community Parks typically serve as drive-to parks for the broader community, while also provide for the needs of the immediate neighbourhood. The consolidation of recreational facilities in larger centralized parks is considered to provide the Town with greater efficiencies in design, construction and operation and hopefully promotes increased visibility and presence of the park within the community. While the focus of a Community Park is to accommodate active facilities, provision is intended to be made in this development for casual recreation, trails and the establishment of a landscape setting through the integration of natural areas and landscaping.

The area to be developed is a minimum of 90 metres (295 feet) away from existing residential uses and more often in excess of 150 metres (492 feet). As well, the newly acquired lands are visually separated from the adjacent uses by the well established wooded areas. The lands are also separated from adjacent greenhouse operations by wooded areas and from the adjacent orchard by a low profile bush line. Minimal impact is anticipated by the expansion of the existing use.

Conflict may be realized in increased traffic within the general area of the park, however, the Town would endeavour to mitigate conflict through the use of proper design and speed limits as well as limiting contact between pedestrian and vehicular traffic. Internal issues of conflict will be addressed within the Master Plan.

5.6 Impact on the Environment and Rural Resources

It is the Town's intent to preserve and maintain all of the significant forestry resources currently existing on the lands, particularly the 2.3 hectare (5.6 acre) woodlot located in the southeast corner of the newly acquired parcels.

The Town intends to complete a Master Plan to direct the appropriate development of the lands in order to minimize the impact on the environment and rural resources. For this reason, measures will be taken in approval of any amendments to ensure that such Master Plan is completed prior to any development, including any grading, taking place on the newly acquired lands.

5.7 Compliance

As noted previously, Section 1.1.2 a) of the Provincial Policy Statement requires “...the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses...to accommodate growth projected for a time horizon of up to 20 years.”

The expansion of the existing Centennial Park in the Village of Fenwick largely allows the Town the opportunity to accommodate the existing demand and to provide for between 2 and 3 years growth. This supply of recreational land is considered to conform with the purpose and intent of the Provincial Policy Statement.

Regarding compliance with the policies of the Regional Policy Plan, the contents of this report are intended to address the pertinent criteria specifically.

6. CONCLUSION

The proposed Amendments are required to permit the development of the lands for recreational purposes. Approval of the proposal would provide for additional recreation lands that cannot otherwise be accommodated. The proposed recreational expansion is necessary to accommodate the continued growth in the Town in order to meet the current and future needs of the community. In conclusion, the proposed development is in the best interest of the Town of Pelham.

SCHEDULE 'A'

draft

draft

draft

APPENDIX 'A'

Table 2.8 Park Classification System		
Park Classification	Size (hectares)	Description
Neighbourhood Parks	1 to 5	<ul style="list-style-type: none"> • Provided in each residential neighbourhood on a site readily accessible to area residents • Equipped with recreation facilities to serve pre-school and school-aged children • Active play space • Landscaped areas for passive recreation
Community Parks	Minimum of 6	<ul style="list-style-type: none"> • Should be a minimum of 6 to 8 hectares and preferably larger to incorporate multiple active sports fields and natural features • Should be developed to include senior level recreation facilities to meet the needs of organized sports and recreation groups for programmed use • Will also provide space for passive recreation and should contribute to enhancing the natural environment of the community • Off-street parking should be provided • Should include passive shaded areas and amenities for passive activities (benches, picnic tables) • May include a diverse range of vegetation species to enhance habitat, create buffer areas, provide shade and define entrances • Naturalization of a section of the park landscape should be pursued to enhance ecosystem health • Should be accessible from major roadways and should where possible, be connected to trail systems and other parts of the open space system • Should have two side exposed to the public right of way • Should be provided with a fully accessible internal pedestrian and/or bicycle circulation system
Special Open Space Areas (includes resource and natural areas)	Not specified	<ul style="list-style-type: none"> • Special open spaces may include waterfront lands, valleylands, wetlands, forested areas and woodlots, conservation areas, passive waterfront lands and areas of natural or scientific significance, woodlots, ravine lands, natural surface trail systems, areas of special scenic or natural interest, lands in public ownership, abandoned or surplus rail corridors and utility easements and linear open space corridors • May also incorporate local heritage or hard surface sites such as a townsquare, historic plaque and seating area, etc. • Education or restricted recreational activities may be permitted depending on the carrying capacity of the site - pedestrian access may be provided if compatible with the biological and physical resources

PLANNING SERVICES REPORT

P-06/03

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

DATE OF REPORT: March 14, 2003

DATE OF MEETING: March 19, 2003

FROM: C. Larmour, Planner

SUBJECT: INFORMATION REPORT
Proposed Regional Policy Plan Amendment No. 178 and Town of Pelham
Official Plan and Zoning By-law Amendments Application AM-12/02
Centennial Park Expansion, Town of Pelham

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-06/03 re Technical Information Report - Proposed Regional Policy Plan Amendment No. 178 and Town of Pelham Official Plan and Zoning By-law Amendment Application AM-12/02 - Centennial Park Expansion - Town of Pelham, Parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16 (n.k.a. Plan 703) and Part of Lot 14, Concession 10, in the former Township of Pelham.

LOCATION, BACKGROUND AND POLICY**1. Location**

The subject lands are located on the east side of Church Street, lying south of Welland Road, in the Village of Fenwick. The legal description is parts of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16 (n.k.a. Plan 703) and Part of Lot 14, Concession 10, in the former Township of Pelham. A map illustrating the general location of the lands is included as Attachment No. 1.

2. Background

The purpose of these applications is to permit the development and use of the lands for recreational purposes. More specifically, it is proposed to recognize the historical use of Centennial Park and to permit the development of the lands that were more recently acquired.

The specific purpose of each of the three applications is as follows:

Regional Policy Plan Amendment to modify the Agricultural policies in order to permit the additional use of lands for the purpose of accommodating a community sports park consisting of a variety of active and passive recreational uses.

Official Plan Amendment to predesignate lands within the UAB from Village Residential to Open Space and to modify the Good General Agricultural designation to allow for a community sports park.

Zoning By-law Amendment to rezone that portion of the lands lying outside of the UAB from Agricultural A to Open Space OS.

3. Provincial Policy Statement

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns. Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.1.3 states, in part:

Long term economic prosperity will be supported by:

- b) providing a supply of land to meet long term requirements, in accordance with policy 1.1.2;*

Concerning agriculture, the PPS purposes to protect lands identified as *prime agricultural areas* for agricultural production and use. However, Policy 2.1.3 states, in part:

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

- 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 lands; 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 land will be mitigated.

Prime agricultural area is defined by the PPS as:

Means an area where prime agricultural land predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

The PPS provides the following definition of prime agricultural land:

Means land that include specialty crop lands, and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order to priority for protection.

Specialty crop lands are in turn defined as:

Means an area where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

soils that have suitability to produce specialty crops or lands that are subject to special climatic conditions, or a combination of both; and or

a combination of farmer skilled in the protection of specialty crop, and of capital investment in related facilities and services to produce, store or process specialty crops.

4. Regional Policy Plan

The lands straddle the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The UAB runs parallel to Church Street approximately 110 metres east of the limit of the Church Street road allowance. Lands outside of the UAB in this proximity are located within the Good General Agricultural Area as defined by the Regional Plan.

Concerning that portion of the lands within the UAB, Regional Policy 5.5 recognizes that the primary responsibility for regulating land use rests with the local municipalities through the official plan and zoning by-law.

Regarding the Good General Agricultural lands, Policy 6.A.8 states:

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 the 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 site 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.*

5. Town of Pelham Official Plan

The Fenwick Urban Area Boundary (UAB) extends approximately 120 metres east of the Church Street road allowance from the southerly limit of Canboro Road through to the abandoned railway. Only a small portion of the lands, approximately 0.8 hectares (2 acres), lies within the UAB and is designated Village Residential according to the Town of Pelham Official Plan. The balance of the holding lies outside of the UAB and is designated Good General Agricultural.

The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The current Good General Agricultural designation on the lands does not permit the intended use of the lands for recreational purposes.

The purpose of the Open Space designation is to recognize major public, private, conservation and recreational open space uses of land in the Town. The major uses permitted in this designation are forestry, agriculture, conservation uses and public parks.

Policy 1.36.2 states:

Open Space uses within areas of Unique and Good General Agricultural land must leave land in large parcels that could be utilized for agriculture in the future. Buildings should not be a major part of any Open Space use, nor should the topography be altered to the future detriment of agriculture.

Section 3 (Schools and Parks) of the Official Plan advises that the policies of this Plan are designed to direct the majority of the projected growth in population to Fonthill and Fenwick. Consequently, the policies of the Plan are intended to direct the provision of schools and parks to the urban and village areas. The following policies apply to parks specifically:

- 3.3 *Parkland in the Municipality should be provided based on a range of 2 to 4 hectares per 1,000 population. This will include parkland provided by the local Municipality as well as the Niagara Peninsula Conservation Authority and the Province of Ontario.*
- 3.4 *Existing parks and facilities fill a majority of the municipal park requirements, for example, Fonthill Park [Marlene Stewart-Streit Park], Pelham Arena, Harold Black Park and Centennial park. The acquisition of a neighbourhood park is recommended for North Pelham.*
- 3.5 *Local parks or tot lots should be provided in all residential areas of 10 or more dwelling units per hectare in accordance with the following criteria:*
- 3.5.1 *The minimum size of each local park or tot lot should be 0.5 hectare.*
- 3.5.2 *Local parks or tot lots should be within convenient walking distance of the area to be served.*
- 3.5.3 *Local parks or tot lots should be provided at a rate of 0.5 hectare per 120 dwelling units.*
- 3.6 *All parks within a built-up area should be interconnected by a walkway system whenever possible.*
- 3.7 *As a condition of development or redevelopment of land Council shall required parkland dedication not exceeding 5% of the land being developed or redeveloped or, alternatively, 1 hectare per 300 dwelling units pursuant to Section 41 of the Planning Act, R.S.O. 1983. Council may accept cash in lieu of land conveyance subject to Sections 50(8) and 41(6) of the Planning Act.*
- 3.8 *The Council shall develop parks in conjunction with school sites whenever possible. Joint use agreements between Council and local Boards of Education shall be encouraged to maximize the use of recreational facilities.*
- 3.9 *Parks shall be developed in accordance with all secondary plan and/or recreation Master Plan requirements of the Municipality.*

6. Town of Pelham Zoning By-law

The existing park is zoned Open Space OS according to the Town of Pelham Comprehensive Zoning By-law No. 1136 (1987), as amended. The recently acquired lands are currently zoned Agricultural A.

Section 26.1 of the By-law (OS Zone) permits the following uses of land:

- (a) *public and private parks, conservation and forestry uses;*
- (b) *cemeteries, mausoleums and crematoriums; and*
- (c) *uses, buildings and structures accessory to the foregoing permitted uses excluding accessory residential uses.*

COMMENTS AND DISCUSSION

1. Agency Comments

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

- The **Town's Building and Enforcement Services Department** and the **Regional Public Health Department** have informed that they have no objection to the proposed amendments.
- The **Niagara Peninsula Conservation Authority** has expressed concern regarding the impact of development on two upstream tributaries of Coyle Creek that traverse the subject lands. A copy of the Authority's detailed comments is included as Attachment No. 2.
- The **Regional Planning and Development Department** has informed of a number of issues concerning Provincial and Regional policy that will need to be addressed in the processing of the application. A copy of the Department's correspondence is included as Attachment No. 3.

2. Public Comments

Notice of this Public Meeting was given by advertisement in the *Pelham News* and *The Voice of Pelham* on Wednesday, February 19, 2003. Additionally, notice was provided by mail to all assessed property owners within 120 metres of the subject lands. No written comments regarding the proposed amendments have been received to date.

3. Planning Staff

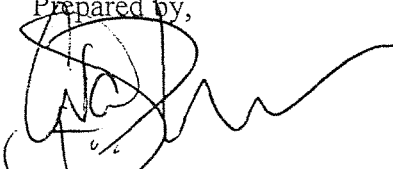
The purpose of this report is to make the Committee and public aware of the intent of the applications, applicable policies and agency comments and to facilitate discussion between the interested parties.

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

ATTACHMENTS

1. Location Map
2. Niagara Peninsula Conservation Authority correspondence dated February 7, 2003
3. Regional Planning and Development Department correspondence dated February 11, 2003


Prepared by,



Craig Larmour
Planner

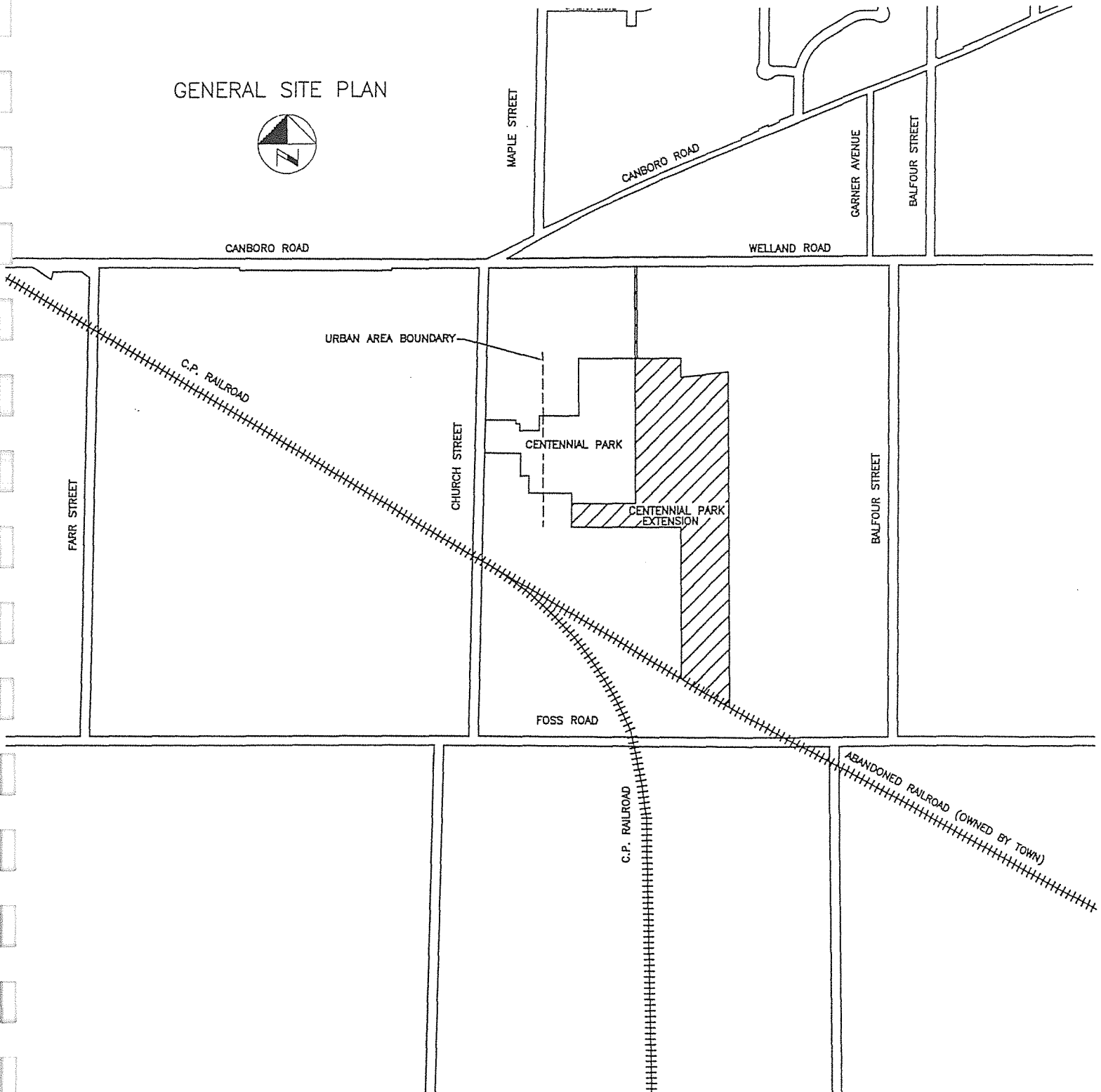
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Approved and Submitted by,



Gord Cherney
C.A.O.

GENERAL SITE PLAN





250 Thorold Road West, 3rd Floor Tel (905) 788-3135
Welland, Ontario L3C 3W2 Fax (905) 788-1121
E-mail: npca@conservation-niagara.on.ca

REPORT NO. P-06/03
ATTACHMENT NO. 2
PAGE NO. 1/2

February 7, 2003

Our File No. MPR 4.22.12

Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

Attention: Mr. Jack Bernardi, Director of Planning Services

Dear Mr. Bernardi,

Subject: Official Plan and Zoning By-law Amendment
Fenwick Centennial Park Expansion
East side of Church Street
Town of Pelham

Further to your circulation of the above noted proposal, we offer the following comments for your consideration.

The purpose of the Official Plan and Zoning By-law Amendments is to add 10.2 hectares to the existing Fenwick Centennial Park. The Official Plan is proposed to be amended to redesignate the park into an Open Space designation. The site is also proposed to be redesignated to an Open Space Zone. The Conservation Authority interests with respect to this amendment include implementation of the Welland River Strategy and fish habitat in accordance with our memorandum of agreement with the Region of Niagara and our partnership with the Federal Department of Fisheries and Oceans.

The expanded park area includes two upstream tributaries of Coyle Creek within the Welland River Watershed. The Ministry of Natural Resources has identified the tributaries as Type 2 - Important Fish habitat. MNR guidelines recommend a 15 metre vegetative buffer on Type 2 watercourses. The Conservation Authority has prepared, in conjunction with municipalities, agencies and the public, a comprehensive watershed management strategy for the Welland River. The Strategy's overall goal is "to restore the ecological health of the Welland River and its watershed". Several targets are identified in the Welland River Strategy including targets for Urban Land Management and Drainage practices. The report identifies the need to increase the amount of natural vegetative buffer zones along watercourses because it will help to reduce bank erosion and create natural filters to prevent pollutants from entering the river. Since this site was previously used for agricultural purposes, there are opportunities on the site for the Town to set an example for other landowners by creating natural vegetative buffers along the tributaries of Coyle Creek. The Conservation Authority would be pleased to work with the Town to develop plans to restore vegetative buffers along the tributaries.

The upstream drainage area of the site is less than 1/2 square mile and therefore permits under the Conservation Authorities Regulations are not required for any works on the site. However, if there are plans to alter the watercourse in anyway to accommodate the development of the park the Conservation Authority would need to review the proposal in accordance with our partnership with the Federal Department of Fisheries and Oceans.

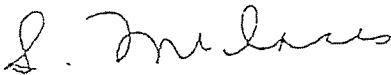
REPORT NO. P-06/03
ATTACHMENT NO. 2
PAGE NO. 2/2

Based on the above, the Conservation Authority recommends that the tributaries of Coyle Creek and a 15 metre setback on each side of the tributaries be included within the Town's Official Plan Hazard Land designation. Policy 1.38.8 includes a policy about the re-establishment of vegetation along watercourses particularly in headwater areas. The tributaries and the 15 metre setback on each side of the tributaries should also be included within the appropriate Hazard zone.

This concludes the NPCA's comments at this time. Please provide the Conservation Authority with notice of the passing of the proposed Official Plan and Zoning By-law Amendments.

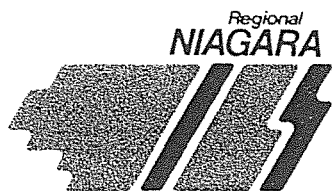
If you have any questions, please give me a call.

Sincerely,



Suzanne McInnes, M.C.I.P., R.P.P.
Watershed Planning Coordinator (ext. 235)

cc: Eric Conley, Regional Niagara, Planning and Development, fax 905-641-5208



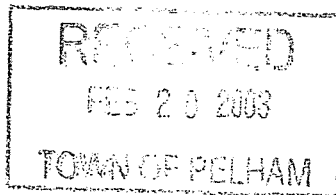
PLANNING AND DEVELOPMENT DEPARTMENT

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. P-06/03
ATTACHMENT NO. 3
PAGE NO. 1/2

February 11, 2003

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



Files: D.10.M.19.27

Dear Mr. Bernardi:

**Re: Preliminary Regional/Provincial Comments
Proposed Official Plan and Zoning By-law Amendments
Expansion of Fenwick Centennial Park
Church Street, south of Canboro Road
Town of Pelham
Your File: AM-12/02 (Town of Pelham)**

These applications propose to amend the Town's planning documents in order to permit an expansion to the Fenwick Centennial Park as follows:

- the portion of the existing park located within the Fenwick Urban Area Boundary is to be redesignated from 'Village Residential' to 'Open Space' to recognize the existing land use. This area is zoned 'Open Space OS' by the Pelham Zoning By-law.
- the 'Good General Agricultural' designation that applies to the remainder of the existing park and to the proposed expansion area is to be modified to allow a community sports park. The expansion area is to be rezoned from 'Agricultural A' to Open Space OS'.

The expansion area is located within a Good General Agricultural Area according to the Regional Policy Plan. The Regional Plan does not permit non-farm uses in the agricultural area and, therefore, an amendment to the Regional Plan is required to permit the park extension. Regional Policy Plan Amendment 178 is being considered in this regard.

On a preliminary basis, the following issues are relevant to this proposal:

- The eastern-most tributary of Coyle Creek draining the site is identified as an Important Type 2 fish habitat. The Niagara Peninsula Conservation Authority (NPCA) has provided comments regarding fish habitat protection requirements of which a copy is attached. The NPCA recommends that the two tributaries through

these lands as well as 15 metre buffers on each side of the tributaries be placed in a 'Hazard Land' designation of the Town's Official Plan and be zoned accordingly.

- Any alteration of the watercourses to accommodate the development of the park would need to be reviewed by the NPCA in accordance with its partnership with the Federal Department of Fisheries and Oceans. Approval from the Ministry of Natural Resources under the Lakes and Rivers Improvement Act may also be necessary for any proposed alterations. The Official Plan amendment could include a statement to this effect.
- The wooded areas on the northeast and southeast portion of the expansion area appear to be subject to the provisions of the Regional Tree Conservation By-law. We understand that the Town intends to protect all significant woodland resources and that a Park Master Plan that the Town intends to prepare will direct the future development of the site in a manner that will minimize impacts on environmental features. The amendment should include reference to the preparation of a Master Plan and the issues to be considered in the plan.
- The site appears to exhibit a moderate to high potential for the discovery of archaeological resources based on the presence of the two Coyle Creek tributaries through the lands. An archaeological assessment of the expansion area would, therefore, appear to be warranted. The use of a holding zone provision for the expansion area would allow the Town to address archaeological interests before any development occurs. The removal of the holding zone should be to the satisfaction of the Region in consultation with the Ministry of Culture.

A decision on the amendment to the Regional Policy Plan will not be made until after a joint public meeting with the Town, receipt and consideration of comments from review agencies and a recommendation report to the Regional Planning Services Committee and Council. The above provides some preliminary comments on issues that would need to be addressed by the Town should the proposed Regional Plan amendment receive favourable consideration.

Please send notice of the Town's decision on this application.

Yours truly,



for David J. Farley
Director of Planning Services

PB/

c: Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority
Mr. N. Ferris, Ministry of Culture, London
Mr. W. Stevens, Regional Public Works
Mr. D. Semple, MCIP, RPP, Senior Planner

PLANNING SERVICES REPORT

P-44/03

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

DATE OF REPORT: October 15, 2003

DATE OF MEETING: October 20, 2003

FROM: C. Larmour, Director of Planning Services

SUBJECT: Proposed Town of Pelham Official Plan and Zoning By-law Amendments
Centennial Park Expansion
Parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16, now
known as Plan No. 703, and Part of Lot 14, Concession 10, in the former
Township of Pelham

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-44/03, regarding Town of Pelham Official Plan and Zoning By-law Amendment Application AM-12/02 - Centennial Park Expansion - Town of Pelham;

AND FURTHER THAT Official Plan and Zoning Amendment Application AM-12/02, Town of Pelham, be approved and that Staff be directed to prepare the necessary amendments for consideration by Council.

LOCATION, BACKGROUND AND POLICY

1. Location

The subject lands are located on the east side of Church Street, lying south of Welland Road, in the Village of Fenwick. The legal description is parts of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16, now known as Plan No. 703, and Part of Lot 14, Concession 10, in the former Township of Pelham. A map illustrating the general location of the lands is included as Attachment No. 1.

2. Background

The purpose of these applications is to permit the development and use of the lands for recreational purposes. More specifically, it is proposed to recognize the historical use of Centennial Park and to permit the development of the lands that were more recently acquired.

The specific purpose of the each of the applications is as follows:

Official Plan Amendment to redesignate lands within the UAB from Village Residential to Open Space and to modify the Good General Agricultural designation to allow for a community sports park.

Zoning By-law Amendment to rezone that portion of the lands lying outside of the UAB from Agricultural A to Open Space OS.

On March 19, 2003, the Town convened a Public Meeting at the Fenwick Fire Station. At that time, Planning Staff advised Committee and members of the public that a recommendation report would not be presented until such time as more precise plans for the development of the lands were available.

As Committee is aware, the Town retained the services of ENVISION the hough group (formerly Hough Woodland Naylor Dance Leinster) for the purpose of preparing conceptual site plans for the development of this site. The process of creating the conceptual plans and consultation with the public has run parallel to the planning process. This report is now being presented in consideration of Council's pending approval of the design created by ENVISION.

3. Provincial Policy Statement

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns. Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.1.3 states, in part:

Long term economic prosperity will be supported by:

- b) providing a supply of land to meet long term requirements, in accordance with policy 1.1.2;*

Concerning agriculture, the PPS purposes to protect lands identified as *prime agricultural areas* for agricultural production and use. However, Policy 2.1.3 states, in part:

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

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 lands; 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 land will be mitigated.

Prime agricultural area is defined by the PPS as:

Means an area where prime agricultural land predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

The PPS provides the following definition of prime agricultural land:

Means land that include specialty crop lands, and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order to priority for protection.

Specialty crop lands are in turn defined as:

Means an area where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

soils that have suitability to produce specialty crops or lands that are subject to special climatic conditions, or a combination of both; and or

a combination of farmer skilled in the protection of specialty crop, and of capital investment in related facilities and services to produce, store or process specialty crops.

4. Regional Policy Plan

The lands straddle the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The UAB runs parallel to Church Street approximately 110 metres east of the limit of the Church Street road allowance.

Concerning that portion of the lands within the UAB, Regional Policy 5.5 recognizes that the primary responsibility for regulating land use rests with the local municipalities through the official plan and zoning by-law.

Regarding the balance of the lands, Regional Council adopted Regional Policy Plan Amendment No. 178 on June 5, 2003, permitting the proposed expansion within the Good General Agricultural Area. The Amendment to the Plan reads as follows:

Notwithstanding the provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, an expansion to an existing community sports park, (Fenwick Centennial Park) consisting of about 10.2 hectares (25.3 acres) is permitted on a site located east of the existing park at 999 Church Street in the community of Fenwick in the Town of Pelham.

5. Town of Pelham Official Plan

The Fenwick Urban Area Boundary (UAB) extends approximately 120 metres east of the Church Street road allowance from the southerly limit of Canboro Road through to the abandoned railway. Only a small portion of the lands, approximately 0.8 hectares (2 acres), lies within the UAB and is designated Village Residential according to the Town of Pelham Official Plan. The balance of the holding lies outside of the UAB and is designated Good General Agricultural.

The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The current Good General Agricultural designation on the lands does not permit the intended use of the lands for recreational purposes.

The purpose of the Open Space designation is to recognize major public, private, conservation and recreational open space uses of land in the Town. The major uses permitted in this designation are forestry, agriculture, conservation uses and public parks.

Policy 1.36.2 states:

Open Space uses within areas of Unique and Good General Agricultural land must leave land in large parcels that could be utilized for agriculture in the future. Buildings should not be a major part of any Open Space use, nor should the topography be altered to the future detriment of agriculture.

Section 3 (Schools and Parks) of the Official Plan advises that the policies of this Plan are designed to direct the majority of the projected growth in population to Fonthill and Fenwick. Consequently, the policies of the Plan are intended to direct the provision of schools and parks to the urban and village areas. The following policies apply to parks specifically:

- 3.3 *Parkland in the Municipality should be provided based on a range of 2 to 4 hectares per 1,000 population. This will include parkland provided by the local Municipality as well as the Niagara Peninsula Conservation Authority and the Province of Ontario.*

- 3.4 *Existing parks and facilities fill a majority of the municipal park requirements, for example, Fonthill Park [Marlene Stewart-Streit Park], Pelham Arena, Harold Black Park and Centennial Park. The acquisition of a neighbourhood park is recommended for North Pelham.*
- 3.5 *Local parks or tot lots should be provided in all residential areas of 10 or more dwelling units per hectare in accordance with the following criteria:*
- 3.5.1 *The minimum size of each local park or tot lot should be 0.5 hectare.*
- 3.5.2 *Local parks or tot lots should be within convenient walking distance of the area to be served.*
- 3.5.3 *Local parks or tot lots should be provided at a rate of 0.5 hectare per 120 dwelling units.*
- 3.6 *All parks within a built-up area should be interconnected by a walkway system whenever possible.*
- 3.7 *As a condition of development or redevelopment of land Council shall require parkland dedication not exceeding 5% of the land being developed or redeveloped or, alternatively, 1 hectare per 300 dwelling units pursuant to Section 41 of the Planning Act, R.S.O. 1983. Council may accept cash in lieu of land conveyance subject to Sections 50(8) and 41(6) of the Planning Act.*
- 3.8 *The Council shall develop parks in conjunction with school sites whenever possible. Joint use agreements between Council and local Boards of Education shall be encouraged to maximize the use of recreational facilities.*
- 3.9 *Parks shall be developed in accordance with all secondary plan and/or recreation Master Plan requirements of the Municipality.*

6. Town of Pelham Zoning By-law

The existing park is zoned Open Space OS according to the Town of Pelham Comprehensive Zoning By-law No. 1136 (1987), as amended. The recently acquired lands are currently zoned Agricultural A.

Section 26.1 of the By-law (OS Zone) permits the following uses of land:

- (a) *public and private parks, conservation and forestry uses;*
- (b) *cemeteries, mausoleums and crematoriums; and*
- (c) *uses, buildings and structures accessory to the foregoing permitted uses excluding accessory residential uses.*

COMMENTS AND DISCUSSION

1. Agency Comments

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

- The **Niagara Peninsula Conservation Authority** has expressed concern regarding the impact of development on two upstream tributaries of Coyle Creek that traverse the subject lands. A copy of the Authority's detailed comments is included as Attachment No. 2.

2. Public Comments

The Town convened a Public Meeting on March 19, 2003, at the Fenwick Fire Hall. While fifteen (15) persons signed the attendance sheet, no written comments regarding the proposed amendments have been received to date.

3. Planning Staff

The purpose of these applications is to permit the development and use of lands for recreational purposes.

In support of the applications, Planning Staff prepared a Background Report that addressed the following matters:

- Quality of Agricultural Land;
- Need and Desirability;
- Availability of Alternative Sites;
- Degree of Conflict with Surrounding Agricultural Uses;
- Impact on the Environment and Rural Resources; and
- Compliance with the Provincial Policy Statement and Regional Policy Plan.

A copy of the Background Report is included as Attachment No. 3.

In the Region's consideration of the application for Regional Policy Plan Amendment, they found that the Background Report adequately addressed the review criteria set out in their Plan and that the development has regard for the Provincial Policy Statement. Furthermore, the Region concluded that the Town has demonstrated need for the recreational facility and chosen a suitable site.

The Niagara Peninsula Conservation Authority (NPCA) has informed that the two streams traversing the subject lands are tributaries of Coyle Creek within the Welland River Watershed. The NPCA has further informed that the Ministry of Natural Resources (MNR) has identified the tributaries as Type 2 - Important Fish Habitat. As such, a vegetative buffer of 15 metres is recommended by MNR Guidelines.

The conceptual site plans prepared by ENVISION do not intend to alter the Coyle Creek tributaries from their existing location. Furthermore, only one crossing of each tributary is proposed in order to minimize the impact. A copy of the preferred concept is included as Attachment No. 4. In consideration of the fact that the property is primarily being developed for playing fields, the 15 metre vegetative buffer may easily be achieved. In order to ensure that any new buildings are sufficiently removed from the tributaries, Planning Staff recommend that a minimum setback of 15 metres be implemented within the provisions of the amending by-law.


The NPCA notes that the upstream drainage area of the site is less than one-half (1/2) square mile and as a consequence permits are not required for any works on the site. However, it is recommended that the Town consult with the NPCA on the establishment of vegetative buffers and any alteration to the watercourses. Planning Staff support consultation with the NPCA, particularly in the construction of pedestrian and vehicular crossings.

Planning Staff are of the opinion that approval of the proposal would provide for additional recreation lands that cannot otherwise be accommodated within the Town of Pelham. The proposed recreational expansion is necessary to accommodate the continued growth in the Town in order to meet the current and future needs of the community. On this basis, Planning Staff recommend approval of amendments to the Town of Pelham Official Plan and Zoning By-law.

ATTACHMENTS

1. Location Map
2. Niagara Peninsula Conservation Authority correspondence dated February 7, 2003
3. Centennial Park Expansion Background Report, dated December 2002
4. Conceptual Site Plan Option 1, dated September 9, 2003

Prepared by,



Craig Larmour
Director of Planning Services

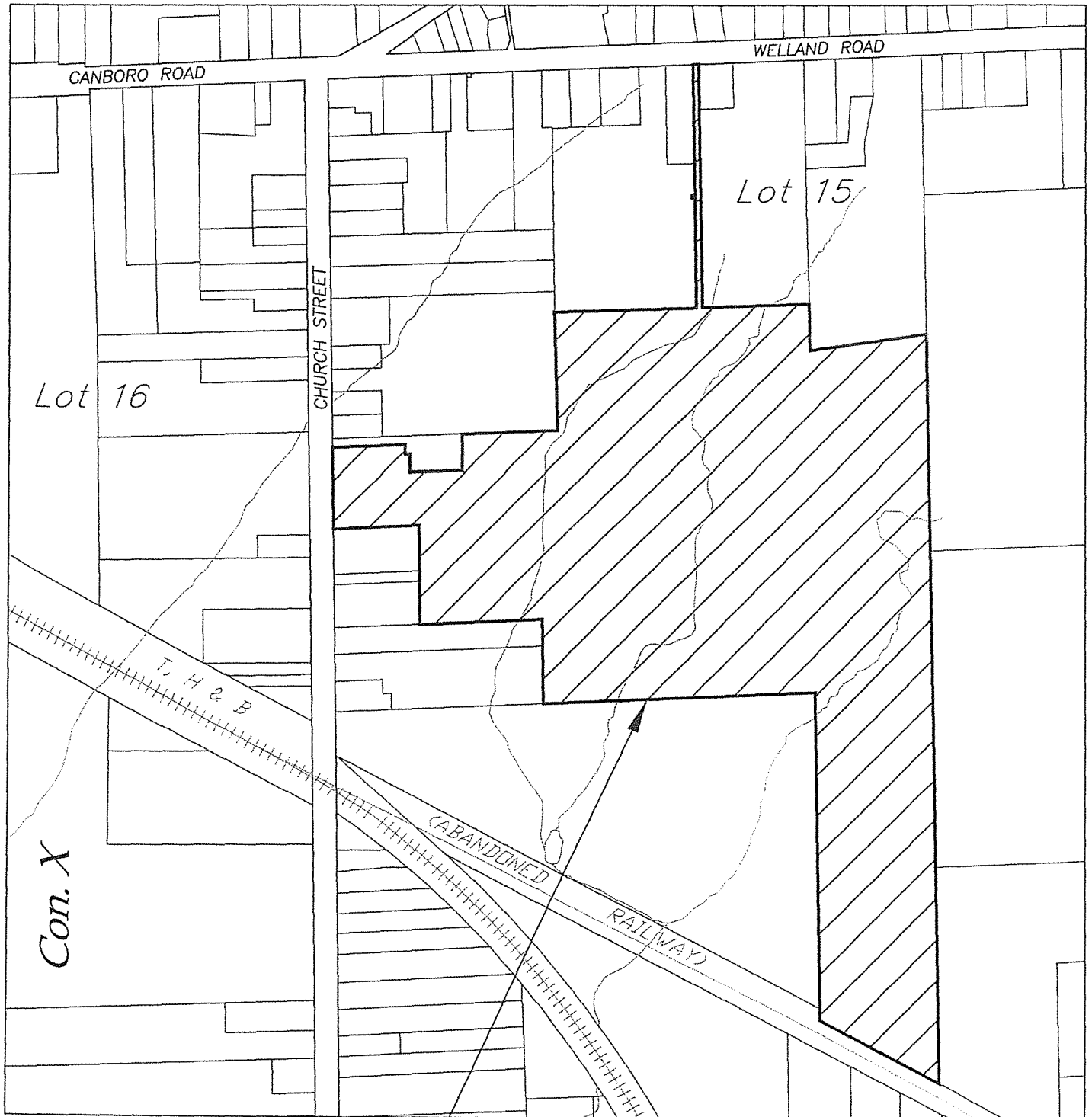
Approved and Submitted by,

Gord Cherney
Chief Administrative Officer



Metric Scale:
1:5,000

LOCATION MAP



Subject Lands

REPORT NO. P-44/03
ATTACHMENT NO. 2
PAGE NO. 1/2



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor Tel (905) 788-3135
Welland, Ontario L3C 3W2 Fax (905) 788-1121
E-mail: npc@conservation-niagara.on.ca

February 7, 2003

Our File No. MPR 4.22.12

Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

Attention: Mr. Jack Bernardi, Director of Planning Services

Dear Mr. Bernardi,

Subject: Official Plan and Zoning By-law Amendment
Fenwick Centennial Park Expansion
East side of Church Street
Town of Pelham

Further to your circulation of the above noted proposal, we offer the following comments for your consideration.

The purpose of the Official Plan and Zoning By-law Amendments is to add 10.2 hectares to the existing Fenwick Centennial Park. The Official Plan is proposed to be amended to redesignate the park into an Open Space designation. The site is also proposed to be redesignated to an Open Space Zone. The Conservation Authority interests with respect to this amendment include implementation of the Welland River Strategy and fish habitat in accordance with our memorandum of agreement with the Region of Niagara and our partnership with the Federal Department of Fisheries and Oceans.

The expanded park area includes two upstream tributaries of Coyle Creek within the Welland River Watershed. The Ministry of Natural Resources has identified the tributaries as Type 2 - Important Fish habitat. MNR guidelines recommend a 15 metre vegetative buffer on Type 2 watercourses. The Conservation Authority has prepared, in conjunction with municipalities, agencies and the public, a comprehensive watershed management strategy for the Welland River. The Strategy's overall goal is "to restore the ecological health of the Welland River and its watershed". Several targets are identified in the Welland River Strategy including targets for Urban Land Management and Drainage practices. The report identifies the need to increase the amount of natural vegetative buffer zones along watercourses because it will help to reduce bank erosion and create natural filters to prevent pollutants from entering the river. Since this site was previously used for agricultural purposes, there are opportunities on the site for the Town to set an example for other landowners by creating natural vegetative buffers along the tributaries of Coyle Creek. The Conservation Authority would be pleased to work with the Town to develop plans to restore vegetative buffers along the tributaries.

The upstream drainage area of the site is less than 1/2 square mile and therefore permits under the Conservation Authorities Regulations are not required for any works on the site. However, if there are plans to alter the watercourse in anyway to accommodate the development of the park the Conservation Authority would need to review the proposal in accordance with our partnership with the Federal Department of Fisheries and Oceans.

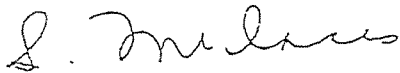
REPORT NO. P-44/03
ATTACHMENT NO. 2
PAGE NO. 2/2

Based on the above, the Conservation Authority recommends that the tributaries of Coyle Creek and a 15 metre setback on each side of the tributaries be included within the Town's Official Plan Hazard Land designation. Policy 1.38.8 includes a policy about the re-establishment of vegetation along watercourses particularly in headwater areas. The tributaries and the 15 metre setback on each side of the tributaries should also be included within the appropriate Hazard zone.

This concludes the NPCA's comments at this time. Please provide the Conservation Authority with notice of the passing of the proposed Official Plan and Zoning By-law Amendments.

If you have any questions, please give me a call.

Sincerely,



Suzanne McInnes, M.C.I.P., R.P.P.
Watershed Planning Coordinator (ext. 235)

cc: Eric Conley, Regional Niagara, Planning and Development, fax 905-641-5208

CENTENNIAL PARK EXPANSION

BACKGROUND REPORT

Part of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16 (n.k.a. Plan 703)

and Part of Lot 14, Concession 10 (former Township of Pelham)

Village of Fenwick

Town of Pelham

December 2002

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1. INTRODUCTION

This report has been prepared in support of applications for Regional Policy Plan and Town of Pelham Official Plan and Zoning By-law Amendments. More specifically, this report provides background information in support of applications for development of the subject property for recreational purposes.

1.1 Location of Property

The lands are described as parts of Lots 7, 8, 9 and 11 and part of Block C, Registered Plan No. 16 (n.k.a. Plan 703) and Part of Lot 14, Concession 10, in the former Township of Pelham.

1.2 Background

The original plot of land was conveyed from the Harlem Haney Fry Estate by Arnold B. Morris and Beulah Madelene Morris to the Fenwick Lion's Club in 1958. A number of subsequent transactions between the Town of Pelham and various other parties, including the Fenwick Lion's Club, over the next number of decades resulted in the creation of the 5.95 hectare (14.68 acre) parcel that is at present identified as Fenwick Centennial Park. This parcel of land is presently occupied by tennis courts, three baseball diamonds, a soccer pitch, playground area, parking lot, concession building and pavilion seating area. The Fenwick Lion's Club Hall occupies an adjacent parcel of land and is not directly related to this park in terms of ownership.

During the year 2002, the Town secured ownership of an additional 10.2 hectares (25.3 acres). More specifically, the Town purchased approximately 3.9 hectares (9.7 acres) from Mark Robert Benning and Janis Audrey Benning and 6.3 hectares (15.6 acres) from Robert Nunn Elliott, Betty Grayce Morris and Bradshaw Elliott (beneficiaries of the Estate of Gwendolyn May Elliott).

The 'Benning' property, identified on Schedule 'A', has been used for cash crop purposes in the past, however that practice seems to have been abandoned in recent years. The northerly limit of the parcel is occupied by a small woodlot. With the exception of a small wood shed, the property is vacant of any buildings or structures.

The 'Elliott' property (see Schedule 'A') has historically been used for passive agricultural purposes, most recently and presently for the growing of Christmas trees. The rear of the lands is occupied by a woodlot that measures approximately 2.3 hectares (5.6 acres), extending from the abandoned rail line. The property is vacant of any structures or buildings.

1.3 Site Description

There is great difference in topography between the existing park and the newly acquired lands. The existing park is relatively flat, which is the result of the importation of fill and regrading of the easterly portion of the site now occupied by playing fields. The recently acquired parcels are rolling in terms of topography and are traversed by a number of minor, seasonal watercourses.

The majority of the northerly limit of the site is heavily treed, providing a continuous buffer from the residences fronting on Welland Avenue. The easterly limit is defined by an established tree line that provides separation from the adjacent greenhouse operation that fronts Balfour Street. The southerly lot line is occupied by a low profile bush line that provides separation from the adjacent agricultural parcel, this bush line extends to the 'Elliott' property where a forested area then extends south to the abandoned rail line.

Land uses immediately surrounding the site are described as follows:

North	agricultural (greenhouses) and residential;
South	agricultural (orchard), railway lands and residential;
East	agricultural (greenhouses) and residential; and
West	residential.

2. PLANNING DOCUMENTS

2.1 Provincial Policy Statement

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns. Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.1.3 states, in part:

Long term economic prosperity will be supported by:

b) providing a supply of land to meet long term requirements, in accordance with policy 1.1.2;

Concerning agriculture, the PPS purposes to protect lands identified as *prime agricultural areas* for agricultural production and use. However, Policy 2.1.3 states, in part:

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

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 lands;*
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 land will be mitigated.

Prime agricultural area is defined by the PPS as:

Means an area where prime agricultural land predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

The PPS provides the following definition of prime agricultural land:

Means land that include specialty crop lands, and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order to priority for protection.

Specialty crop lands are in turn defined as:

Means an area where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from

soils that have suitability to produce specialty crops or lands that are subject to special climatic conditions, or a combination of both; and or

a combination of farmer skilled in the protection of specialty crop, and of capital investment in related facilities and services to produce, store or process specialty crops.

2.2 Regional Policy Plan

The lands straddle the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The UAB runs parallel to Church Street approximately 110 metres east of the limit of the Church Street

road allowance. Lands outside of the UAB in this proximity are located within the Good General Agricultural Area as defined by the Regional Plan.

Concerning that portion of the lands within the UAB, Regional Policy 5.5 recognizes that the primary responsibility for regulating land use rests with the local municipalities through the official plan and zoning by-law.

Regarding the Good General Agricultural lands, Policy 6.A.8 states:

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 the 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 site 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.*

2.3 Town of Pelham Official Plan

The Fenwick Urban Area Boundary (UAB) extends approximately 120 metres east of the Church Street road allowance from the southerly limit of Canboro Road through to the abandoned railway. Only a small portion of the lands, approximately 0.8 hectares (2 acres), lies within the UAB and is designated Village Residential according to the Town of Pelham Official Plan. The balance of the holding lies outside of the UAB and is designated Good General Agricultural.

The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The current Good General Agricultural designation on the lands does not permit the intended use of the lands for recreational purposes.

The purpose of the Open Space designation is to recognize major public, private, conservation and recreational open space uses of land in the Town. The major uses permitted in this designation are forestry, agriculture, conservation uses and public parks.

Policy 1.36.2 states:

Open Space uses within areas of Unique and Good General Agricultural land must leave land in large parcels that could be utilized for agriculture in the future. Buildings should not be a major part of any Open Space use, nor should the topography be altered to the future detriment of agriculture.

Section 3 (Schools and Parks) of the Official Plan advises that the policies of this Plan are designed to direct the majority of the projected growth in population to Fonthill and Fenwick. Consequently, the policies of the Plan are intended to direct the provision of schools and parks to the urban and village areas. The following policies apply to parks specifically:

3.3 *Parkland in the Municipality should be provided based on a range of 2 to 4 hectares per 1,000 population. This will include parkland provided by the local Municipality as well as*

the Niagara Peninsula Conservation Authority and the Province of Ontario

- 3.4 *Existing parks and facilities fill a majority of the municipal park requirements, for example, Fonthill Park [Marlene Stewart-Streit Park], Pelham Arena, Harold Black Park and Centennial park. The acquisition of a neighbourhood park is recommended for North Pelham*
- 3.5 *Local parks or tot lots should be provided in all residential areas of 10 or more dwelling units per hectare in accordance with the following criteria:*
- 3.5.1 *The minimum size of each local park or tot lot should be 0.5 hectare.*
- 3.5.2 *Local parks or tot lots should be within convenient walking distance of the area to be served.*
- 3.5.3 *Local parks or tot lots should be provided at a rate of 0.5 hectare per 120 dwelling units.*
- 3.6 *All parks within a built-up area should be interconnected by a walkway system whenever possible.*
- 3.7 *As a condition of development or redevelopment of land Council shall required parkland dedication not exceeding 5% of the land being developed or redeveloped or, alternatively, 1 hectare per 300 dwelling units pursuant to Section 41 of the Planning Act, R.S.O. 1983. Council may accept cash in lieu of land conveyance subject to Sections 50(8) and 41(6) of the Planning Act.*
- 3.8 *The Council shall develop parks in conjunction with school sites whenever possible. Joint use agreements between Council and local Boards of Education shall be encouraged to maximize the use of recreational facilities.*
- 3.9 *Parks shall be developed in accordance with all secondary plan and/or recreation Master Plan requirements of the Municipality.*

2.4 Town of Pelham Zoning By-law

The existing park is zoned Open Space OS according to the Town of Pelham Comprehensive Zoning By-law No. 1136 (1987), as amended. The recently acquired lands are currently zoned Agricultural A.

Section 26.1 of the By-law (OS Zone) permits the following uses of land:

- (a) *public and private parks, conservation and forestry uses;*
- (b) *cemeteries, mausoleums and crematoriums; and*
- (c) *uses, buildings and structures accessory to the foregoing permitted uses excluding accessory residential uses.*

3. SERVICING

3.1 Sanitary Sewer

An existing 200 millimeter sanitary sewer is located on Church Street extending across the full frontage of the subject lands. Sanitary sewer services are also available at the Welland Road frontage..

3.2 Water

An existing 200 millimeter waterman is also located on Church Street extending across the full frontage of the lands. Water service is also available at the Welland Road frontage.

3.3 Stormwater

The subject lands lie within the drainage area of the Swayze Drain, which outlets to Big Creek and ultimately Welland River.

The manner in which the Storm water will be managed and conveyed from the site will ultimately be determined through the completion of the Storm water management plan prepared by a qualified consultant.

3.4 Access

The site is located on the east side of Church Street, lying south of Canboro Road and north of the TH & B Railway.

Vehicular and pedestrian access to the site may be gained from Church Street. Pedestrian access may also be gained to the 'Benning' property from Welland Road by way of a 4.9 metres (16 foot) wide strip of land.

4. PROPOSAL

The purpose of these applications is to permit the development and use of the lands for recreational purposes. More specifically, it is proposed to recognize the historical use of Centennial Park and to permit the development of the lands that were more recently acquired.

The purpose of the three necessary applications is as follows:

Regional Policy Plan Amendment to modify the Agricultural policies in order to permit the additional use of lands for the purpose of accommodating a community sports park consisting of a variety of active and passive recreational uses.

Official Plan Amendment to predesignate lands within the UAB from Village Residential to Open Space and to modify the Good General Agricultural designation to allow for a community sports park.

Zoning By-law Amendment to rezone that portion of the lands lying outside of the UAB from Agricultural A to Open Space OS.

5. PLANNING RATIONALE

In March of 2001 the Town retained the services of d^{ma}a Planning and Management Services to complete an “Updated Master Plan, Policy Review and Multi-Use Complex Feasibility Study”. That Study was finalized in October of 2001 and the Final Report Recommendations were adopted by Council as ‘Working Guidelines’ on February 18, 2002. The research and findings of this Study are utilized in the rationale put forward hereafter.

5.1 Need

The Consultant notes:

There are two major factors that will influence the need for future park land in Pelham. Simply to keep pace with increasing population, expected to reach 18,626 people by the year 2020, a 20% increase over its 2000 population of 15,556, the level of park provision must be increased. The second fact, as noted above, is the inability of the current park system to accommodate active outdoor recreation facility requirements. (p. 48)

The Study classified the parks in Pelham as being of three distinct types: Neighbourhood (local); Community; and Special Open Space. The specific classification system is provided in Appendix ‘A’ attached hereto.

Consistent with the above classification system, Table ‘A’ (below) lists the various existing parks within the Town. Currently, there is 17.65 hectares (43.6 acres) of Community space, 12.01 hectares (29.7 acres) of Neighbourhood space and 38.2 hectares (94 acres) of Special Open Space in Pelham.

The large supply of Special Open Space is primarily attributed to the 20.23 hectares at the developing Harold Bradshaw Park as well as the 11.67 hectares in the abandoned railway. Neither of these land holdings will fill the Community park function of providing active recreation space to the community.

Upon closer review of the parks in terms of capability of accommodating active recreational uses, it is clear that active space is limited to 21.3 hectares (31.4%) (Community parks and North Pelham Park).

The balance of the parkland, 46.57 hectares (68.6%) (Neighbourhood parks, except North Pelham, and Special Open Space) is passive space.

Based on Pelham's 2000 population of 15,556, this supply provides 1.1 hectares of Community space per 1,000 people, 0.77 hectares of Neighbourhood space per 1,000 people and 2.44 hectares of Special Open Space per 1,000 people. The total supply of Community and Neighbourhood parkland in Pelham (not including Special Open Space) is 1.8 hectares per 1,000 people.

Table 'A' Existing Pelham Parks by Classification					
Community	Area (ha)	Neighbourhood	Area (ha)	Special Open Space	Area (ha)
Centennial Park	8.09	North Pelham Park	3.64	Harold Bradshaw Park	20.23
Harold Black Park	4.8	Woodstream Park	2.82	Former Railway Line (Fenwick)	11.67
Pelham Arena	2.74	Hillcrest Park	2.38	Steve Bauer Trail (Fonthill CN Spur)	3.32
Marlene Stewart- Streit Park	2.02	Sandra Drive Park	1.0	Millbridge/Bigelow/ Spruceside Parkette	1.07
		Pelham Corners Park	1.08	Hunter's Park	0.98
		Rolling Meadows Park	0.48	Peace Park	0.93
		Leslie Hills Park	0.35		
		Hurleston Park	0.26		
TOTAL	17.65		12.01		38.2
SUPPLY(ha)/ 1,000 PEOPLE	1.1		0.77		2.44

The Official Plan sets out the requirement of between 2 and 4 hectares per 1,000 population including parkland provided by the Municipality, the Niagara Peninsula Conservation Authority and the Province of Ontario. The Consultant suggests that parkland provided by the NPCA and the Province not be included in the standard of supply for the Municipality. While the benefit of having such resource available to the citizens is great, it is not useful to include them in the standard as their use is beyond the control of the Town.

The consultant also found the range of supply to be too broad, realizing the difference between the 2 hectare and 4 hectare per 1,000 people range equates to between 31.1 and 62.2 hectares of parkland using the year 2000 population figure. In response, the consultant recommended a level of provision equal to 2.5 hectares per 1,000 people for Community and Neighbourhood parks.

Under the current level of provision (1.8 hectares per 1,000 people), the Town would need to provide an additional 6.14 hectares (15.2 acres) of parkland by 2020. Based on the provision of 2.5 hectares (5 acres) per 1,000 people, the Town has a total requirement of 46.6 hectares (115 acres) in 2020. Using the 2.5 hectare standard, the Town currently experiences a shortfall of 9.23 hectares (22.8 acres), which would increase to 15.46 hectares (38.2 acres) in 2020. The addition of the proposed 10.2 hectares (25.3 acres) will accommodate a population of approximately 15,940 people which is anticipated to be achieved between 2003 and 2005 working under the growth projections utilized in the Study. In order to achieve the required 2.5 hectares per 1,000 people for the assumed 2020 population of 18,626 it will be necessary for the Town to acquire an additional 6.9 hectares in the future.

The Consultant concludes that the current and expected deficiency in the number of outdoor playing fields and the 'at capacity' status of Community parks in terms of additional space for expanded facilities, that the current level of parkland provided is not enough to meet the recreational needs of the community.

In terms of Facility and Parks Analysis specifically the Report contained three (3) specific recommendations pertaining to this issue as follows:

Recommendation 2.29

A minimum of 2.5 hectares per 1,000 population should be adopted to provide community and neighbourhood parks. The 2.5 hectares per 1,000

population allocation should not include special open space areas. Not less than 1.5 hectares per 1,000 should be committed to community parkland.

Recommendation 2.30: In the next 3-5 years, the municipality should assemble at 11 hectares of parkland for a major community park to be developed by 2020. If possible, the required parkland should be assembled as part of a larger site to accommodate future demand.

Recommendation 2.31: A Master Plan should be developed upon retention of sufficient parkland for a major community park to define long-term use of the park.

5.2 Availability of Sites

Initially, the Town considered the possibility of reconfiguring and adding to existing sites in order to maximize their potential to accommodate additional development. Exploring those opportunities proved limited for a variety of reasons including servicing, proximity to environmentally sensitive features and proximity to existing development. Additionally, the Town has for several years attempted to put agreements into place facilitating the development and secure use of public school lands. To date, no formal arrangement has been achieved. While the existing informal, undocumented arrangement provides the necessary short-term solution until a multi-purpose facility development takes place, the Town is not able to rely on the long-term availability of these lands for recreational use.

In the beginning, the Town retained the services of personnel to search for available serviced lands between Fonthill and Fenwick. Contact was made with approximately 25 property owners concerning the availability of lands; however, this avenue of search proved fruitless for a variety of reasons. Additionally, Council issued a public request for available lands. In this instance, there was simply no response.

Understanding that the purchase of new lands would be required, the Town utilized the Site Selection criteria established in the Study for the assembly of lands for the accommodation of a multi-purpose facility. The criteria are as follows:

Capital Development Costs - The evaluation of capital development costs includes costs for land acquisition, costs associated with unique site conditions such as poor drainage, or less than ideal topography cost of access or servicing.

Size - Sites must be of suitable size for development of the proposed facility and parking. Sites with extra space for expansion are deemed most appropriate.

Access - Sites are preferred where at least one boundary fronts on a major arterial road to provide direct access to the site. Sites that are located generally central to the major user population, are preferred.

Compatibility - Sites where the proposed development is compatible with the surrounding land uses (open space, other recreation facilities) and site that complement the surrounding areas and contribute to an enhanced level of service or enjoyment for users are preferred.

Operating Cost - Sites where unique cost saving opportunities are present to more efficiently or effectively operate the recommended facility are preferred as are sites which present the opportunity for unique revenue opportunities, i.e. tournaments, ancillary uses such as food service etc.

Visibility - Sites that are highly visible, contributing to the urban form, a visual sense of community, and visibility of a public structure are preferred and increase the opportunity to display public facilities. There is a greater opportunity for sponsorships for such facilities potentially contributing to reduced costs. In addition, visible sites are more secure and less susceptible to vandalism.

Development Schedule - Anything that serves to lengthen the development schedule beyond the period when facilities are needed (i.e. a site that currently lacks servicing or road access), would make a site less favourable. (p. 60)

The objective in choosing a site began with the seemingly simple goal of achieving a balance of being central to the majority of the population and being geographically central in the Municipality. The difficulty in choosing a location forgetting for the moment cost and willingness of owners to sell, is the quality of agricultural lands and the location of environmental constraints (mostly wetland complexes). In its search, the Town repeatedly faced issues of incompatibility with agricultural operations (both

livestock and fruit farms) and environmentally sensitive areas.

In its final analysis, the Town was of the opinion that these lands best met the selection criteria outlined above.

5.3 Quality of Agricultural Land

The Provincial Policy Statement requires protection of prime agricultural lands in the following order: specialty crop lands; Class 1; Class 2; and Class 3. The Town of Pelham is fortunate to have a vast amount of prime agricultural land, particularly specialty crop lands which are predominant north of Welland Road. The relatively lower Class 1, 2 and 3 soils for the production of common field crops, generally predominate south of Welland Road.

The subject lands lie within the less productive Good General Agricultural Area of the Regional Policy Plan and are designated Good General Agricultural according to the Town of Pelham Official Plan designation. The Canada Land Inventory identifies the lands as Classes 2 and 3 for the production of common field crops, which is indicative of the majority of soils surrounding Fenwick. Class 2 soils predominate throughout the area, however, the centre portion of the 'Elliott' parcel and the southeast corner of the 'Benning' property are Class 3, which identification corresponds with the location of a drainage system.

5.4 Availability and Capability of Services

As noted, the Church Street frontage of the lands is located within the Fenwick Urban Area Boundary and is currently serviced with municipal water and sanitary sewer services. The existing services are considered to be of adequate size to accommodate the continued passive, open space use of the park.

Concerning Storm water management, the lands lie within the Swayze Drain watershed and are consequently provided with an adequate outlet.

5.5 Location and Effect

The Study notes that Community Parks typically serve as drive-to parks for the broader community, while also provide for the needs of the immediate neighbourhood. The consolidation of recreational facilities in larger centralized parks is considered to provide the Town with greater efficiencies in design, construction and operation and hopefully promotes increased visibility and presence of the park within the community. While the focus of a Community Park is to accommodate active facilities, provision is intended to be made in this development for casual recreation, trails and the establishment of a landscape setting through the integration of natural areas and landscaping.

The area to be developed is a minimum of 90 metres (295 feet) away from existing residential uses and more often in excess of 150 metres (492 feet). As well, the newly acquired lands are visually separated from the adjacent uses by the well established wooded areas. The lands are also separated from adjacent greenhouse operations by wooded areas and from the adjacent orchard by a low profile bush line. Minimal impact is anticipated by the expansion of the existing use.

Conflict may be realized in increased traffic within the general area of the park, however, the Town would endeavour to mitigate conflict through the use of proper design and speed limits as well as limiting contact between pedestrian and vehicular traffic. Internal issues of conflict will be addressed within the Master Plan.

5.6 Impact on the Environment and Rural Resources

It is the Town's intent to preserve and maintain all of the significant forestry resources currently existing on the lands, particularly the 2.3 hectare (5.6 acre) woodlot located in the southeast corner of the newly acquired parcels.

The Town intends to complete a Master Plan to direct the appropriate development of the lands in order to minimize the impact on the environment and rural resources. For this reason, measures will be taken in approval of any amendments to ensure that such Master Plan is completed prior to any development, including any grading, taking place on the newly acquired lands.

5.7 Compliance

As noted previously, Section 1.1.2 a) of the Provincial Policy Statement requires “...the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses...to accommodate growth projected for a time horizon of up to 20 years.”

The expansion of the existing Centennial Park in the Village of Fenwick largely allows the Town the opportunity to accommodate the existing demand and to provide for between 2 and 3 years growth. This supply of recreational land is considered to conform with the purpose and intent of the Provincial Policy Statement.

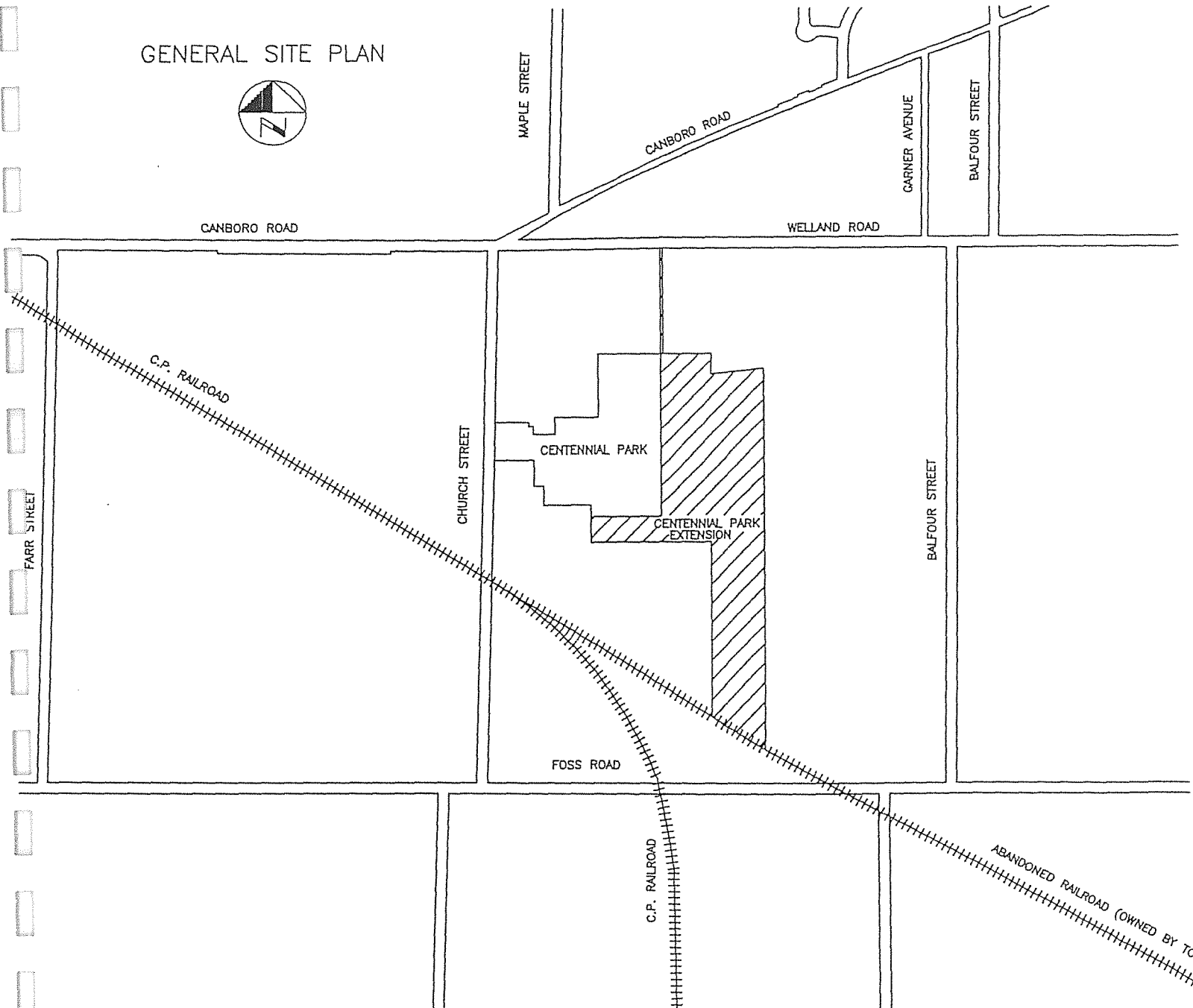
Regarding compliance with the policies of the Regional Policy Plan, the contents of this report are intended to address the pertinent criteria specifically.

6. CONCLUSION

The proposed Amendments are required to permit the development of the lands for recreational purposes. Approval of the proposal would provide for additional recreation lands that cannot otherwise be accommodated. The proposed recreational expansion is necessary to accommodate the continued growth in the Town in order to meet the current and future needs of the community. In conclusion, the proposed development is in the best interest of the Town of Pelham.

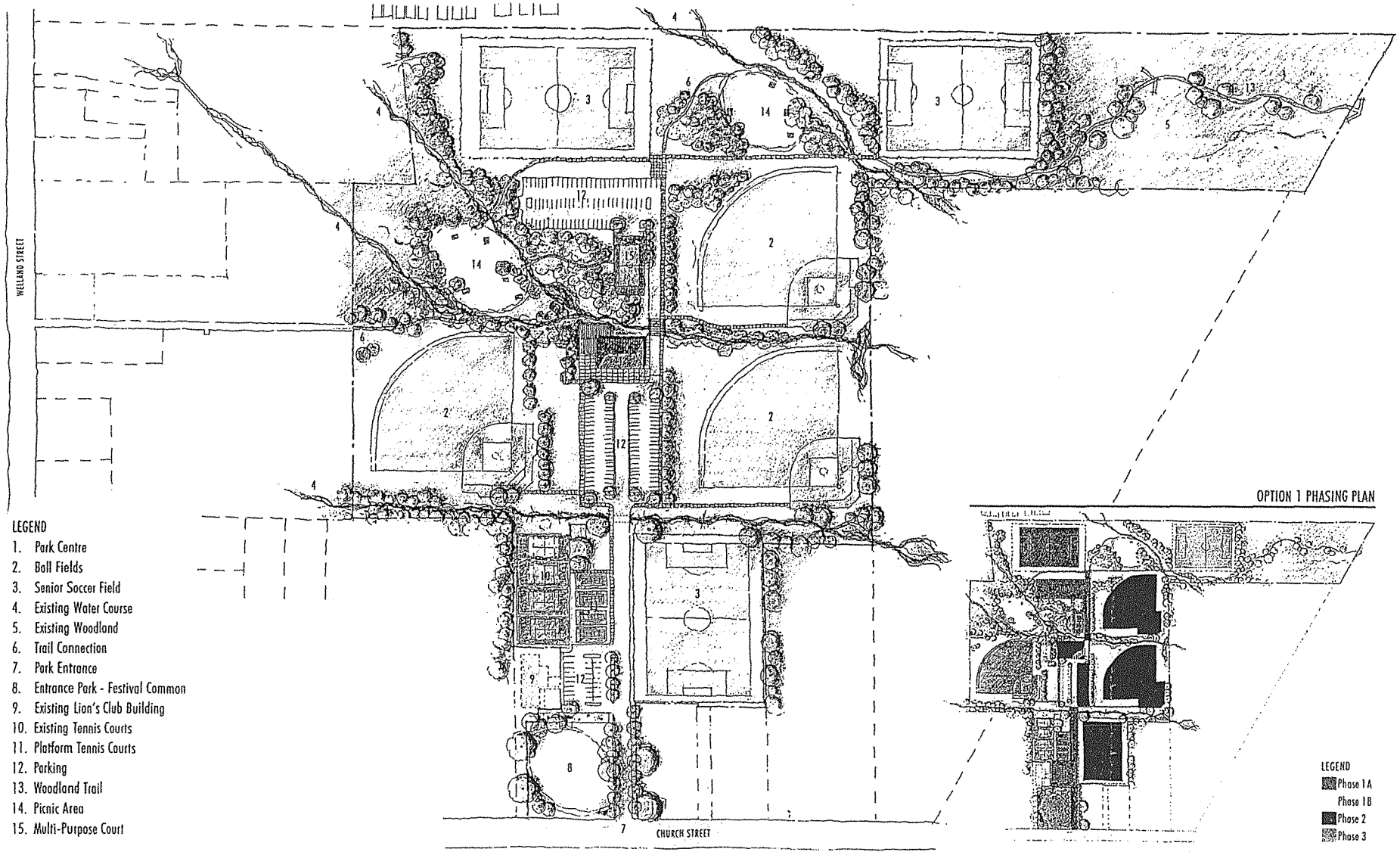
SCHEDULE 'A'

GENERAL SITE PLAN



APPENDIX 'A'

Table 2.8 Park Classification System		
Park Classification	Size (hectares)	Description
Neighbourhood Parks	1 to 5	<ul style="list-style-type: none"> • Provided in each residential neighbourhood on a site readily accessible to area residents • Equipped with recreation facilities to serve pre-school and school-aged children • Active play space • Landscaped areas for passive recreation
Community Parks	Minimum of 6	<ul style="list-style-type: none"> • Should be a minimum of 6 to 8 hectares and preferably larger to incorporate multiple active sports fields and natural features • Should be developed to include senior level recreation facilities to meet the needs of organized sports and recreation groups for programmed use • Will also provide space for passive recreation and should contribute to enhancing the natural environment of the community • Off-street parking should be provided • Should include passive shaded areas and amenities for passive activities (benches, picnic tables) • May include a diverse range of vegetation species to enhance habitat, create buffer areas, provide shade and define entrances • Naturalization of a section of the park landscape should be pursued to enhance ecosystem health • Should be accessible from major roadways and should where possible, be connected to trail systems and other parts of the open space system • Should have two side exposed to the public right of way • Should be provided with a fully accessible internal pedestrian and/or bicycle circulation system
Special Open Space Areas (includes resource and natural areas)	Not specified	<ul style="list-style-type: none"> • Special open spaces may include waterfront lands, valleylands, wetlands, forested areas and woodlots, conservation areas, passive waterfront lands and areas of natural or scientific significance, woodlots, ravine lands, natural surface trail systems, areas of special scenic or natural interest, lands in public ownership, abandoned or surplus rail corridors and utility easements and linear open space corridors • May also incorporate local heritage or hard surface sites such as a townsquare, historic plaque and seating area, etc. • Education or restricted recreational activities may be permitted depending on the carrying capacity of the site - pedestrian access may be provided if compatible with the biological and physical resources



Centennial Sports Park
 Pelham, Ontario
 Conceptual Site Plan Option 1



September 9, 2003

ENVISION

STANDARD

REPORT NO. P-441c
 ATTACHMENT NO. 4
 PAGE NO. 111

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. 47

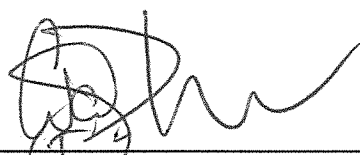
Parts of Lots 7, 8, 9 and 11 and Part of Block C
Registered Plan No. 16 (now known as Plan 703)
and Part Lot 14, Concession 10

AFFIDAVIT

I, CRAIG LARMOUR, 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 11TH DAY OF NOVEMBER, 2003 A.D.)
)
)
)
)
)
)



CRAIG LARMOUR



CHERYL MILETTE, CLERK

CHERYL MILETTE, 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 proposed amendment does not replace an existing official plan.
- 3
 - i) The lands are described as Parts of Lots 7, 8, 9 and 11 and Part of Block C, Registered Plan No. 16 (now known as Plan 703), and Part Lot 14, Concession 10.
 - ii) The proposed amendment affects approximately 16.15 hectares (39.9 acres).
 - iii) The proposed amendment does not change, replace or delete a policy in the official plan.
 - iv) Not applicable.
 - v) The proposed amendment adds a policy to the official plan.
 - vi) The purpose of the policy amendment is to permit the use of lands for a community sports park within the Good General Agricultural designation.
 - vii) A small portion of the subject land lies within the Urban Area Boundary and is currently designated Village Residential. The predominant use of land in this category shall be single-family dwellings. A limited number of multiple family dwellings, which may also include senior citizen accommodations, may also be permitted on full services. Ancillary uses which shall also be permitted in the Village Residential designation are institutional uses, parks, schools, community facilities, and public utility uses. The balance of the subject land that lies outside of the Urban Area Boundary is designated 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 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.
 - viii) The proposed amendment does change a designation.
 - ix) The proposed amendment changes lands designated Village Residential to Open Space.
 - x) The proposed amendment would allow the use of lands for a community sports park.
 - xi) The subject land is also affected by a Zoning by-law Amendment application. No other lands within 120 metres are affected by a planning application.
 - xii) The associated Zoning By-law Amendment application is known as File No. AM-12/02. The Town recently approved By-law No. 2531 (2003) rezoning the subject lands to Open Space OS-179. The by-law implements the intent of the Official Plan Amendment and it is currently proceeding through the appeal period.

Appendix G

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

D. Maniccia, Manager of Operations
Niagara Catholic District School Board
427 Rice Road
WELLAND ON L3C 7C1

Attn: Mgr, Planning & Transportation
District School Board of Niagara
191 Carlton St.
ST. CATHARINES ON L2R 7P4

Manager Land Services
Enbridge Consumers Gas
101 Consumer Drive
WHITBY ON L1N 1C4

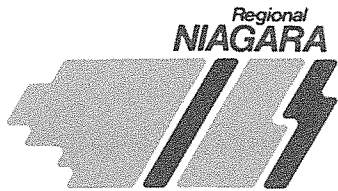
Preservation of Agricultural Lands
BOX 1090
ST CATHARINES ON L2R 7A3

Land Use Planning Section
Real Estate Services
Hydro One Networks Inc.
483 Bay St. 15TH Floor
TORONTO ON M5G 2P5

Attn: Secretary
Enbridge Consumers Gas
P. O. Box 1051
THOROLD ON L2V 5A8

Crossings Co-ordinator
Enbridge Pipelines Inc.
801 Upper Canada Drive
P. O. Box 128
SARNIA ON N7T 7H8


Development Review
Co-ordinator - Ontario
CN Railway Properties Inc.
277 Front St. West, 8TH Floor
TORONTO ON M5V 2X7



**OFFICIAL PLAN AMENDMENT NO. 47
FENWICK CENTENNIAL PARK EXPANSION
TOWN OF PELHAM**

The Amendment No. 47 to the Official Plan for 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: March 25, 2004



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