



R 792176

Ontario Municipal Board

IN THE MATTER OF Section 15 of
The Planning Act (R.S.O. 1970,
c. 349),

- and -

IN THE MATTER OF an application
by the Regional Municipal of
Niagara for approval of those
parts of the Official Plan for
the Niagara Planning Area referred
to the Ontario Municipal Board by
The Honourable the Minister of
Housing,

- and -

IN THE MATTER OF Section 44 of
The Planning Act (R.S.O. 1970,
c. 349),

- and -

IN THE MATTER OF a reference to
the Ontario Municipal Board by
The Honourable the Minister of
Housing, on a request by the
Town of Pelham, for consideration
of proposed Amendment No. 2 to the
Official Plan for the Pelham
Planning Area, Ontario Municipal
Board File R 792176

B E F O R E :

F.G. BLAKE
Vice-Chairman

- and -

W.L. BLAIR
Member

] Friday, the 27th day of
] February, 1981

THIS APPLICATION having come on for public hearing commencing
on the 13th day of November, 1979, and continuing from time
to time thereafter until the 5th day of November, 1980, at
the City of St. Catharines, and after the hearing of the
application the Board having reserved its decision until
this day;

R773565-R773574 inclusive
R773577-R773593 inclusive
R773595-R773607 inclusive
R773610-R773611 inclusive
R79591-R79605 inclusive
R792175-R792177 inclusive
R791175, R793590 and R781335

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Part Two - Referral of Amendment No. 2 to the Official Plan of the Pelham
Planning Area (File R792176)

Amendment No. 2 was adopted by the council of the Town of Pelham on May 2, 1977, and was referred to the Board by the Minister on June 20, 1979.

The Amendment consists of ten pages of text and two maps. Its declared purpose is "to provide rural policies that will permit certain non-farm rural development that is desired by the Council and general public", and attempts to set out guidelines and policies for the creation of non-farm lots by means of the consent to convey procedure. In addition, the Amendment changes to Rural a considerable amount of the lands that were designated Open Space in the Official Plan, and also redefines the Rural Area as follows:

"The Rural Area

This area contains land with good agricultural soils and unique agricultural lands for tender fruit and grape production, subject to limitations of climate. It also contains areas of land of little or no use for agriculture and scattered existing strip residential, commercial and recreational uses, and existing hamlets."

There are serious defects in this proposed Amendment. It is not in conformity with the Regional Official Plan or with the Food Land Guidelines.

The definition of Rural Area and the designation Rural on the maps creates a hodge-podge that can lead to confusion where none should exist. There should be separate designations and separate definitions for each of the categories Good Tender Fruit Areas, Good Grape Areas, Good General Agricultural Areas, and Rural Area, where such areas exist, in order to conform with the Regional Official Plan and its designations on the Agricultural Land Base Map.

The consents policy in proposed Amendment No. 2 has numerous faults. As stated previously in this decision, the consensus of opinion among the witnesses appearing at this hearing was that consent policies in the

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Niagara Region should be more restrictive. The policy proposed here by Pelham is less restrictive, and not in conformity with the consent policy in the Regional Official Plan. It is also in conflict with some sections of the Food Land Guidelines; for example, it contemplates the creation of non-farm residential lots where the lands are covered by trees or the uncovered area is too small for cultivation, but that is not in harmony with section 2.3 of the Guidelines. It is the soil classification of the lands that determines their potential as agricultural resource lands rather than the fact that it is not presently in production. Pelham's policy of requiring a minimum size of two acres for a non-farm residential lot (section 1.11.8.11 of the Amendment) is in conflict with section 4A.22 of the Guidelines which describes a lot of that size on agricultural lands as "wasteful of resources".

To bring this proposed Amendment into conformity with the Regional Official Plan and the Food Land Guidelines would require almost the complete redrafting of its text and redrawing the maps attached thereto. The Board will not undertake that task as we believe that it should be done by the staff of the Town of Pelham with the assistance of the planning staff of the Regional Municipality.

For these reasons, approval of Amendment No. 2 of the Town of Pelham is refused.