Raffle for Mennonite Heritage Quilt

Queen-sized - rose and shades of green and brown on cream background - scalloped edges

$2 per ticket $5 for 3 tickets and $10 for a book of ten tickets.

Events PALS will be selling tickets at:

- **Sept. 13th**
  Willowbank School of Restoration Arts Stone Festival in Queenston 11 a.m. to 4 p.m.

- **October 4th**
  Pioneer Day in Jordan, 10 a.m. to 4 p.m.

- **October 18th and 19th**
  Fonthill Optimist Craft Show, Centennial Secondary School, 240 Thorold Rd. in Welland.
  10 a.m. to 4 pm each day
In Memoriam: Joan H. Ashcroft 1925 - 2014

In hearing about Joan’s death this Summer, I couldn’t help but remember her unique 1988-90 PALS campaign that saw thousands of return address labels from the Canadian War Amps Association, with PALS address and the words E.A.T. (Eat All Things Canadian), I love Niagara Tender Fruit, or Grapes, or PEI potatoes, or Saskatchewan Oats sent to farm groups across the country who requested specific labels. As usual Joan invested her own money in these reminders that we should support not only Niagara fruit, but all crops our Canadian farmers grow, and in this way help save fruit lands and other prime farm lands in Canada. Joan came up with this logo, after PALS’ Board members joined local farmers at the US/Canadian border in 1988, in a protest against Free Trade, and also, as inspired by former Minister of Agriculture Eugene Whelan who spoke about the need to have trade protections for our Niagara farmers at PALS’ very large forum—one that saw over 500 farmers and others crowd into Prudhomme Hotel’s Victoria Hall in Jordan Ontario. 4 years later, Joan became an invaluable member of the Provincial inter-Ministerial /Niagara Region/Niagara North and South Federations of Agriculture/PALS Task force that developed the NDP’s 1995 Tender Fruit Program. Joan remained an ardent supporter of saving these precious lands to the end of her life. We will miss her innovative and energetic efforts to promote the fruit land preservation cause.

Gracia Janes

AROUND THE REGION

— Dr. John Bacher PhD

Province and PALS Continue Tug of War With Niagara Region

Five years ago, PALS and the Ministry of Municipal Affairs and Housing, appealed amendments to the Niagara Regional Official Plan that were supposed to accommodate the principles of the Growth Plan. Except for a continuing controversy over an area in Fort Erie, (which PALS is not involved in), this dispute has recently been resolved. Critical to the resolution was the acceptance of the Niagara Region as a single market area, which any urban boundary expansion to accommodate need is supposed to conform to.

For their part, in order to disguise the fact that Niagara Region has a forty one year housing supply, the Niagara Regional Council pushed what it termed three sub-market areas. Although abandoning this plan through a pre-hearing settlement, the Niagara Region is going forward with an attempt at an urban boundary expansion in Smithville through a new official plan amendment. This has been placed under appeal by the Province.

Region Develops Phasing Policy While Seeking Urban Boundary Expansion

Part of the absurdity of land use planning in Niagara is that Niagara Regional planners are developing a phasing policy for new residential development within its urban boundaries, while at the same time seeking an urban boundary expansion for this purpose in Niagara Falls. It is a great waste of tax dollars for the city to push for an urban service expansion at the same time the regional government acknowledges that the existing area for development is too big for orderly growth.

The urban boundary expansion being fought by PALS and Jean Grandoni at the OMB, with the help of the
testimony of Mark Christie the (subpoenad) chief planner for the Province testifying for PALS and a land use planner, Bob Clarke, testifying for Jean Grandoni, is at the headwaters of Ten Mile Creek in an area suitable for high quality grape production. It is immediately south of the protected planning area of the Greenbelt and Niagara Escarpment Plan.

Under provincial policy, upper tier municipalities such as the Niagara Region, are only supposed to have a twenty year supply of land for residential development within their urban boundary. The Niagara Region has twice this amount, a supply of over 40 years. This situation has necessitated an amendment to the Niagara Regional Official Plan to develop a phasing policy.

A public meeting to facilitate the growth management amendment for a phasing policy was held in December 2013. The Niagara Regional Planning Department is expected to provide the text of the amendment to the Niagara Regional Council for approval within the next few months.

According to the Niagara Regional Planning Department the only municipalities to which the phasing or “parking” strategy of delayed residential development will be applied are Niagara Falls and Port Colborne. Development cannot be “parked” in other parts of Niagara since there are a number of draft approved subdivisions adjacent to the urban boundary.

It is bizarre that the Region has accepted and is pursuing a phasing policy while at the same time seeking an urban boundary expansion in Niagara Falls, and leaving out other potential residential lands inside the urban boundary that could be used instead. This reveals the extent to which the justifications of need for the expansion are based on what Mark Christie has called “factoring”. This is an illegitimate exclusion of land from the residential land supply, based on short term servicing constraints.

In our preparation for the OMB hearing, PALS found an example of what Christie termed factoring in the Chippawa community of Niagara Falls in the 2007 Urban Metrics Report, “Comprehensive Review Residential and Employment Lands Needs Analysis”. On page 43 of this report, it is indicated that, “This area maintains substantial raw land development potential. With approximately, 72 gross development hectares (178 acres) the area could support about 1,420 new units, which is about 14% of the entire un-built unit supply in the City of Niagara Falls. The report however, immediately goes on to factor this out by pointing to “current servicing constraints”.

Expulsion From OMB Hearing Provide Drama and Delays to OMB Hearing.

PALS’ efforts to stop the urban expansion proposed in Niagara Regional Official Plan Amendment 196 experienced some high drama due to challenges by lawyers for the City and Region to important aspects of the testimony of our witnesses Mark Christie, and Bob Clarke. This caused a significant delay in the OMB proceedings. When the hearing was being scheduled, legal counsel for those opposed to PALS indicated that Mark Christie would likely testify for only a half hour. In reality, his time on the stand involved a full day. For such reasons the OMB hearing on Amendment 196 is going to commence again for an estimated five days on September 29th.

The essence of Mr. Christie’s evidence, was that the assumptions behind the Region and Niagara Falls calculations of inadequate land supply for singles and semi housing were wrong because of the improper use of what he termed “factoring”. This resulted in the exclusion of otherwise properly zoned and designated land for residential development on the basis of such factors as servicing constraints.

Christie explained to the OMB, that while factoring constraints are legitimate reasons why land cannot be used for housing in the short term, such areas should be considered as part of the residential supply for the normal twenty year planning framework. He indicated that if these lands are not used as part of the supply calculations, the appropriate response is to change their official plan and zoning designations, removing them from the urban boundary. There is a considerable area of land in Chippawa which although designated and zoned for residential development, has been factored out of Niagara Falls calculations of need.

What was so controversial in the evidence of both Mark Christie and Bob Clarke was the contention that the more specific language of the current Provincial Policy Statement (PPS) and the Growth Management Plan represented better planning than the 1997 rules on which Amendment 196 is currently being adjudicated by the OMB. One point quite vividly illustrated to the OMB Chair by Bob Clarke, was that these represented newer and important concerns for land use planning around bio-diversity and climate change.

Planning objections were then triggered by the opposition Counsel, and both planners were escorted out of the Niagara Falls City Council Chambers by the solicitor for the City of Niagara Falls. This allowed legal counsel to debate for over an hour, whether incorporating such changes into land use planning served the public good. During this time the planners were required to sit on a bench outside the City of Niagara Falls City Hall on which, the OMB was told, a disgruntled former city employee frequently sits.

OMB Hearing Illustrates Inferiority of Southern Niagara Falls Land

One of the Agricultural Lands requirement of the PPS, is that urban boundary expansions on prime agricultural land can only be justified on the basis
of the lack of inferior lands. In Niagara Falls such arguments ignore how, according to the Niagara Regional Official Plan, there is a large area of designated “Rural”, (ie. sub-prime) lands, to which, if justified on a needs basis, such urban expansions are supposed to be directed. These lands until recently were also designated in the Niagara Falls Official Plan as Rural, but the designation was removed shortly before the hearing.

Much of the land in southern Niagara Falls along the urban boundary is vacant. There is no evidence of past cultivation of tree fruit or grapes. There is a large ethnic social club, comparable to what exists in the dispute area in the Ten Mile Creek headwaters. Large tracts were fragmented through the use of wills and questionable severances. What is most suggestive of the retreat of any agriculture in this area are massive abandoned concrete silos, appearing like an ancient ruin of the Roman empire. When Jim Wellings, the expert who attempted to illustrate the excellence of these lands for the City, testified to the OMB, he indicated that he took no field notes of his visit.

**PALS and Jean Grandoni Rescue Linear Forest in Niagara Falls**

PALS researcher John Bacher and Jean Grandoni have been involved in two OMB hearings to protect forests that provide habitat for the Threatened Round Leaved Greenbrier. An earlier successful OMB effort with the help of Brock University Professor Hugh Gayler, resulted in the donation of the habitat of a 11 acre forest by the developers to the City of Niagara Falls. One of the limitations of this victory however, was the lack of a requirement for a fence to protect the forest from debris tossed into it by adjacent landowners. This however, has just recently been secured for the Greenbrier habitat in the Thundering Waters development.

As well, OMB appeals launched by PALS, Jean Grandoni and the provincial government were successful in achieving the protection of a larger area of linear forest (approximately 2.5 acres) than the tiny 1 acre that the developer, Thundering Waters, was willing to protect of the habitat of a Threatened Species, the Round-leaved Greenbrier. The developer’s consultants originally denied they knew where the Greenbrier was located on their property. It was in effect, rediscovered, triggering the use of the Endangered Species Act to protect the linear forest adjacent to a hydro corridor in Niagara Falls.

**Greenbrier Habitat Reveals Importance of Vanishing Thorold-Niagara Falls Wildlife Corridor**

PALS’ battles to protect the habitat of the Threatened woody vine, the Round-leaved Greenbrier, show the importance of our work in protecting bio-diversity in Ontario. The Carolinian life zone has both the best climate for agriculture and diverse life forms in Ontario. The greatest threat to biodiversity and high quality agricultural land in Canada is urban sprawl in this precious region.

To survive, the Round-leaf Greenbrier requires the shade provided by forest cover. The Niagara population is critical to its survival in Ontario, since it has the most pods with both sexes of the threatened vine. All its habitat in Niagara are within the narrow wildlife corridor of only 1.7 kilometres south of the Niagara Escarpment between the boundary of the Walker Brothers Quarry, (also used as a wasteland fill) and the urban boundary of the City of Niagara Falls at the Queen Elizabeth Highway.

At the current OMB hearing PALS researcher, Dr. John Bacher presented testimony that according to guidelines of the Ministry of Natural Resources, (MNR) the minimum width of a linear corridor is two kilometres. The proposed urban boundary expansion would shrink this distance to beneath the level recommended to prevent what the eminent landscape ecologist, Reid Noss has termed “genetic bottlenecks.”

Serious harm to wildlife can come about from genetic bottlenecks, even to bird species which have at least the potential to fly around them. Noss’ research based in Florida, discovered that genetic uniformity resulted in a serious heart diseases in the state’s endangered panther population. Similar problems were found in with the state’s black bears. To overcome such problems the state of Florida has had success with purchasing land to create biological corridors and has built over passes to permit wildlife movement over highways.

During Dr. Bacher’s testimony at the Niagara Falls OMB Hearing, an objection was made that his findings were based on the 2005 MNR Natural Heritage Guidelines. This was sustained by the Chair, and the MNR guidelines were removed from the OMB’s exhibit book. Hopefully in our reply evidence, PALS will be able to submit the 1997, MNR guidelines, which make the same point about avoiding habitat fragmentation, but with less detail.

**ACROSS THE PROVINCE**

— Dr. John Bacher PhD

**Waterloo Struggles To Uphold Provincial Growth Plan**

In conformity to the new Ontario Growth Plan, the Regional Council of Waterloo passed its official plan in 2009. The plan has been however, under intense attack from developers who appealed its population
estimates to the OMB. This has resulted in a series of still unresolved court battles.

Unlike the situation in Niagara where the built boundary has been abandoned. (technical term under the Growth Plan for the actual built up area), Waterloo region has sought to confine its growth to this already largely developed area of its urban boundaries. One of the ways that it is reinforcing intensification is preventing any roads wider than two lanes from being constructed outside the built up area. Roads are also being designed to curl around certain areas to discourage sprawl.

Waterloo Region is also going ahead with light rail transit supported by the province on the basis of its efforts to establish higher densities. It was indicated by the former Planning Director for the Niagara Region, Patrick Robson, that the province would not fund such higher order transit for Niagara since its planning encouraged densities at too low levels.

If the Niagara Region would stop bickering with the province in order to justify urban expansions in Smithville and Niagara Falls, a light rail transit service from St. Catharines to Port Colborne (shut down since 1959) could be revived. This could be the spine of an orderly framework for land use planning, that would protect both natural areas and agricultural land.

Sprawl Continues to Threaten Springwater Township

A cornerstone of the provincial Growth Plan is supposed to be confining urban growth to the city of Barrie. A major threat to its principles is sprawl onto neighbouring Springwater Township, around Springwater Provincial Park. (Although the native occupation of this closed provincial park, has been successful and a co-management agreement with the province is being negotiated)

What is so offensive to the Growth Plan now, is the Midhurst Secondary Plan’s proposed expansion onto 1,900 acres of prime agricultural land. Urbanization on this scale will also inevitably have harmful impacts on the watershed of the Nottawasaga River, a cold water salmonid fishery. Sprawl will produce changes in water flow and temperature, contaminant run-off, including phosphates, increased sedimentation from deforestation and the severing of wildlife corridors.

Join in Walk to Grow Greenbelt!

On Saturday, September 27th, at 2pm, a walk will be held to grow the Greenbelt as recommended by a motion of the City of Thorold Council. Walkers and cyclists will assemble at the outside the Indian Flame Bar and Grill, at 1300 Lundy’s Lane near the Allanburg Bridge. The route will take a hour and a half by walking, and participants are encouraged to meet informally at the Indian Flame restaurant afterwards. In case of any extreme weather, the event will be held at 2pm on Sunday, September 28th at the same location.

The walk will explore part of the proposed Ontario Greenbelt expansion area. They are completely owned by various public agencies, such as Ontario Power Generation. The largely forested lands provide a natural habitat linkage between Short Hills Provincial Park and the Welland Canal. The route will loop along the scenic Decew-Alanburg trail, turning back at Beaverdams Road.

The Greenbelt expansion area is of considerable historical and ecological significance. It contains some of the most extensive ruins of the Third Welland Canal, with stone features such as past towers and bridges. The habitat is of considerable value to wildlife, including the herons and the Threatened Barn Swallow. It is an important reservoir for much of Niagara’s drinking water.

The extension of the Greenbelt as proposed by Thorold Council would build on a number of important environmental victories for well over a century, going back to the creation of the St. Catharines water works system in 1871. The proposed area to extend the Greenbelt is immediately adjacent to lands protected through an important 1979 hearing of the Ontario Municipal Board. This followed an appeal by an Ontario legislator, Mel Swart, a local farmer, Russell Yungblut, the Preservation of Agricultural Lands Society, (PALS) and the Niagara South chapter of the Ontario Federation of Agriculture.

Event Sponsored by Sierra Club of Ontario, Ontario Friends of the Greenbelt, Friends of Mel Swart Park.

For Further Information Contact David Griffiths Friends of Mel Swart Park.

905-688-5449
Mark Your Calendar
for the PALs 2014 Raffle Draw

Saturday, December 6th, 2 - 4 pm

36 Else Street St. Catharines, at the home of Andrea Gravel - 905-935-8730
ps. last year's winner of the quilt was Joan Prewitt, Niagara-on-the-Lake