

January 31, 2019

VIA EMAIL ONLY

Files: D.11.06.ZA-19-004

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

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
Exemption to Town of Pelham Interim Control By-law 4046
770 Foss Road
Owner: Leviathan Cannabis Group (c/o Friedmans Law Firm)
Town of Pelham**

Regional Development Services staff has reviewed the information circulated with the application for exemption to the Town of Pelham's Interim Control By-law 4046 (ICBL 4046). ICBL 4046, passed on October 15, 2018, restricts the use of all land in the municipality for any cannabis-related land uses for a period of one year. The Town is currently conducting a review on land-use policies and regulations pertaining to cannabis-related uses in order to develop appropriate policies and regulations to manage and control these uses.

The subject application indicates that Leviathan Cannabis Group proposes to construct a hybrid greenhouse facility on an approximately 12 ha property, known municipally as 770 Foss Road in Pelham. The applicant proposes to retrofit the existing 90,000 square foot greenhouse for cannabis cultivation purposes with a separate 30,000 square foot headhouse (to be expanded by 10,000 square feet) that will be used for harvesting and utility infrastructure. A 5,000 square foot office space is also proposed.

The application was received by the Region on January 10, 2019. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering this application.

Regional and Provincial Policies

The subject lands are located in part within a Settlement Area (designated growth area) and primarily within the Prime Agricultural Area as per the Provincial Policy Statement (PPS). The Regional Official Plan (ROP) designates the northerly portion of the subject lands as within the Urban Area (built-up area) and the majority of the subject lands as Good General Agricultural Area. Staff note that only a small portion of the subject land is located in the Urban Area (frontage and part of the driveway). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Permitted uses include agricultural uses, agricultural-related uses and on-farm diversified uses. Therefore, while Region does not object to the proposed exemption to allow the use on the subject lands, the Region does support the Town's efforts to review its policies and regulations related to the use.

It is the Region's position that the growing, processing and distribution of cannabis is considered an agricultural use according to the ROP. In Urban Areas, these facilities may be considered industrial uses and permitted on employment lands. The use may be more closely regulated through local Official Plans and Zoning By-laws.

The following additional comments are provided for information in advance of any other Planning Act applications related to development on the lands.

Core Natural Heritage System (CNHS)

Core Natural Heritage (CNHS) mapping identifies portions of an Environmental Protection Area (EPA) associated with the Upper Coyle Creek Provincially Significant Wetland (PSW) complex located on and adjacent to the southernmost portion of the property, as well as Environmental Conservation Area (ECA) associated with Significant Woodland. In addition, the creek located approximately 30 metres (m) west of the property and adjacent to the PSW onsite is mapped as Important (Type 2) Fish Habitat (see attached map). These same features are also identified by the Growth Plan for the Great Golden Horseshoe (Growth Plan) as part of the Provincial Natural Heritage System (NHS) and are considered Key Natural Heritage and Hydrologic Features respectively. The property is also identified as a Groundwater Protection Area (Highly Vulnerable Aquifer).

Regional Official Plan policies require the completion of an Environmental Impact Study (EIS) prior to development or site alteration within 120 m of a PSW, within 50 m of Significant Woodland, and within 30 m of Fish Habitat. The purpose of the EIS is to demonstrate there will be no negative impact on the features or their ecological function over the long term. However, the Region's EIS Guidelines permit waiving of the EIS requirement provided other criteria are met. In this case, provided the redevelopment is considered small or medium-scale, the requirements for an EIS could be waived if the proposed redevelopment maintains a 30 m setback from these key features. Alternatively, the EIS requirement can also be waived if the proposal is for redevelopment contained within the existing footprint, or if redevelopment includes an addition which extends away from the feature. At the Site Plan stage, the buildout plans should be revised to confirm these setback requirements are met.

In addition, staff advise that the Growth Plan includes policies applicable to a new Provincial NHS, portions of which include the undeveloped areas of the property. The applicant should be advised that currently, according to Section 4.2.4 of the Growth Plan, a minimum 30 m vegetation protection zone (buffer) is required to protect the functions of the adjacent key features. Therefore, prior to any future plans for development or site alteration that trigger *Planning Act* approvals, a natural heritage evaluation would be requested to address the Growth Plan policies and identify both a suitable buffer and any additional restrictions (mitigation measures) that may be required to protect the adjacent natural heritage features and functions. If requested, Regional Environmental Planning staff will provide further explanation at the Site Plan stage.

Servicing

Policy 5.C.5 of the ROP states that development outside of the urban boundary will not be provided with municipal sewer services but instead will be expected to depend on private sewage disposal and private water supply. Regional Staff have received the submitted Civil Servicing Report and Leviathan Presentation for the Zoning By-Law Amendment for Leviathan Cannabis Group Inc. In recent correspondence from the Town, the intent of the owner is to connect to the municipal system.

Regional staff have not reviewed the Civil Servicing Report as the design provided was a septic design. The following information will be required to ensure the current Regional Infrastructure can accommodate the development.

Municipal Servicing Option

The subject land is within the Foss Road Sewage Pumping Station (SPS) and Forcemain. The Region's Master Servicing Plan has indicated an upgrade to the Foss Road SPS and Forcemain, scheduled for 2022-2031. Currently, the Region has scheduled a Forcemain replacement project for

2025 (Design) and 2027 (Construction). The current flows to the Foss Road SPS are on average between 3.5 and 5.5 L/s during dry days and up to 17 L/s during wet weather, the current capacity of the station is 27 L/sec.

- The Region will require that the applicant provide a letter from an engineer detailing the existing flows and proposed flows from the site to see if there will be any additional flows to the Foss Road SPS and provide the timing of the expected flow to the Foss Road SPS to determine when the Foss Road SPS upgrade is required.
- The letter should provide information on what the plan is for the process water
- The service will require a manhole at the property line in accordance with the Regional Sewer Use By-law
- We have attached the link to the Region's Sewer Use By-law so the applicant can ensure the sewage composition is in accordance with our requirements for treatment:
<https://www.niagararegion.ca/living/sewage/sewage-bylaw.aspx>

If for some reason the applicant decides to proceed with an on-site septic system our preliminary comments are as follows (detailed calculations were not reviewed by Regional Staff):

Private Servicing Option

If the property is proposing to privately service the subject lands, Regional Staff provide the following comments:

The proposed location of the septic system does not appear to meet with Building Code minimum setback requirements (pond, structures).

- The indicated size of the septic system may not be sufficient for the sewage flows generated from the new development. A detailed septic system design using OBC Table 8.2.1.3.B. is required to confirm the flow rate calculations.
- If the property is proposing the service the subject lands, Regional staff will review the detailed flow rate calculations and provide further comments during the Site Plan stage.

Conclusion

Regional Development Services staff has no objection to the ICBL exemption request from a Provincial or Regional perspective, however does support the Town's efforts to review its policies and regulations regarding cannabis-related uses. Regional Staff will provide further comments when circulated on any future Planning Act applications.

If you have any questions, please contact me at extension 3518 or Aaron Butler, Senior Planner at ext. 3264.

Please send a copy of the staff report and notice of the Town's decisions on these applications.

Sincerely,



Alexsandria Pasquini
Development Planner

cc: Aaron Butler, Senior Development Planner, Niagara Region
Jennifer Whittard, Manager of Environmental Planning, Niagara Region
Susan Dunsmore, Manager Infrastructure Planning, Niagara Region



Legend

- MNR Evaluated Wetlands**
 - Non-Provincially Significant Wetland (Blue cross-hatch pattern)
 - Provincially Significant Wetland (Red cross-hatch pattern)
- Wetland Allowance** (Light blue fill)
- CNH - Fish Habitat** (Dark blue line)
- ECA: Significant Woodlands** (Green diagonal lines)
- Ownership Parcels** (Red outline)
- Provincial Natural Heritage Sites** (Green fill)



254.0 127.00 254.0 Meters



Notes

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.

VIA E-MAIL ONLY

March 27, 2019

Technical Comments for Site Plan & Zoning By-Law Amendment Application – 2nd Submission

Proposal: Leviathan Cannabis Group – to cultivate cannabis

Location: 770 Foss Road
Pelham, Ontario

Our File: **ZA-19-004**

Niagara Regional technical staff have reviewed the above noted application to address the technical concerns related to the zoning by-law application.

SERVICING

Technical comments for this development were initially provided to Town staff on January 31, 2019 requesting clarification on how the development is proposing to be serviced and to ensure that the current Regional Infrastructure can accommodate the development.

Technical staff have reviewed the resubmitted Servicing Report, prepared by Gerrits Engineering Ltd. (dated March 20, 2019), and note that the proposed development will be serviced through a private piped system to the existing municipal services available on Foss Road. Based on this, the Region provides the following comments:

- The developer has indicated that the subject lands will be serviced by a holding tank, Sanitary Pump Station (0.4L/s) and 25mm dia. HDPE forcemain which will connect to the existing Municipal Sanitary Main on Foss Road. The applicant also states that the preference is to utilize the existing 50mm dia forcemain throughout the entire site. This would increase the flow to 1.6L/s. The Region has no concerns with either the 25mm or 50mm dia forcemain because the additional flow will not negatively impact the Foss Road Sewage Pumping Station (SPS). Regional staff will require the applicant confirm the size of the forcemain at the future site plan submission.
- Regional staff note that the developer addressed the installation of a manhole at the property line in the Servicing Report. Staff require that the proposed manhole be shown on the Site Plan to ensure that it is in accordance with Region's Sewer Use By-Law 27-2014 – Section 6. The full requirements of this By-Law are available on the Region's website at the following location:

<http://www.regional.niagara.on.ca/living/sewage/sewage-bylaw.aspx>

WASTE COLLECTION

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage container per property.

February 05, 2019

SHANNON LAROCQUE
TOWN OF PELHAM
20 PELHAM TOWN SQUARE
FONTHILL, ONTARIO, L0S 1E0

Re: 770 FOSS ROAD

Dear Shannon:

This development, as described, will receive mail delivery via lot line delivery to a rural mail receptacle supplied by the owner or developer.

Therefore, Canada Post Corporation has no comments or conditions regarding this project.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Sincerely yours,

A. Carrigan

Andrew Carrigan
Delivery Services Officer

Memorandum

Public Works Department - Engineering

To: Shannon Larocque, Senior Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development

From: Tolga Aydin, Engineering Technologist

Date: February 8, 2019

Subject: 770 Foss Road – **First Submission**

The Public Works Department has reviewed the submitted documentation regarding the proposed development located at 770 Foss Road. Please note the following notes and conditions provided.

The following submitted drawings have been considered for the purpose of this application:

- Site Plan and Elevations, by Ehvert, dated April 26, 2017
- Lighting Plan, by Ehvert, dated December 20, 2018
- Site Servicing and Grading Plan, by Ehvert, dated December 21, 2018

The following submitted reports have been considered for the purpose of this application:

- Civil Servicing Report, 770 Foss Road, Town of Pelham, prepared by Gerrits Engineering, Dated December 2018

Engineering Reports

The following comments shall be addressed to the satisfaction of the Director of Public Works and Utilities.

Civil Servicing Report

1. 770 Foss Road currently has a 2" water service to property line. If water demands deviate from the submitted Civil Servicing Report such as having the sprinklers in the building or servicing the green house structures with municipal water, the water service will need to be upsized and a meter chamber will be required. Additionally, the Town water system will require modelling to determine the effects of the increased demand. Should a new service be required, the developer shall complete all works through a Temporary Works Permit and be responsible for all costs associated with the installation of a new service within Town right-of way, as well as the removal of the 2" service.

Site Servicing and Grading Plan

1. Should the driveway access require widening, any necessary widenings are to be completed under a Temporary Works Permit. Any damage caused to the roadway as part of the project construction is to be repaired by the developer at their expense, to the satisfaction of the Director of Public Works.

Memorandum

Public Works Department - Engineering

To: Shannon Larocque, Senior Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: March 29, 2019

Subject: 770 Foss Road – **Second Submission**

The Public Works Department has reviewed the submitted documentation regarding the proposed development located at 770 Foss Road. Please note the following notes and conditions provided.

The following submitted drawings have been considered for the purpose of this application:

- Site Plan, by Ehvert, dated April 26, 2017
- Site Grading and Servicing Plan, dated March 20, 2019

The following submitted reports have been considered for the purpose of this application:

- Sewage Water Fixtures Before and After Comparison
- Response to Comments from Pelham, Dated March 20, 2019

Engineering Reports

The following comments shall be addressed to the satisfaction of the Director of Public Works and Utilities.

Response to Comments from Pelham

1. The submitted document does not constitute as a Functional Servicing Report. As a connection to municipal sanitary sewer is requested, a Functional Servicing Report outlining all necessary calculations and justification, as well as confirmation of capacity at the sewer is required. Pelham's sanitary sewer system was modelled in 2017 as part of the Inflow and Infiltration study program, and the report indicates significant capacity restraints at the location of the site. The sanitary system will require modelling to determine the effect the site will have on the system. All costs associated with the modelling are to be borne by the developer.
2. The submitted document speaks to a manhole to be installed at property line but isn't indicated on the Site Servicing and Grading Plan.

Site Servicing and Grading Plan

1. Details of the driveway access are required.
2. The forcemain from the site is not permitted to connect directly into the existing upstream manhole. A manhole is required at property line as per Niagara Region comments, and must outlet via gravity flow into the existing sanitary sewer from here.
3. If a municipal water connection is not required, the existing water service to property line is to be removed from the main, with full reinstatement. All associated costs are to be borne by the developer.

From the Department of



Shannon Larocque

From: Belinda Menard
Sent: Thursday, January 24, 2019 1:59 PM
To: Shannon Larocque; Pasquini, Alex; Sarah Mastroianni; Bob Lymburner; Mike Zimmer; Derek Young
Cc: Tolga Aydin; Jason Longhurst
Subject: RE: Request for Comment - Request for Exemption to Interim Control By-law - 770 Foss Road

Hello Shannon,

The building department will require permits for any buildings over 10m², as per the Ontario Building Code. We will require the written approval from the Niagara Peninsula Conservation Authority if applying for building permits and if applicable, the Niagara Region, regarding on-site sewage systems.

Regards,

Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
pelham.ca

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

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From: Shannon Larocque
Sent: Thursday, January 10, 2019 3:53 PM
To: Pasquini, Alex; Sarah Mastroianni; Bob Lymburner; Mike Zimmer; Derek Young
Cc: Tolga Aydin; Jason Longhurst; Belinda Menard
Subject: Request for Comment - Request for Exemption to Interim Control By-law - 770 Foss Road

Good Afternoon,

As most of you are aware, Council passed an interim control by-law on cannabis related uses in October of 2018 for a one year period. We are in receipt of a request for an exemption to the interim control by-law for 770 Foss Road. The material received with the request for exemption has been attached for your information.

Alex and Sarah, the Town does not have a fee or application form for this type of application and so none have been provided. I am assuming that the same goes for the Region and NPCA, but please advise if otherwise.

We are requesting comments from agencies by January 31st, 2019. Please note that no hard copies of plans or drawings are being provided with this application as the submission to the Town consists of only the attached.

If you have any questions or require further information, please feel free to contact me.

Regards,

Shannon

 Pelham NIAGARA <i>Vibrant · Creative · Caring</i>	Shannon Larocque, MCIP, RPP <i>Senior Planner</i> Community Planning & Development	e: slarocque@pelham.ca p: 905.892.2607 x319 pelham.ca	20 Pelham Town P.O. Box 400 Fonthill, ON L0S
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February 8, 2019

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Site Plan Application
Leviathan
770 Ross Road
Town of Pelham

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing CustomerConnectionsContactCentre@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning
ENBRIDGE GAS DISTRIBUTION
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Integrity. Safety. Respect.

Shannon Larocque

From: Bishmita.Parajuli@HydroOne.com
Sent: Thursday, February 14, 2019 2:33 PM
To: Shannon Larocque
Subject: Pelham, 770 Foss Road, 18216

Hello,

We are in receipt of your Application for Consent, 18216 dated February 1, 2019. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select "Service Territory Overlay" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Bishmita Parajuli

University Co-Op Student, Real Estate Department
185 Clegg Road
Markham, ON L6G 1B7

Bishmita.Parajuli@HydroOne.com

www.HydroOne.com

On behalf of,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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