

COMMITTEE REPORT
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
Monday, January 13, 2020

Subject: Site Plan Approval Report – 1010 Canboro Road (SP-09-19)

Recommendation:

THAT Committee receive Report #2020-0005 regarding Site Plan approval of 1010 Canboro Road and:

THAT the Committee recommends the By-law and Site Plan Agreement be approved by Council and the Mayor and Clerk be authorized to sign the Site Plan Agreement with Slappendel Greenhouses Inc.

Background:

The purpose of this report is to provide Council with information regarding an application for site plan control under Section 41 of the Planning Act for 1010 Canboro Road. The proposed site plan will provide for a 1,967 m² greenhouse addition off the south wall of the existing greenhouse.

Analysis:

Location:

The subject lands are 6.4 hectares in size and located on the south side of Canboro Road, lying east of Victoria Avenue (Figure 1), municipally known as 1010 Canboro Road, and legally as Concession 10, Part of Lot 20, in the Town of Pelham.

The lands are located outside of the Urban Area and are designated Specialty Agricultural in the Town Official Plan and zoned Agricultural (A) Zone in Zoning By-law 1186(1987).

Figure 1: Subject Lands – 1010 Canboro Road



The property is owned by Slappendel Greenhouses Inc. which produce tropical and spring bedding plants.

Project Description and Purpose:

The proposal is to enter into a site plan agreement to allow for the construction of a 1,967 m² greenhouse addition south of, and to the rear of the existing greenhouse. The 6.4 ha property also supports outdoor crop farming, a barn and one single detached dwelling. (No works are proposed within the road allowance for roadside ditches, culverts or driveway accesses. The existing driveway will continue to serve the agricultural greenhouse operation and existing dwelling. The existing septic system is situated between the house and existing greenhouse and is not proposed to be altered.

Policy Review:

Planning Act

Section 41 (2) of the Act authorizes the council of a local municipality to designate areas within their jurisdiction under a 'site plan control area'. Policy E1.4 of the Pelham Official Plan and By-law No. 1118 (1987) designates the entire Town as a site plan control area with certain exemptions. All greenhouse facilities in Pelham are no longer exempt from site plan control under By-law No. 4117 (2019) passed by Town Council on May 21, 2019.

Provincial Policy Statement (PPS) (2014)

The PPS designates the subject land within a 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

The proposed greenhouse expansion will serve the Slappendel Greenhouses agricultural operation by increasing and / or diversifying its product yield while ensuring adequate setbacks are maintained from adjacent land uses.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the *Protected Countryside* lands in the Greenbelt Plan.

Policy 5.B.6 states that in the *Unique Agricultural Area*, the predominant use of land will be for agriculture of all types, which includes greenhouse bedding plants.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Specialty Agricultural'. The principle use of Specialty Agricultural lands shall be for the production of specialty crops identified in the Greenbelt Plan.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned Agricultural (A) which permits agricultural uses and greenhouses among other uses. The subject lands comply with the Town Zoning By-law with regards to Sections 7.3.

Financial Considerations:

The applicant is responsible for all development costs associated with the proposed greenhouse expansion in addition to the site plan and building permit fees.

Alternatives Reviewed:

Council may choose to not approve the by-law and enter into a site plan agreement with the Owner.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The proposed expansion to the greenhouse operation supports the agricultural economy and contributes to building a strong agricultural community.

Consultation:

Agency Comments:

On November 15th 2019, a 'Request for Comments' was circulated to the various agencies, the Niagara Region and internal Town departments (i.e. Public Works, Building, etc.).

To date, the following comments have been received and summarized below:

- Public Works Department (November 19, 2019)
 - No comments.
- Building Department (November 20, 2019)
 - A building permit is required for the proposed work.
- Niagara Region Planning & Development Services (December 5, 2019)
 - The subject lands have high archaeological potential based on Ministry of Tourism, Culture and Sport's (MTCS) criteria and the Town's Heritage Master Plan. Based on the Anchor Post Layout Plan, prepared by Westbrook Greenhouse Systems Ltd. (dated 9/30/19), Region staff are of the opinion that the type of construction proposed will not result in deep excavation or disturbance of potential archaeological resources. This is supported by the interpretation of 'extensive and intensive disturbance' provided by the MTCS, which does not include gardening and landscaping, agricultural or historic building footprints. Therefore, provided the greenhouse is constructed using a slab-on-grade style foundation, which does not deeply excavate the Earth beyond the anchor posts, the requirement for an archaeological assessment can be waived in lieu of a standard *archaeological warning clause* in the Site Plan Agreement.
 - No objections re: private sewage servicing as long as no additional plumbing fixtures are installed in the addition. Condition to be included in Site Plan Agreement.
 - No objections to Site Plan approval.

- Enbridge Gas Inc. (December 2, 2019)
 - No objections.

Public Comments:

For Council's information, site plan control is not a public process under the *Planning Act* as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements.

Staff Comments:

The proposal for the business currently known as Slappendel Greenhouses Inc. at 1010 Canboro Road is to enter into a Site Plan Agreement allowing for the construction of a 1,967 m² greenhouse addition south of the existing greenhouse. In the absence of a *cannabis production facility* policy adopted by Town Council, Planning staff are prepared to include a clause in the Site Plan Agreement stipulating that should a future conversion of the aforementioned greenhouse be contemplated, then a Site Plan Amendment will be required.

The existing driveways along Canboro Road will be maintained and continue to serve the farm and residential dwelling. The Region of Niagara is responsible for private sewage systems approvals for systems capable of sewage flows less than 10,000 L / day. According to the Site Plan, one septic system exists on the subject lands for which the Region has no record or permit information noted. Regional staff are satisfied with the setback between the proposed greenhouse and septic system. Any future changes to the existing house or plumbing fixtures would require further upgrade. Otherwise, Regional Private Sewage System staff do not object to the Site Plan Control application.

Planning staff note that the proposed development complies with the Zoning By-law regulations and are of the opinion that no adverse impacts regarding land use compatibility, agricultural viability and drainage issues among other things will arise as a result of this proposal.

Regarding the high archaeological potential in the area, Regional and Town staff were satisfied with the waiving of a standard archaeological assessment in lieu of a warning clause inclusion in the Site Plan Agreement stipulating the need for slab-on-grade style foundation construction, which does not deeply excavate the Earth beyond the limited amount of anchor posts detailed on the Foundation Plan.

Planning staff are of the opinion that the executed site plan agreement will result in the continued support of the agricultural operation known as Slappendel Greenhouses Inc. The applicant has satisfied Town and Regional staff's comments.

Planning staff recommend that Council approve the By-law and enter into a Site Plan Agreement with the land owner as the application is consistent with Provincial, Regional and Town policies, and represents good land use planning.

Other Pertinent Reports/Attachments:

- Appendix A:
 - Site Plan
 - Elevation Plans
 - Foundation Plan
- Appendix B:
 - Agency Comments Consolidated

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