

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

Subject: Site Plan Approval Report – 1361 Maple Street (SP-08-19)

Recommendation:

THAT Committee receive Report #2020-0004 regarding Site Plan approval for 1361 Maple Street and:

THAT Committee recommend the By-law and Site Plan Agreement for 1361 Maple Street 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 1361 Maple Street. The proposed site plan will provide for a 2,508 m² greenhouse addition off the east wall of the existing greenhouse.

Analysis:

Location:

The subject lands are 10.1 hectares in size and located on the east side of Maple Street, lying south of Highway 20 West (Figure 1), municipally known as 1361 Maple Street, and legally as Concession 8, Part of Lot 15, 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 Environmental Protection 3 (EPA 3) and zoned Agricultural (A) Zone in Zoning By-law 1186(1987).

Figure 1: Subject Lands – 1361 Maple Street



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 2,508 m² greenhouse addition east of, and to the rear of the existing greenhouse. The 10.1 ha property also supports polyculture crop farming, various hoop houses, one single detached dwelling and one farm help house among other uses. (No works are proposed within the road allowance for roadside ditches, culverts or driveway accesses. The existing driveways will continue to serve the agricultural greenhouse operation and existing dwellings. The existing septic systems are situated west and southwest of the existing greenhouses and are 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*. In addition, the northeast section of the lands is also designated as a *Natural Heritage System*.

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 northeast quadrant of the subject lands contains a *Provincially Significant Wetland (PSW)* and *Significant Woodlands* complex. The *Protected Countryside* designation contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt region. The Natural System policies protect areas of natural heritage and hydrologic features which are often functionally inter-related and collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators and carbon storage.

Section 3.2.5.5 (Key Natural Heritage Features) states that new *development* or *site alteration* within 120m of a *key natural heritage feature* (i.e. wetlands / woodlands) within the Natural Heritage System, anywhere within the Protected Countryside requires a natural heritage evaluation which identifies a *vegetation protection zone (VPZ)*.

Section 3.2.5.7 (Key Natural Heritage Features) states that notwithstanding section 3.2.5.5, new buildings for *agricultural* uses are not required to undertake a natural heritage evaluation if a minimum 30 metre *VPZ (vegetation protection zone)* is provided from a *key natural heritage feature*. In addition, these uses are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes. However, agricultural uses shall pursue best management practices to protect and/or restore *key natural heritage features* and functions.

According to the proposed Site Plan, ± 55 m separates the nearest extent of the proposed greenhouse to the *Significant Woodlands* and ± 81 m to the *Provincially Significant Wetland*. The applicant has supplied an explanation letter regarding their *VPZ* (see attached). The letter explains how the *VPZ* will remain farm land, be used for the growing of sunflowers and other harvestable crops as in the past. There will

also be a 1-3m weed free border around the proposed greenhouse in accordance with CFIA and USDA regulations which allow Slappendel Greenhouses to ship into certain parts of the United States (Japanese beetle program).

Based on this information, Regional staff and Town staff confirm that no EIS (Environmental Impact Study) or NHE (Natural Heritage Evaluation) is required.

The proposed greenhouse expansion will serve the Slappendel Greenhouses agricultural operation by increasing and / or diversifying its product yield while ensuring adequate setbacks are upheld from sensitive natural heritage features.

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 flowers.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Specialty Agricultural' while the northeast quadrant is designated 'Environmental Protection 3' (EP3) with the *Greenbelt Natural Heritage Overlay*. The EP3 designation relates to the *Provincially Significant Wetland (PSW)* and *Significant Woodlands* complex. The principle use of Specialty Agricultural lands shall be for the production of specialty crops identified in the Greenbelt Plan.

Policy B3.5 (Greenbelt Natural Heritage Overlay) states that the purpose of this designation is to implement the 'Natural Heritage System' provisions of the *Greenbelt Plan*. Development and site alteration may occur within this overlay provided that an EIS is prepared in accordance with Section C7. The proposed development takes place outside of the *Greenbelt Natural Heritage Overlay*, therefore no additional studies are required.

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)
 - Regional staff have reviewed the Site Plan & *Vegetation Protection Zone* explanation letter and are satisfied that Regional & Provincial natural heritage policies have been adequately addressed. No EIS (Environmental Impact Statements) are required.
 - 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.
- Niagara Peninsula Conservation Authority (November 29, 2019)
 - No objections as the expansion is outside of the NPCA's regulated features.
- 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 1361 Maple Street is to enter into a Site Plan Agreement allowing for the construction of a 2,508 m² greenhouse addition east of the existing greenhouse. The proposal is not for a cannabis production facility. 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 be contemplated, then a Site Plan Amendment approved by Council will be required.

The existing driveways along Maple Street will be maintained and continue to serve the farm and residential dwellings. The Region of Niagara is responsible for private sewage systems approvals for systems capable of sewage flows less than 10,000 L / day. Multiple septic systems exist on the subject lands which were inspected by Regional staff and at the time, no visible defects were noted. Regional staff are satisfied with the setbacks between the proposed greenhouse and septic systems. Any future changes to the existing houses 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. Furthermore, the *Vegetative Protection Zone* separating the *Provincially Significant Wetland & Significant Woodlands* from the proposed greenhouse will satisfy Greenbelt Plan policies as the area will continue to be farmed for harvestable crops, alleviating the need for a Natural Heritage Evaluation or Environmental Impact Study in this instance.

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 addressed Town comments and has satisfied Regional staff with respect to the *core natural heritage system*, associated *VPZ* requirements and septic system approvals.

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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