

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

Subject: Site Plan Approval Report – 730 Tice Road (SP-07-19)

Recommendation:

THAT Committee receive Report #2020-0003 regarding Site Plan approval for 730 Tice Road: and

THAT Committee recommend the By-law and Site Plan Agreement for 730 Tice Road be approved by Council and the Mayor and Clerk be authorized to sign the Site Plan Agreement with 1825115 Ontario 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 730 Tice Road. The proposed site plan will provide for the addition of 30,154 m² of greenhouses (in 5 phases), and one agricultural building addition (phase 6) situated northwest of the existing greenhouse with 1,301 m² in floor area.

Analysis:

Location:

The subject lands are 10.12 hectares in size and is located on the south of Tice Road, lying west of Balfour Street (Figure 1), municipally known as 730 Tice Road, and legally as Concession 7, Part of Lot 14, in the Town of Pelham.

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

Figure 1: Subject Lands – 730 Tice Road



The property is part of Greenfield Gardens Inc. land holdings which produce bedding plants, pot mums, poinsettias and hydrangeas among other garden plants.

Project Description and Purpose:

The proposal is to enter into a site plan agreement to allow for the construction of a 30,154 m² greenhouse addition (in 5 phases) south of the existing greenhouse, and one 1,301 m² agricultural building addition northwest of the existing greenhouse (phase 6). No works are proposed within the road allowance for roadside ditches, culverts or driveway accesses. The existing driveway will continue to be used for the agricultural greenhouse operation while existing dwelling will continue to utilize a separate driveway to the east. The current septic bed (2017) is situated northwest of the existing agricultural building 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' within the Greenbelt Plan's *Protected Countryside*. In addition, a narrow portion of land along the rear lot line 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.

South of the subject lands exist a *Provincially Significant Wetland (PSW)* and *Critical Fish Habitat*. 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) within the Natural Heritage System anywhere within the Protected Countryside requires a natural heritage evaluation. As illustrated on the proposed Site Plan, and further described in Regional staff's comments, the cumulative distance between the nearest proposed greenhouse and the existing PSW is at least 137m. Therefore, no EIS / NHE is required.

The proposed greenhouse expansion will serve the Greenfield Gardens 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' with a slight encroachment of the *Greenbelt Natural Heritage Overlay* offset approximately 25m from the rear lot line onto the subject lands. 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 7.2 and 7.3.

Financial Considerations:

The applicant is responsible for all costs associated with the development of the site in addition to the site plan application fees 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 13th 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:

- Public Works Department (November 18, 2019)
 - No comments.
- Building Department (May 28, 2019)
 - A building permit is required for the proposed conversion.

- Niagara Region Planning & Development Services (December 17, 2019; November 28, 2019)
 - See attached.
 - The proposed setback from the *Provincially Significant Wetland* (PSW) and critical fish habitat is at least 137m. Regional staff do not require the completion of an Environmental Impact Statement (EIS). Rather, it is recommended that site alteration for construction purposes be limited as close as possible to the proposed Phase 5 building. Staff also recommend that silt fencing be installed and maintained at the limits of site alteration for the duration of construction to prevent sediment / materials from encroaching off-site.
 - No objections.
- Niagara Peninsula Conservation Authority (December 11, 2019; October 16, 2019)
 - No objections as the expansion is separated from the NPCA regulated features by the existing buildings.
- Enbridge Gas Inc. (November 27, 2019)
 - No objections.
- Hydro One (November 15, 2019)
 - No comments.
- Bell Canada (November 20, 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 Greenfield Gardens Inc. is to enter into a site plan agreement allowing for the construction of a 30,154 m² greenhouse addition (in 5 phases) south of the existing greenhouse, and one 1,301 m² (phase 6) agricultural building addition northwest of the existing greenhouse. This proposal is not for 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 greenhouse be contemplated, then a Site Plan Amendment and approval from Council will be required.

The existing driveway access from Tice will be maintained and continue to serve the farm with the existing dwelling utilizing a separate driveway. The Region of Niagara is responsible for private sewage systems approvals for systems capable of sewage flows less than 10,000 L / day. A septic system was installed and approved in 2017 to serve the greenhouse which contains 2 washrooms. The existing residence on the subject lands is served with a separate septic system. The proposed agricultural

building and greenhouse additions meet the setback requirements for the septic system and there is sufficient land available for future upgrades, as needed.

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.

Planning staff are of the opinion that the executed site plan agreement will result in the continued support of the large-scale agricultural operation known as Greenfield Gardens Inc. The applicant has addressed Town comments and has satisfied Regional staff regarding 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:

Site Plan, Elevation Plans and consolidated comments.

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