

Planning and Development Services

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Via Email Only

October 28, 2020

File No.: D.06.06.CS-20-0047

Ms. Nancy Bozzato, Dipl.M.M., AMCT
Town Clerk/Secretary-Treasurer
Town of Pelham
20 Pelham Town Square, PO Box 400
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

**Re: Revised Provincial and Regional Comments
Consent Application
Town File Nos.: B10/2020P
Owner: Scott Hinan
Agent: Upper Canada Consultants (William Heikoop)
Address: 1012 Cream Street, Pelham
Legal Description: Part of Lot 12, Concession 2, Town of Pelham**

Regional Planning and Development Services staff has reviewed the above-noted consent application, which proposes to convey 2.78 hectares of land (Part 2) to be added to the abutting property to the west (Part 3) for future development. The notice states that Part 1 is to be retained for continued residential use, however residential uses are not currently located on the property, and instead the property contains a barn structure and solar panels.

A preconsultation meeting was held on December 5, 2019, at Town Hall, with staff from the Town, Region and Niagara Peninsula Conservation Authority (NPCA), as well as the Agent and Owner in attendance. Additional correspondence between the Region, Town and Agent occurred in September 2020 regarding the proposed lot boundary adjustment and its proximity to the Regional Core Natural Heritage System (CNHS).

Previous comments (dated October 22, 2020) were submitted by Regional staff, noting that Regional staff were not in support of the proposed lot boundary adjustment due to concerns regarding fragmentation of the Type 2 (Important) Fish Habitat on the subject lands. Regional staff have since been provided with a Technical Memorandum prepared by LCA Environmental Consultants (dated September 17, 2020) from the applicant which, as is discussed further below, addresses this concern.

The following revised Provincial and Regional Comments are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policy

The Provincial Policy Statement (PPS) identifies Parts 2 and 3 as being within a Settlement Area. The policies of the PPS direct growth and development to Settlement Areas to encourage the efficient use of land, resources and infrastructure that is planned or available. The remainder of the subject lands (Part 1) are identified as a Prime Agricultural Area, and more specifically as a Specialty Crop Area, under the PPS. The PPS directs that lands within Prime Agricultural Areas are to be protected for long-term agricultural use, with Specialty Crop Areas being given the highest priority for protection.

The subject lands are within the Protected Countryside of the Greenbelt Plan. Parts 2 and 3 are identified as being within the Towns and Villages designation of the Greenbelt Plan, while Part 1 is identified as being within the Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area designation. Similar to the policies of the PPS, within the Specialty Crop Area designation, lands are to be protected for long-term agricultural use. Lands within the Towns and Villages designation of the Greenbelt Plan are governed by the policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan identifies Part 2 as being within a Designated Greenfield Area, while Part 3 is identified as being within the Delineated Built-Up Area. The Growth Plan specifies that growth and development should be directed to both Delineated Built-Up and Designated Greenfield Areas, in order to achieve the creation of complete communities which prioritize the utilization of planned and/or available infrastructure and public service facilities.

The Regional Official Plan (ROP) identifies Part 1 as being outside the Urban Area Boundary for the Town of Pelham, and designates Part 1 as Unique Agricultural Area. Similar to the policies of the PPS and the Greenbelt Plan, the ROP emphasizes the protection of lands in the Unique Agricultural Area for long-term agricultural use. Both Provincial and Regional policies restrict lot creation in agricultural areas. Lot boundary adjustments are permitted, subject to specific criteria. The PPS permits lot boundary adjustments for legal or technical reasons which do not result in the creation of a new lot. The Greenbelt Plan and ROP permit minor lot adjustments or boundary additions provided these do not create a separate lot for a residential dwelling, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

Conversely, the ROP identifies Parts 2 and 3 as being within the Urban Area Boundary for the Town of Pelham, designating Part 2 as Greenfield Area and Part 3 as Built-Up Area, in alignment with the policies of the Growth Plan. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. Similar to the policies of the PPS and the Growth Plan, the ROP encourages new development to be located

within the Urban Area in order to optimize the use of existing or planned urban serviced land.

In Designated Greenfield Areas, both the Growth Plan and the ROP require new development to be comprehensively planned to achieve the creation of complete communities with a diverse range of housing types and land uses, and to meet a minimum density target of 50 residents and jobs combined per hectare. The Town of Pelham is currently completing the East Fenwick Secondary Plan, which will establish detailed policies for the comprehensive development of the area in accordance with these Provincial and Regional policies. Consideration of these policies will therefore occur as part of any future Planning Act applications on the subject lands.

Regional staff note that the proposed lot line follows the Urban Area Boundary and will not result in the creation of a new lot in the agricultural area. The proposal therefore conforms to Provincial and Regional policies for lot creation in agricultural areas. As the proposed consent application will facilitate future development of the urban portion of the subject lands (Parts 2 and 3), it can also be considered to be in conformity with Provincial and Regional growth management policies for lands within the Urban Area.

Core Natural Heritage

The subject lands contain portions of the Region's Core Natural Heritage System (CNHS), as mapped in the ROP. Specifically, the CNHS mapping on the property consists of Significant Woodland and an Important (Type 2) Fish Habitat.

Regional staff have reviewed the Technical Memorandum prepared by LCA Environmental Consultants (dated September 17, 2020) and agree that, following field investigation, Fish Habitat is not present on Part 2. As such, the boundary adjustment, as proposed, will not further fragment CNHS features, and Regional staff have no concerns with the proposed boundary adjustment.

Although Regional staff have no objection to the proposed boundary adjustment as outlined above, staff note that future development and site alteration requiring Planning Act approval on the subject lands will be subject to the completion of an Environmental Impact Study (EIS), and the Significant Woodland feature may limit the development potential of the subject lands. As such, although not a requirement for this application, Regional staff recommend that an EIS is completed prior to the boundary adjustment in order to fully evaluate the development potential of the subject lands.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.

Archeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject lands exhibit high potential for discovery of archeological resources given their close proximity to two watercourses, one of which runs along the eastern boundary line of Part 1. However, a boundary adjustment is not considered “development” under the PPS or the ROP and no site alteration is proposed as part of the current application; therefore an archeological assessment is not required at this time. Please note that future development and site alteration requiring Planning Act approval on the subject lands will require the completion of an archaeological assessment.

Private Septic System

Regional private septic system inspection staff have reviewed the information submitted with the application. The consent application is proposing to sever Part 2 (2.780 hectares) and merge it with Part 3 for future residential use. Part 3 currently contains a residential dwelling. The additional land would provide usable area for a replacement sewage system (Class 4) in the future.

Part 1 (3.354 hectares) is to be retained for continued residential use. This portion of the subject lands currently contains an accessory building. There is no sewage system located on this portion of the subject lands as the accessory building does not contain plumbing fixtures. The proposed parcel contains enough usable land for the installation of a sewage system in the future.

Therefore, Regional private septic system inspection staff have no objection to the consent application as submitted.

Conclusion

In conclusion, Regional staff have no objection to this consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and conditional on Part 2 merging in title with Part 3. Although not a requirement, Regional staff recommend that an EIS be completed prior to the boundary adjustment to confirm the development potential of the subject lands.

Please send a copy of the staff report and notice of the Committee’s decision on this application.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca, or Britney Fricke, MCIP, RPP, Senior Development Planner at Britney.Fricke@niagararegion.ca.

October 28, 2020

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with the first name "Amy" clearly legible and the last name "Shanks" written in a more stylized, flowing script.

Amy Shanks
Development Planner

cc: Britney Fricke, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region
Curtis Thompson, Planner, Town of Pelham