

Planning and Development Services

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Via Email Only

November 17, 2020

File No.: D.06.06.CS-20-0052

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: Provincial and Regional Comments
Consent Application
Town File No.: B11/2020P
Owner: [REDACTED]
Agent: Upper Canada Consultants (Ethan Laman)
Address: 282 Canboro Road, Pelham
Legal Description: Part of Lot 5, Concession 8, Town of Pelham

Regional Planning and Development Services staff have reviewed the above-noted consent application, which proposes to convey 1,034 square metres of land (Part 3), to be added to the abutting property to the west (Part 2), for continued residential use. Part 1 is to be retained for continued residential use.

A preconsultation meeting for the proposed consent application was held on September 3, 2020, with staff from the Town and Region, as well as the Agent and Owner in attendance.

The following 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 the subject lands as a Prime Agricultural Area, and more specifically as a Specialty Crop Area. 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, and are identified as

being within the Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area designation. The Regional Official Plan (ROP) identifies the subject lands as being outside the Urban Area Boundary for the Town of Pelham, and designates these lands as Unique Agricultural Area. Similar to the policies of the PPS, both the Greenbelt Plan and the ROP emphasize the protection of these lands 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 minor 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.

The application proposes a boundary adjustment to sever Part 3 from Part 1, and merge it with Part 2. Regional staff note that this boundary adjustment will not create a separate lot provided the consent is conditional on the merger of Parts 3 and 2, or fragment a key natural heritage or key hydrologic feature, as discussed further below. Therefore, the proposed consent application conforms to Provincial and Regional policies for lot boundary adjustments in agricultural areas.

Core Natural Heritage

The subject properties are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat along the northwest corner of the properties (see attached map). The southeast portion of the properties are within the Natural Heritage System of the Greenbelt Plan. Consistent with ROP Policy 7.B.1.15, an Environmental Impact Study (EIS) is required in support of any site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The proposed boundary adjustment is greater than 15 m from the watercourse containing Type 2 Fish Habitat. As such, no studies are required and there are no further environmental comments.

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 due to the presence of a watercourse on the property. 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 however that any future development and site alteration on the subject lands requiring *Planning Act* approval will require the completion of an archaeological assessment.

Private Septic System

Regional Private Sewage Systems (PSS) staff have reviewed the application. According to Regional records, the sewage system servicing the dwelling at 282 Canboro Road (Part 1) was installed in 1986, with approval from the Niagara Region Health Services Department. The septic system is located north of the dwelling along the east property line. Soil was disturbed around the tanks at the time of PSS staff’s inspection; however, no visual defects were observed. No records were found for the existing legal non-conforming sewage system servicing the dwelling at 286 Canboro Road. At the time of PSS staff’s inspection, no visual defects were observed.

The proposed consent will not adversely affect the existing sewage system on Part 1 (282 Canboro Road). It should be noted that Part 1 currently supports a residential dwelling and two detached accessory structures. There appears to be usable area at the northwest corner of the property for any future septic system repair or replacement that may be required in the future.

The proposed consent will also not adversely affect the existing sewage system on Part 2 (286 Canboro Road). It should be noted that Part 2 currently supports a small residential dwelling. The addition of Part 3 is beneficial to the property as it provides usable land for any future septic system repair/replacement that may be required for the existing dwelling in the future. However, the replacement system may require tertiary treatment, as the property is uniquely shaped and impacted by environmental features.

Therefore, provided no changes are proposed for either dwelling, PSS staff have no objection to the 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. Subject to the merger, the proposal is consistent with the PPS, and conforms with Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

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

November 17, 2020

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.

Kind regards,



Amy Shanks
Development Planner

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

Appendix: Core Natural Heritage Features Map

Appendix - Core Natural Heritage Features Map

