

Planning and Development Services

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Via Email Only

January 20, 2021

File No.: D.17.06.MV-21-0002

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
Minor Variance Application
Town File No.: A12/2021P
Agent: Todd Barber, Forestgreen Creations Inc.
Address: 414 Welland Road, Pelham
Legal Description: Part of Lot 8, Concession 10, Town of Pelham

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which has been proposed to facilitate the construction of an accessory building to a proposed future dwelling on the subject lands. The applicant is seeking a variance to permit an increase in the maximum accessory building height for this structure.

Regional staff note that a pre-consultation meeting was not held for this proposal and therefore, information was not formally provided to the applicant to ensure alignment with Provincial and Regional policies.

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) designates the subject lands as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area. The PPS specifies that Prime Agricultural Areas are to be protected for long-term agricultural use, with Specialty Crop Areas being given the highest priority for protection. Permitted uses

in a Prime Agricultural Area include agricultural uses, agriculture-related uses, and on-farm diversified uses.

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. Similar to the policies of the PPS, within the Specialty Crop Area designation of the Greenbelt Plan, lands are to be protected for long-term agricultural use.

The Regional Official Plan (ROP) designates the subject lands as being within a Unique Agricultural Area. In addition to agricultural, agriculturally-related, and on-farm diversified uses, within the Unique Agricultural Area designation, the ROP permits single dwellings on existing lots of record, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 16, 2004). Accessory structures and uses are also permitted within this designation, provided that new municipal services are not required, and the use does not expand into a Key Natural Heritage Feature or Key Hydrologic Feature.

The proposed variance is intended to allow for the construction of an accessory building to a proposed single-detached dwelling on the subject property. Town staff should confirm that the zoning in effect on the subject property prior to the Greenbelt Plan permitted a single-detached dwelling. The subject property is privately serviced, and therefore new municipal services will not be required to service the proposed accessory building. Although the proposed accessory building will not expand into a Key Natural Heritage Feature or Key Hydrologic Feature, it will be located in close proximity to these features; therefore, there are environmental considerations that must be satisfied prior to the approval of this application. These environmental considerations are outlined in further detail in the section below.

Core Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish Habitat (see attached map). Regional Environmental Planning staff note that the Significant Woodland feature may be more extensive than is currently mapped. The subject property is within the Provincial Natural Heritage System (PNHS) of the Greenbelt Plan, which identifies these CNHS features as Key Natural Heritage Features and Key Hydrologic Features. Accordingly, the natural heritage policies of the Greenbelt Plan apply to them.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation (NHE) when development (including the construction of buildings and structures requiring approval under the *Planning Act*) and/or site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) is proposed within 120 metres of a Key Natural Heritage Feature and/or Key Hydrologic Feature. Regional policies similarly require the

completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 metres of Significant Woodland and/or within 15 metres of Type 2 (Important) Fish Habitat. Greenbelt Plan policies also require that a minimum 30 metre Vegetation Protection Zone (VPZ) be established with natural self-sustaining vegetation adjacent to any Key Natural Heritage Feature and/or Key Hydrologic Feature. Development and/or site alteration is not permitted within a Key Natural Heritage Feature and/or Key Hydrologic Feature, or its VPZ.

The accessory structure that is the subject of this application, as well as the proposed dwelling, are both located within the VPZ of the Significant Woodland; therefore, the minor variance cannot be supported by Regional Environmental Planning staff based on the information submitted. To conform to Regional and Provincial policy, an EIS is required to determine the extent of the environmental features on the property, and to determine appropriate buffers for these features. Regional Environmental Planning staff note that a minimum 30 metre VPZ will be required from any Key Natural Heritage Features or Key Hydrologic Features identified through the EIS. A Terms of Reference for a scoped EIS should be developed consistent with Policy 7.B.2 of the ROP.

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.

Based on Provincial screening criteria, the subject lands exhibit high potential for discovery of archaeological resources given their proximity (within 300m) to several past and present watercourses, including one which runs along the eastern boundary of the property. The Town of Pelham has an approved Heritage Master Plan, and therefore has jurisdiction on matters related to archaeological resources. Accordingly, Regional staff defer to Town staff on the requirement for an archaeological assessment.

Private Servicing

Regional Private Sewage Systems (PSS) staff have reviewed the minor variance application and have no objections to the proposed development, provided a septic system permit for the proposed dwelling is applied for and obtained. PSS staff note that the septic system design must meet the requirements of the Ontario Building Code, as well as any environmental restrictions on the property.

Conclusion

In conclusion, Regional staff are unable to support the minor variance application from a Provincial or Regional perspective, as the proposed accessory building will be situated within the required minimum 30 metre Vegetated Protection Zone (VPZ) of the

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Significant Woodland (which is identified as a Key Natural Heritage Feature under the Greenbelt Plan) on the subject lands.

In order to support this application, an Environmental Impact Study (EIS) must be completed to the satisfaction of Regional staff which demonstrates that the proposed development will be located outside of any Key Natural Heritage Features or Key Hydrologic Features on the subject lands, as well as any buffers which may be required to protect these features.

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.

Kind regards,



Amy Shanks
Development Planner

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

Appendix: Core Natural Heritage Features Map

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