

March 16, 2021

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Consent Application B15-2021P
1304 Rice Road, Pelham
Part of former Thorold Township Lot 171, now Pelham
Roll No. 2732 030 020 07200

The subject parcel, shown as Parts 2, 3 and 4 on the attached sketch, have a combined area of 2,274.4 m² with Part 4 having a frontage of 56.72 m on the west side of Rice Road (Regional Road 54), lying north of Merritt Road, legally described above, in the Town of Pelham.

Application is made for consent to convey a perpetual easement over Parts 3 – 4, in favour of Part 1 for sanitary and stormwater services and consent to convey a temporary easement over Parts 2 – 3, in favour of Part 1 for temporary driveway access. Parts 2 – 5 will be retained for future residential development

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed consent upholds Provincial interest by making more efficient use of finite urban land by allowing the separate landowners to integrate and share transportation, sanitary and stormwater infrastructure between two individual developments on adjacent lands.

Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

The proposed development seeks to convey a perpetual easement for sanitary and stormwater infrastructure, as well as a temporary vehicle access which help reduce the amount of urban land wasted for individually considered development projects built in isolation. This consent application is an acceptable form of *development* which should not adversely impact the Provincial interests, public health, safety or the quality of the human environment. Planning staff are of the opinion the proposed consent is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

The proposed conveyance will help facilitate the achieve of a *complete community* by providing new residential housing opportunities under different (condominium) ownership, but with the benefit of shared infrastructure. The proposed easement for driveway access is temporary until 1304 Rice Road is built as a separate block townhouse development.

For these reasons, Town Planning staff are of the opinion the proposed development conforms to the Growth Plan.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.5 states *Designated Greenfield Areas* will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth

of the respective *Urban Area*.

- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates the lands as 'EF – Low Density Residential', but was recently amended by Council to 'EF – Medium Density Residential' under By-law No. 4318 (2021) via Official Plan Amendment file OP-AM-02-2020. This approval is currently within the statutory appeal period under the *Planning Act* before it can be declared permanent.

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that closely relate to this development) are:

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;

The proposed consent will help facilitate new residential development to on both Block 38 of Saffron Meadows Phase 2 and 1304 Rice Road. The proposal will also help avoid the wasteful creation of redundant transportation infrastructure and underground services, thus, helping contribute towards the achievement of density targets and a *complete community*.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road;
 - ✓ Unchanged.
- b) Will not cause a traffic hazard;
 - ✓ No issue. The proposed consent actually helps facilitate the transportation connectivity between the properties which is desirable.

- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Unchanged.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The proposed consent will not alter lot lines.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject lands have recently been rezoned from 'A' (Agricultural) to a site-specific 'RM1-300' (Residential Multiple One – 300), and 'OS-273' (Open Space – 273) pursuant to By-law No. 4317 (2021) which amends Schedule 'A5' of the Zoning By-law. The permitted uses within the RM1-300 zone include block townhouse dwellings and the OS-273 zone is for environmental protection, which restricts development broadly.

Agency & Public Comments

On February 10, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (March 3, 2021)
 - No objections.
- Building Department (January 20, 2021)
 - The existing dwelling noted on the Consent Sketch was removed in 2020 as per a closed Demolition Permit.

- Public Works Department (December 18, 2020)
 - See conditions.
 - The applicant will be responsible for all costs associated with the temporary access and reinstatement following completion.

No public comments were received at the time of this writing.

Planning Staff Comments

The subject lands are located on the west side of Rice Road (Regional Road 54), between Walker Road (to the north) & Merritt Road (to the south). The property is surrounded by:

- North – Low / medium density residential uses
- East – Agricultural / rural residential uses
- South – *Provincially Significant Wetland / Significant Woodlands*
- West – *Provincially Significant Wetland / Significant Woodlands*

The subjects lands (Parts 2 – 4) including Part 5 constitute 1304 Rice Road which has recently received Council approval for a Draft Plan of vacant land Condominium, Official Plan Amendment and Zoning By-law Amendment. All three (3) applications are currently within their statutory appeal periods under the *Planning Act* due to lapse on the 15th of March 2021.

The benefitting lands to the north (Part 1), are currently undergoing the technical review for Site Plan Approval, as well as sorting out some minor zoning issues under a Minor Variance application being heard this evening (file A16-2021P). The permanent easement will provide for integrated shared servicing between the two developments proposed on separate land holdings which is more economical and is supported by Town and Regional Public Works staff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The proposal allows for a better connected and highly integrated condominium developments under separate condominium ownership, whereas condominiums tend to be developed as isolated enclaves at the expense of the larger transportation network.

Given this analysis, Planning staff recommend that consent file B15-2021P **be approved** subject to the following conditions:

THAT the applicant

- Confirm no existing services cross the lot lines, to the satisfaction of the Director of Public Works, or designate.

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



Barb Wiens, MCIP, RPP
Director of Community Planning & Development