

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

---

**Via Email Only**

January 25, 2022

File No.: D.06.06.CS-21-0106

Holly Willford  
Town Clerk/Secretary-Treasurer  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Willford:

**Re: Regional and Provincial Comments  
Consent Application  
Town File No.: B4/2022P  
Agent: Peter Drury  
Address: 1620 Haist Street  
Town of Pelham**

---

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted consent application, which proposes to convey 0.117 hectares of land (Part 1), to be added to the abutting property to the north, being 1636 Haist Street (Part 2), for continued residential use. Part 3 is to be retained for future residential use.

A pre-consultation meeting for this proposal was held on September 2, 2021. The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

**Provincial and Regional Policies**

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 use for agriculture, with Specialty Crop Areas being given the highest priority for protection.

The Greenbelt Plan designates the subject lands as within the Niagara Escarpment Plan (NEP) area, where the policies of the NEP apply. The NEP designates the subject lands as Escarpment Natural Area. Under the NEP, the lands are subject to

development control. Niagara Escarpment Commission (NEC) staff will evaluate the proposal relative to the NEP policies to confirm whether it conforms to this plan. The Regional Official Plan (ROP) designates the subject lands as being within a Unique Agricultural Area.

Provincial and Regional policies emphasize the protection of lands within these designations for long-term agricultural use, and recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, Provincial and Regional policies restrict lot creation in these areas. Minor boundary adjustments are permitted, subject to specific criteria. The PPS permits lot adjustments for legal or technical reasons, which includes minor boundary adjustments that do not result in the creation of a new lot. The ROP permits 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. For lands designated Unique Agricultural Area and located within the NEP area, the ROP states that the lot creation policies of the NEP shall prevail unless the policies in the ROP are more restrictive. Regional staff defer further consideration of the proposal's conformity with the NEP policies to NEC staff.

The application proposes a boundary adjustment to sever Part 1 from Part 3, and merge it with Part 2, in order to correct an existing driveway encroachment on Part 1. It will therefore not create a separate lot, or, as detailed below, result in increased fragmentation of a key natural heritage or key hydrologic feature. Accordingly, Regional staff are satisfied that the proposed boundary adjustment conforms to Provincial and Regional policies for lot boundary adjustments in agricultural areas.

## **Core Natural Heritage System**

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with ROP policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 metres of Significant Woodland. The subject lands are also part of the Fonthill Kame Delta Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI).

The proposed boundary adjustment does not constitute "development" or "site alteration", as defined in the PPS or ROP, as it will not result in the creation of a new lot, a change in land use, the construction of buildings and structures requiring approval under the *Planning Act*, or involve activities that will change the landform and natural vegetative characteristics of the site. Further, as the extent of the Significant Woodland and ANSI currently extends across the entirety of the boundary between Parts 1, 2 and 3, and the proposed boundary adjustment will not create a new lot, the proposed boundary adjustment will not result in increased fragmentation of these features. Accordingly, Regional Environmental Planning staff offer no objections to the proposal from a Provincial and Regional environmental policy perspective.

The applicant and owner are advised that any proposed future development and/or alterations of the property (i.e. a future NEC development permit application) may be subject to additional environmental studies, and may be required through these studies to demonstrate no negative impact to the Significant Woodland and/or Earth Science ANSI.

## **Archaeological Potential**

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 the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to several past and present watercourses and a registered archeological assessment. However, a boundary adjustment is not considered "development" under the PPS or ROP, and no site alteration is proposed as part of the current application; therefore an archeological assessment is not required at this time. The applicant and owner are advised that any proposed future development and/or alterations of the property (i.e. a future NEC development permit application) may require the completion of an archaeological assessment.

## **Private Servicing**

At the time of Regional Private Sewage System (PSS) staff's inspection, the septic tanks servicing the existing dwelling at 1636 Haist Street (Part 2) were not exposed. There is no private septic system on 1620 Haist Street (Part 3). Adding land to 1636 Haist Street will have no effect on the existing private sewage system servicing this property. Therefore, Regional PSS staff have no objection to the consent application as submitted.

## **Conclusion**

In conclusion, Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies for lot creation in agricultural areas, subject to the satisfaction of any local considerations, as well as the requirements of Niagara Escarpment Commission staff, and provided that Part 1 is merged in title with Part 2 so that no new lot is created.

Provided this condition is addressed, the proposal is consistent with the Provincial Policy Statement and conforms to Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

January 25, 2022

---

Please send 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](mailto:Amy.Shanks@niagararegion.ca), or Aimee Alderman, MCIP, RPP, Senior Development Planner at [Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca).

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Amy Shanks  
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region  
Ramundo Matteo, Private Sewage System Inspector, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Kenny Ng, Planner, Town of Pelham