

**Planning and Development Services**

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**Via Email**

March 20, 2023

Region File: D.18.06.ZA-23-0023

Shannon Larocque, MCIP, RPP  
Senior Planner  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Larocque

**Re: Regional and Provincial Review Comments  
Zoning By-law Amendment  
Town File: AM-01-2023  
Applicant: Jeffery Ross Miller and Sara Nicole Miller  
Agent: Culture Developments Inc.  
2761 Maple Street  
Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information that was circulated with the Zoning By-law Amendment for the lands located at 2761 Maple Street in the Town of Pelham ("subject property").

The Applicant is proposing to rezone a portion of the subject lands from Hazard (H) to Agriculture (A) with site specific exceptions to allow for the construction of a single detached dwelling on the property. Through site specific regulations the Applicant requests relief from Zoning By-law No. 1136 (1987) to permit a minimum side yard setback for 3.04 metres from the south lot line where a 9 metres side yard setback is required.

A pre-consultation meeting was held for the Application on October 20, 2022 with Town and Regional staff in attendance. The Region recognizes that the Applicant has provided all of the required studies for Region review that were requested at the pre-consultation meeting. Regional staff note that since the pre-consultation meeting, the new *Niagara Official Plan, 2022* (NOP) came into effect on November 4, 2022. As such, the following comments reflect the new NOP policies.

**Provincial and Regional Policies**

According to the *Provincial Policy Statement, 2020* (PPS), the subject property is located within a Prime Agricultural Area, and more specifically within a Specialty Crop

Area. The subject property is designated as Protected Countryside Area within the *Greenbelt Plan, 2017* and Prime Agricultural Area within *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* (Growth Plan). The NOP designates the lands as within the Specialty Crop Area. Provincial and Regional policies protect prime agricultural areas and specialty crop areas for long-term use of agriculture. According to Policy 4.1.2.2, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.

Regional staff note that a portion of the parcel is identified as a Hydrologically Sensitive Area containing a Highly Vulnerable Aquifer (HVA), which is defined as a key hydrologic area. According to Policy 3.1.10 of the NOP, development or site alteration is not permitted in Key Hydrologic Areas unless it can demonstrate that it will not have a negative impact on the quantity and quality of water, hydrologic function, interaction and linkage between key hydrologic areas, natural hydrologic characteristics of a watercourse, natural drainage systems, and flooding or erosion. The NPCA buffer provided in the concept plan appears to be relatively consistent with the coverage of this key hydrologic area, however, a portion of the proposed septic system intercepts with the HVA.

## **Archaeological Resources**

According to Schedule K of the NOP, the subject lands fall within the Area of Archaeological Potential. The Applicant provided a Stage 1 and 2 Archaeological Assessment Report by Archaeological Services Inc., dated November 1, 2022. The assessment concluded that there were no archaeological resources identified on the property and that no further assessment is required. Regional staff is satisfied with the conclusions of the assessment, and requires a copy of the Ministry of Citizenship and Multiculturalism (MCM) acknowledgement letter advising of the entry of the archaeological assessment report in the Provincial registry prior to approval of the amendment, through a Holding provision, or prior to issuance of a building permit. .

## **Core Natural Heritage System**

The subject property is adjacent to portions of the Region's Core Natural Heritage System (CNHS), consisting of Type 1 (Critical) Fish Habitat. Additionally, based on aerial imagery available to the Region, it appeared that there may also be wetlands located on the subject lands. The property is also within the Protected Countryside of the Greenbelt Plan, which identifies watercourses and wetlands as Key Hydrologic Features. Provincial and Regional policies require the completion of an Environmental Impact Study (EIS) to assess potential impacts that may result from the proposed development.

Environmental Planning staff visited the property on January 11<sup>th</sup>, 2023 to confirm the scope of the required EIS. Based on staff observations, what was initially thought to be a potential wetland was instead identified as an upland meadow/shrub community. As such, the only Regionally designated CNHS feature was related to fish habitat

associated with the adjacent Sixteen Mile Creek watercourse. Due to the scope, nature and location of the proposed development, specifically the distance from the development footprint to the adjacent feature, staff were supportive of waiving the EIS in favour of a Landscape Plan.

Staff have reviewed the Restoration Landscape Plan, prepared by Myler Ecological Consulting, dated February 6, 2023, and offer no objection. Staff have reviewed the proposed Zoning By-law Amendment (ZBA) schedule circulated with the application which proposes to keep the entirety of the environmentally sensitive area within a Hazard Zone. Staff offer no objection to the area identified as hazard/conservation, but recommend that a site specific zoning provision or another mechanism be considered to ensure implementation of the Restoration Landscape Plan.

## **Servicing**

Septic design and location are to be in accordance with and satisfactorily addressed through the approved septic permit (Regional File No. PSS-22-0176) for this development.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Garbage: 2 bags/cans per unit collected every-other-week;
- Recycling: weekly blue/grey boxes or carts (unlimited);
- Organics: weekly green bins or carts (unlimited).
- **Curbside Collection Only**

## **Conclusion**

Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment application, as it is consistent with the PPS and conforms to Provincial and Regional policies, subject to receipt of the MCM acknowledgement letter, as noted above. Town staff should be satisfied that any local requirements for the proposal are met.

*March 20, 2023*

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Please contact the undersigned at [Carling.Macdonald@niagararegion.ca](mailto:Carling.Macdonald@niagararegion.ca) should you have any questions related to the above comments. Please send the Notice of Committee's Decision on this Application when available.

Best Regards,



Carling MacDonald  
Development Planner

cc. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Bouden, Senior Environmental Planner, Niagara Region