

Growth Management and Planning Division

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Via Email Only

May 22, 2024

File Number: PLCS202400552

Sarah Leach
Deputy Clerk/Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

To Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number(s): B10-2024P
Applicant/Owner: [REDACTED]
Agent: NPG Planning Solutions Inc. (Aaron Butler)
Location: 572 & 594 River Road, Pelham

Regional Growth Management and Planning Division staff received the application for consent for 572 and 594 River Road in the Town of Pelham (“subject lands”).

The applicant is proposing a consent to convey 244 m² of land (“Part 1”) to be added to the abutting property to the east (“Part 3”) to facilitate the construction of an attached garage. The retained lands at 594 River Road (“Part 2”) will continue to be used for residential purposes.

Staff acknowledge that there are concurrent Minor Variance applications associated with the proposed development (Town File Nos. A11-2024P and A12-2024P). Due to limited Provincial and Regional interest, staff waived their review of these applications.

The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of this application.

Provincial and Regional Policies

The subject lands are located within a Prime Agricultural Area under the *Provincial*

Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), and Niagara Official Plan, 2022 (NOP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected.

The policies of the PPS and NOP restrict lot creation in agricultural areas, and only permit severances for agricultural lots, legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, and infrastructure (subject to specific criteria). NOP Policy 4.1.4.3 requires that all development and uses include sustainable on-site private water supply and private sewage disposal systems.

Staff has reviewed the *Planning Justification Report ("PJR")* prepared by NPG Planning Solutions Inc. (dated April 2024). According to the PJR, the consent is being proposed for *legal or technical reasons*, as permitted by NOP Policy 4.1.6.1(d). Regional policy defers to local municipalities to determine what is considered a "legal or technical reason" for a consent within the Prime Agricultural Area.

It is noted in the PJR that the proposed lot boundary ensures that the existing septic system for 594 River Road is wholly contained on "Part 2" and that the proposed development will not remove any useable area for future replacement of the septic system from the retained lands. For more information, refer to the Private Servicing comments below.

Regional staff is satisfied with the analysis provided in the PJR and finds the proposal to be generally consistent with the PPS and in conformity with Provincial and Regional policies. As such, staff offer no objection to the application provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.

Archaeological Potential

The subject lands fall within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Additionally, the properties are mapped as having archeological potential in the Town's Heritage Master Plan. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Staff has reviewed the *Stage 1-2 Archaeological Assessment* prepared by Detritus Consulting Ltd. (dated February 10, 2024). The archaeological assessment evaluated "Part 1" and "Part 2", as referenced on the consent sketch. No archaeological resources were recovered during the Stage 2 field assessment (conducted on December 21, 2023) and no further archaeological assessment was recommended. Staff request that a copy of the acceptance letter from the Ministry of Citizenship and Multiculturalism be circulated to the Town and Region prior to the issuance of a building permit.

The following archaeological advisory clause is provided for information purposes:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

Natural Heritage

The subject lands are impacted by the Region's Natural Environment System, consisting of the Welland River West Provincially Significant Wetland Complex, Other Woodland, and permanent/intermittent watercourse. The property is also partly mapped as part of the Provincial Natural Heritage System. As such, these features are considered Key Natural Heritage Features and/or Key Hydrologic Features.

NOP policies 3.1.4.8 through 3.1.4.10 discourage or prohibit lot creation or boundary adjustments which fragment natural heritage features and key hydrologic features. Staff acknowledge that the proposed boundary adjustment does not further fragment the features on site, and, therefore, offer no objection to the application from a natural heritage perspective.

Private Servicing

Regional Private Sewage System staff conducted an on-site inspection on October 16, 2023. At the inspection staff noted that the existing septic tank at 572 River Road is located north of the house, and is connected to a legal, non-conforming, in-ground leaching bed located between the house and the Welland River. Based on the sketch prepared by 2 M Architects (dated July 12, 2024), the proposed garage does not encroach on the existing sewage system.

Due to limited area on the site and environmental restrictions from the Welland River, staff note that the future replacement of the sewage system at 594 River Road will require the use of a holding tank rather than a standard in-ground septic bed. Therefore, the removal of land resulting from the proposed boundary adjustment will not impact the replacement sewage system area for 594 River Road.

As such, Regional staff offer no objection to the application from a private servicing perspective.

Conclusion

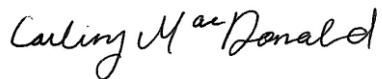
In conclusion, the proposal is generally consistent with the Provincial Policy Statement and does not conflict with Provincial and Regional policies pertaining to consents in

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prime agricultural areas. As such, Regional Growth Management and Planning Division staff offer no objection to the application, provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Yves Scholten, Planning Ecologist, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region