

Growth Strategy and Economic Development

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Via Email Only

July 15, 2024

Regional File Number: PLMV202400764

Sarah Leach, BA
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1C0

Dear Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A17-2024P
Applicant: [REDACTED]
Location: 1311 Effingham Street, Pelham

Regional Growth Strategy and Economic Development staff have reviewed the above noted Minor Variance application for 1311 Effingham Road in Pelham. The applicant is proposing to construct an addition to the garage and main floor of the dwelling.

The following comments are provided from a Provincial and Regional perspective to assist the Town in the review of this application.

Provincial and Regional Policies

The subject property is located within the Prime Agricultural Area under the *Provincial Policy Statement, 2020* (PPS), and more specifically within a Specialty Crop Area. The property is designated Protected Countryside under the *Greenbelt Plan, 2017* (Greenbelt Plan) and Specialty Crop Area under the *Niagara Official Plan, 2022* (NOP). Provincial and Regional policies state that specialty crop areas are to be given the highest priority of protection for long-term agricultural use.

The Greenbelt Plan and NOP state that all existing uses lawfully used for such purpose prior to December 16, 2004 (date that the Greenbelt Plan came into effect) are permitted in specialty crop areas. NOP Policy 4.1.2.1 also states that single detached dwellings and accessory structures are permitted on existing lots of record in specialty crop areas provided they were zoned for such or permitted or permitted through other

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legislation as of December 16, 2004. Further, Policy 4.5(1) in the Greenbelt Plan and Policy 4.1.10.2 in the NOP state that expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Greenbelt Plan are permitted, provided new municipal services are not required and the use does not expand into key natural heritage features or key hydrological features or their associated vegetation protection zones.

Regional environmental planning staff have determined that the proposed development is not expected to have a negative impact on the stream (for additional information see the Natural Heritage section below). As such, staff find the proposal to be in conformity with the above noted policies.

Archaeological Potential

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the NOP. 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.

Regional staff note that the Town of Pelham has a Heritage Master Plan. As such, Town staff should be satisfied that any local archaeological provisions / requirements have been met. Should the Town require an archaeological assessment for the proposed development, staff request that all applicable reports and a Ministry letter of acknowledgement are circulated to the Region.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of a permanent/intermittent stream. The property is also partially mapped as part of the Provincial Natural Heritage System (PNHS). As such, this feature is considered a Key Hydrologic Feature (KHF).

NOP Policy 3.1.5.3 requires the establishment of a 30 metre wide Vegetation Protection Zone (VPZ) adjacent to any permanent/intermittent stream. Development or site alteration is generally not permitted within a KHF or its VPZ. However, NOP Policy 3.1.5.5(g) allows for expansions to existing buildings or structures subject to the demonstration that it does not expand into a KHF, Key Natural Heritage Feature or their VPZ.

Staff note that the proposed addition to the house at the northeast corner is within 30 metres of the stream on the northwest side of the house. However, staff are satisfied that (pursuant to NOP Policy 3.1.5.5(g)) the expansion is limited in scope and is unlikely to have a negative impact on the stream. As such, the application does not conflict with the NOP's NES policies. Please note that future planning applications for development and/or site alteration may require an EIS or similar environmental study.

Regional staff recommend that a Tree Protection Plan be implemented to the Town's satisfaction during construction and that replacement plantings of native trees be considered should tree removals be necessitated.

For future reference if any further development is proposed in the future, NOP Policy 3.1.5.8.1 states that the following applies within the PNHS, regardless of whether the site is in a KNHF, KHF, VPZ or adjacent lands:

- New development or site alteration within a PNHS shall demonstrate that the disturbed area will not exceed 25% of the total developable area, the impervious surface will not exceed 10%, and at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation.

Private Servicing

A sewage system permit was issued for the property in 2001, however, no inspection notes or final use permit was located within the file. At the site inspection, Regional Private Sewage System staff noted that a two-compartment septic tank is located north of the dwelling and appears to gravity feed to a sewage system bed in the front yard. There were no visible defects found with the sewage system at the time of the inspection.

The garage and main floor addition will not encroach onto the existing sewage system and enough usable land remains on the property for installation of a replacement sewage system. Staff note that the main floor addition, which includes living space, bedroom, and fixture units, will add sewage system flows; therefore, a new sewage system is required.

The plans indicate that the proposed addition to the garage will only be used for storage purposes. Please be advised that should any living space, bedrooms or fixture units be added to the garage, the sewage system will need to be upgraded to accommodate these additional flows as well.

Regional staff have no objection to the application from a private servicing perspective provided a new sewage system permit is obtained to accommodate the proposed addition.

Conclusion

The application is consistent with the PPS and conforms to Provincial and Regional policies. As such, Regional Growth Strategy and Economic Development staff offers no objection to the application, provided a new sewage system permit is obtained prior to the issuance of a building permit to accommodate increased flows from the proposed dwelling addition. Staff suggest that a condition to this effect be included in the development agreement between the Owner and the Town of Pelham.

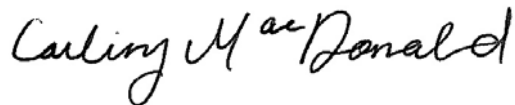
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As noted above, staff recommend that a Tree Protection Plan be implemented to the Town's satisfaction during construction and that replacement plantings of native trees be considered should tree removals be necessitated.

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,

A handwritten signature in black ink that reads "Carling MacDonald". The signature is written in a cursive, flowing style.

Carling MacDonald
Development Planner, Niagara Region

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