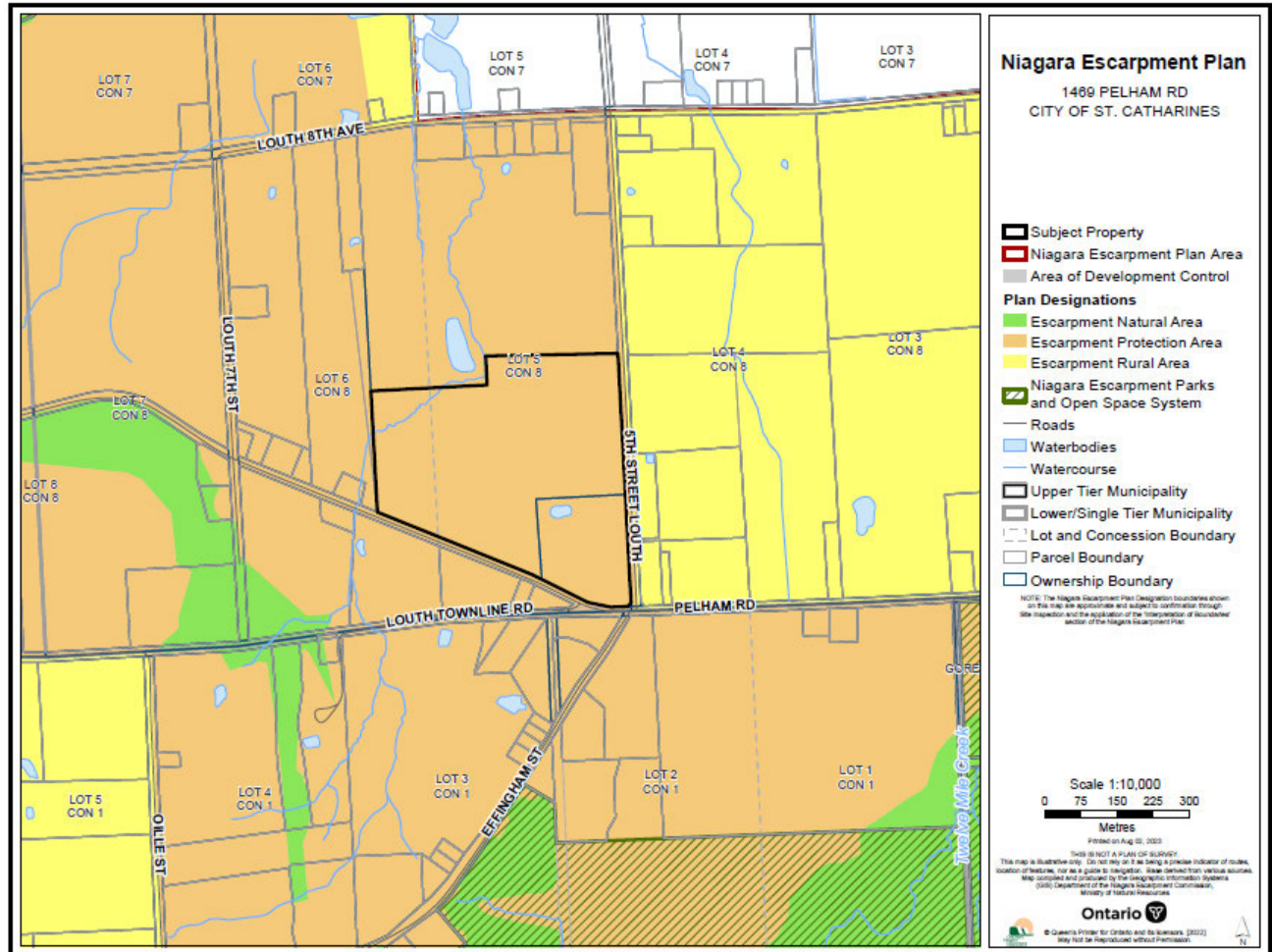


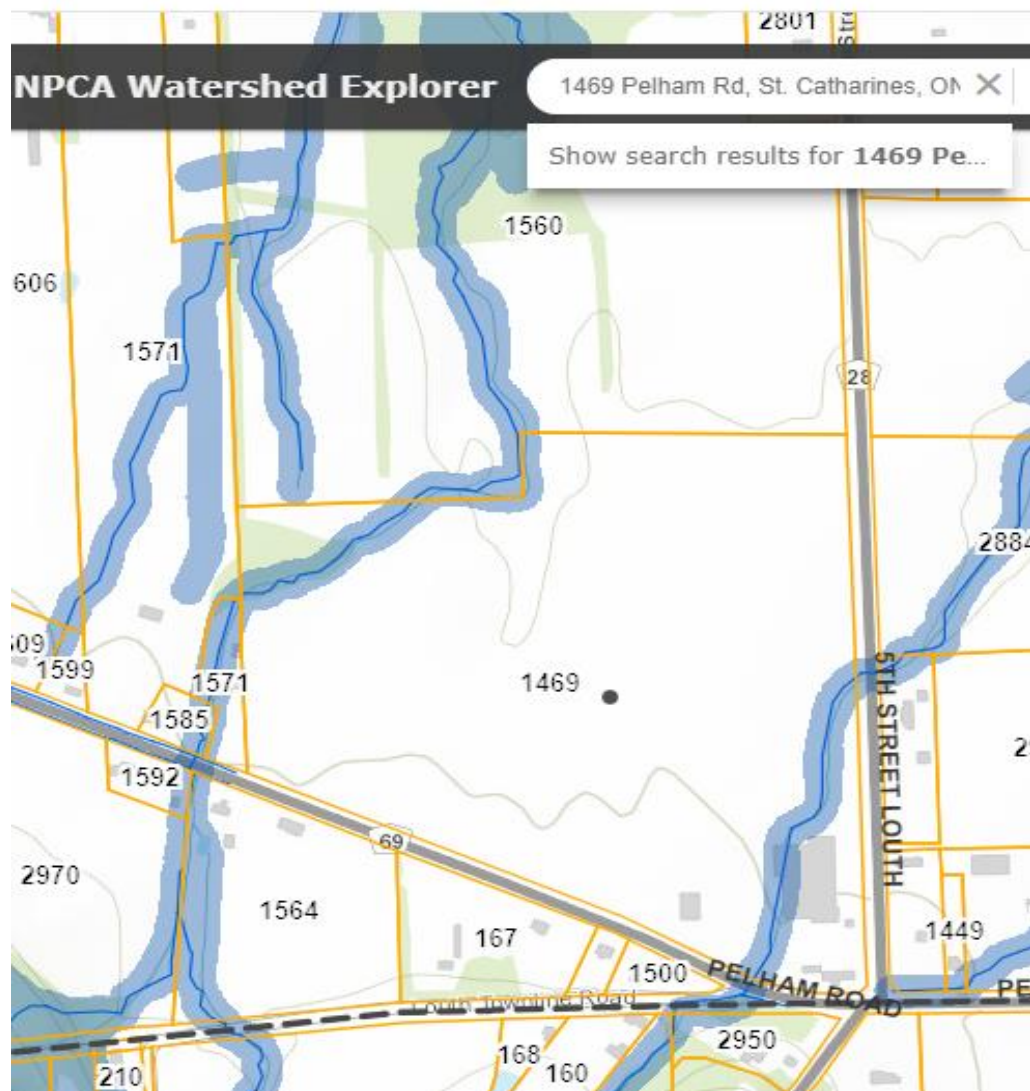
[illegible]

## Appendix 2 – Mapping: Niagara Escarpment Plan



## Appendix 3 – Mapping: Niagara Peninsula Conservation Authority

---



## Appendix 4 – Google Map Captures

---







## **Appendix 5 - Agency Comments**

---

**Agency 1 Region of Niagara**

**Agency 2 City of St. Catharines**

**Agency 3 Niagara Peninsula Conservation Authority**

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

---

**Via Email Only**

October 5, 2023

File: D.09.08.NEC-23-0040

Ms. Cheryl Tansony  
Senior Planner  
Niagara Escapement Commission  
232 Guelph St.  
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**Re: Regional and Provincial Comments  
NEC Development Permit Application  
NEC File: N/C/2023-2024/194  
Applicant/Owner: Henry of Pelham (c/o Matthew Speck)  
1469 Pelham Road  
City of St. Catharines**

---

Regional Growth Strategy and Economic Development staff has reviewed the circulated Niagara Escarpment Commission (“NEC”) Development Permit Application for 1469 Pelham Road in the City of St. Catharines (“subject property”).

The applicant is proposing to change the surface of a 9,290.3 sq m (100,000 sq ft) existing gravel parking area to asphalt, on an existing 20.8 ha (51.39 ac) lot that supports a winery, agricultural uses, and private servicing.

The following comments are provided from a Provincial and Regional perspective to assist the NEC in its consideration of this application.

**Provincial and Regional Policies**

According to the *Provincial Policy Statement, 2020* (“PPS”), the subject property is located within the Prime Agricultural Area, and more specifically within the Specialty Crop Area. Under the *Greenbelt Plan, 2017*, the subject property is identified as NEC Designation Area where the *Niagara Escarpment Plan, 2020* (“NEP”) policies apply. Under the NEP, the subject property is designated as Escarpment Protection Area.

Under the *Niagara Official Plan, 2022* (“NOP”) the property is designated as Specialty Crop Area. NOP Policy 4.1.2.3 permits a full range of agricultural uses, agriculture-related uses and on-farm diversified uses in the specialty crop area. In addition, Policy 4.1.2.2 states that all existing uses lawfully used for such purpose prior to December 16, 2004, are permitted within specialty crop areas.

The proposed application does not conflict with the PPS and conforms to Provincial and Regional plans. As such, the Region offers no objection to the application.

## **Archaeological Resources**

The subject property is located within the mapped Area of Archaeological Potential, as identified in Schedule ‘K’ of the NOP. According to the PPS and NOP Policy 6.4.2.1, development shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved.

NOP Policy 6.4.2.6 requires a Stage 1 Archaeological Assessment prepared by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to support the applications for development or site alteration within areas of archaeological potential. However, given that the new asphalt surface is limited to the area of the existing gravel parking area, and on the understanding that there is no deep disturbance proposed, an archaeological assessment is not warranted.

Regional staff recommends the inclusion of the following standard archaeological clauses in the development permit relating to deeply buried archaeological materials that may be encountered during grading and construction activities, as per the NEC’s standard practice be included in the Development Permit:

*Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (“MCM”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological*



October 5, 2023

---

*resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

## **Natural Environmental System**

The subject property is affected by the Region's Natural Environment System ("NES"), consisting of Other Wetland. The property is within the NEP Area, and as such, this feature is considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Feature ("KHF"). NOP Policy 3.1.8.1 states that development and site alteration within and adjacent to KNHF/KHF in the NEP Area is subject to the policies of the NEP.

Provided that the Commission finds the proposal to be consistent with the environmental policies of the NEP, the Region offers no objection to the application from a natural environmental perspective.

## **Conclusion**

Regional Growth Strategy and Economic Development is satisfied the application is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional plans. As such, staff do not object to the proposed Niagara Escarpment Commission Development Permit Application.

Should you have any questions, please contact the undersigned at [Carling.MacDonald@niagararegion.ca](mailto:Carling.MacDonald@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send notice of the Commission's decision on this application.

Kind regards,



Carling MacDonal  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Yves Scholten, Planning Ecologist, Niagara Region

**May 30, 2024**

## **Technical Report**

**Re: Niagara Escarpment Commission Development Permit Application**

**File No.:** 23 111197 NE

**Submission No.:** N/C/2023-2024/194

**Legal Description:** Part Lot RP 30R10905 Part 2 and Part of Part 1, Concession LOUTH CON 8, PT LOTS 5 and 6

**Municipal Address:** 1469 Pelham Road, City of St. Catharines

**Owner/Applicant:** Henry of Pelham c/o Matthew Speck

### **Proposal**

The applicant has submitted a development permit application to the Niagara Escarpment Commission (NEC) to change the surface of a +/- 9,290.3sq.m. (100,000 sq.ft.) existing gravel parking area to asphalt, on an existing 20.8ha (51.39ac) lot that supports a winery, agricultural uses, and private servicing.

### **Site Analysis**

The subject property is located on the north west corner of Pelham Road and Fifth Street Louth. The property is surrounded by farmland and residential dwellings to the north, east, south, and west.

### **Planning Policies**

#### **Official Plan**

The City's Official Plan (The Garden City Plan) designates the property Agriculture and Natural Area (Schedule D1 and E11). The Agriculture designation permits agricultural uses, and wineries as a secondary use, subject to the policies of the Garden City plan. The Agriculture designation is intended to protect and promote the City's agricultural lands and area for long term sustainable agricultural productions and practices.

The purpose of the Natural Area designation is to promote the long-term sustainability of Natural Hazard Lands and Natural Heritage. The proposal is approximately 200m outside the limits of the Natural Area designation and extent line.

#### **Zoning By-law 2013-283**

The lands are zoned Agriculture (A1) and Conservation/Natural Area (G1). The A1 zone permits Agricultural Farm Related Commercial or Industrial, an Agricultural Farm, a

Detached Dwelling, and other agricultural-related uses. There is no development is proposed within the G1 zone.

While the zoning does not legally apply, staff consider it to be an important tool to guide NEC permit decisions.

## **Planning Considerations**

The proposal to change the surface of a +/- 9,290.3sq.m. (100,000 sq.ft.) existing gravel parking area to asphalt, is not subject to the City's zoning provisions.

The subject land is approximately 20.8 hectares in size, which is sufficient to manage run-off from the proposed paved parking area. The permit application does not request to expand the existing parking area. As such, City staff offer no objection to the proposed development.


However, staff wish to inform the applicant that run-off generated from the paving area may affect operations (i.e. adjacent building foundations and vineyards), and consideration should be made for the grading of the paved area.

Staff also encourage the applicant to consider a reduction to the parking area where possible to maintain the maximum amount of permeable surface area on the property.

## **Recommendation**

That the NEC Permit N/C/2023-2024/194 be approved.

Prepared By:

  
Alexa Cooper, MCIP, RPP  
Planner

Recommended By:

  
Scott Ritchie, MCIP, RPP  
Senior Manager Planning Services

# Agency 3 Niagara Peninsula Conservation Authority

**From:** Meghan Birbeck <mbirbeck@npca.ca>

**Sent:** Thursday, June 13, 2024 11:51 AM

**To:** Alexander, Elizabeth (She/Her) (MNRF) <Elizabeth.Alexander@ontario.ca>

**Cc:** Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>

**Subject:** NPCA comments regarding Niagara Escarpment Commission request for comments for file 24-194, 1469 Pelham Road, St. Catharines

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good afternoon Elizabeth and Kendra,

Thank you for sending the NPCA the NEC material for 1469 Pelham Rd.

Please note that current O. Reg. 41/24 notes that the following works are except from NPCA comments:

- the maintenance or repair of a driveway or private lane that is outside of a wetland or maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered.

The provided materials notes that the following is proposed:

- To change the surface of a  $\pm 9,290.3$  sq m (100,000 sq ft) existing gravel parking area to asphalt, on an existing 20.8 ha (51.39 ac) lot that supports a winery, agricultural uses, and private servicing.

With the provided materials that have been circulated the NPCA has no comments for the NEC file and will not require a review fee.

Best,

Meghan



**Meghan Birbeck (MS)**

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278

[www.npca.ca](http://www.npca.ca)

[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)