

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

February 28, 2024

Region File: D.17.07.MV-23-0118

Taya Taraba
Secretary Treasurer of the Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Ms. Taraba:

**Re: Regional and Provincial Comments
Proposed Minor Variance Application
City File: A01-24-PC
Owners: Ron and Susan Webb
239 Firelane 26
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Minor Variance application for lands municipally known as 239 Firelane 26 in the City of Port Colborne.

The property is designated Rural in the City of Port Colborne Official Plan and zoned Rural Residential in the City Zoning By-law. The applicant is requesting relief from the front yard setback, rear yard setback, interior side yard setback, and lot coverage in order to permit the construction of a detached dwelling.

A pre-submission process was undertaken with the City to determine Regional requirements in advance of the item coming forward to the Committee of Adjustment. The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of the application.

Provincial and Regional Policies

The subject property is within the Rural Lands designation under the *Provincial Policy Statement, 2020* (PPS), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (Growth Plan), and *Niagara Official Plan, 2022* (NOP).

Provincial and Regional policies allow for limited non-agricultural development to be directed to rural lands provided such development does not adversely affect the viability of agricultural uses, is compatible with the rural landscape, protects natural features and areas, and can be sustained by rural services. Chapter 4 of the NOP acknowledges that the rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions.

Regional staff acknowledge that this property is within the rural lands designation in proximity to the Lake Erie shoreline. Subject to the below comments, staff offer no objection to the proposal.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Point Abino Provincially Significant Wetland Complex (PSW), Significant and/or Other Woodland and Other Wetlands. PSW and Other Wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHF's/Significant Woodland and within 50 m of Other Woodland. The EIS must demonstrate that there will be no negative impact on the features or their ecological function.

However, the NOP states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the minor variance is for side and front yard setback relief and is for an expansion of an existing use, staff are satisfied that the proposed development will be minor and not have a negative impact on the NES, and therefore offer no objection to the application, provided that Best Management Practices, including Erosion & Sediment Control (ESC) fencing, are implemented during construction.

Staff encourage the applicants to do their due diligence with respect to their responsibilities under the Endangered Species Act, and the protection of any Species at Risk (and their habitat) which may occur in the vicinity.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted within 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. The subject land is mapped within Schedule K as an area of archaeological potential.

Staff have reviewed additional material provided by the applicant that demonstrates that the existing foundation for the existing cottage will remain. The walls and roof will be removed from the existing structure and helical screws are being utilized for the added area and not a poured footing and foundation. Accordingly, based on the limited disturbance that is anticipated to occur, staff offer no archeological assessment requirements.

February 28, 2024

For the applicant's information, should any resources be uncovered unexpectedly, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (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 resources, the Ministry of Citizenship and Multiculturalism 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.

Private Sewage System

Private Sewage System staff has reviewed the submitted application. Regional records indicate that a sewage system consisting of an inground filter bed with double chamber concrete septic tank (Class 4 system) was installed in 2022 with approval from Niagara Region. The proposal will not encroach on the existing sewage system and does not exceed the capacity of the septic system as installed.

Therefore, based on the information submitted for the minor variance application, staff have no objections to the addition as proposed.

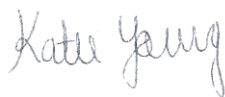
Conclusion

Regional Growth Strategy and Economic Development staff are satisfied that the proposed Minor Variance application is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional policies.

Should you have any questions, please contact the undersigned at Katie.Young@niagararegion.ca.

Please send notice of the Committee's decision on the application when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Yves Scholten, Planning Ecologist
Devon Haluka, Private Sewage System Inspector