



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Planning and Legislative Services

Planning Division Report

April 9, 2024

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

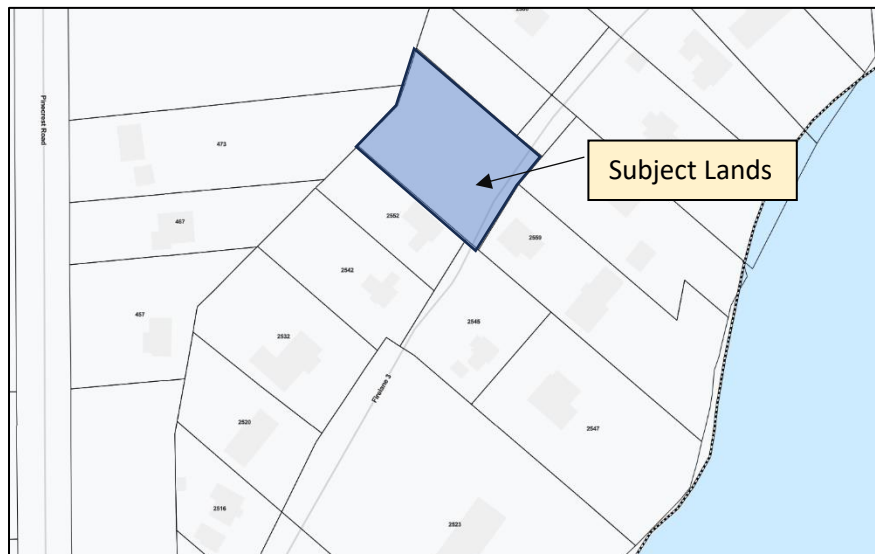
Re: Application for Consent B05-24-PC
VL Firelane 3
Lots 31 to 33 and Lots 57 to 58 Plan 799
Agent: N/A
Owner(s): Peter Smith and Donna Bonato

Proposal:

The purpose of this application is to permit the severance of the parcel on the vacant lot on the northwest side of Firelane 3, for the purpose of creating a new lot. Part 1 (See appendix A) is proposed to have a lot frontage of 18.4m and a lot area of 835m² for future residential use. Part 2 will retain a lot frontage of 23.5m and a lot area of 1018m² for a future residential use.

Surrounding Land Uses and Zoning:

The subject lands are surrounded as Rural Residential (RR) zones to the north, and west and Lakeshore Residential (LR) zones to the south and east. The surrounding uses



consist of single detached dwellings to the north, east, south, and west.

Environmentally Sensitive Areas:

The subject lands are impacted by a Significant Woodland as per Schedule B2 of the Official Plan. Typically, when development is proposed within a Significant Woodland, an Environmental Impact Assessment is required. Under Section 4.1.2.2 of the Official Plan, Staff may reduce the scope/content of the EIS in consultation with the Niagara Region when the impacts of the proposed development are thought to be limited. Staff have consulted with Regional Environmental Planning Staff and have determined that the submission of an EIS was not required for this application for the reasons provided below.

The Significant Woodland is already fragmented by multiple existing lots of record. The proposed severance takes six lots of record and reduces it to two, resulting in less fragmentation of the Significant Woodland. Staff is of the opinion that the application is improving the current condition. Conditions have been added to formally merge the existing lots of record so that the feature may not be further fragmented in the future. The applicant is advised that any future Planning Act applications will likely require an Environmental Impact Study.

Public Comments:

Notice was circulated on March 27th, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of April 9th, 2024, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on March 11th, 2024, to internal staff and agencies. As of April 9th, 2024, the following has been received.

Drainage Superintendent

The parcel is assessed within the Oil Mill Creek Municipal drain report. If the application is approved, a drainage apportionment agreement will be required. This can be completed by the Drainage Superintendent or by an approved drainage engineer at the cost of the applicant. The cost for the drainage superintendent to complete the reapportionment of assessment will be \$118.00. Upon the planning department's receipt of the deposited plan, the plan and the application are to be provided to the Drainage Superintendent to complete the reapportionment. Please allow for 1 week to complete.

Staff Response

Planning Staff have added the apportionment as a condition of the recommendation.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Development Services Supervisor

There are no comments on the proposed application.

NPCA

The NPCA has no objections to the proposed application.

Niagara Region (Full comments in Agenda Package)

Regional Growth Strategy and Economic Development staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies, subject to the conditions included in the Regional comments (attached).

Staff Response

Planning Staff have included the Regions conditions in the recommendation of this report.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Regional Official Plan*, *the City of Port Colborne Official Plan*, and *the City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are designated as 'Rural Lands' according to the PPS. Rural Lands are lands which are located outside of settlement areas and outside prime agricultural areas. Residential development, including lot creation may be permitted on Rural Lands, provided the application is locally appropriate.

Staff is satisfied that the proposed consent application is consistent with the PPS. The application proposes to create a new lot where multiple existing lots of record exist, which staff deems to be locally appropriate for the area.

The Growth Plan also designates the subject lands as "Rural Lands". New multiple lots or units for residential development will be directed to settlement areas, but may also be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permits that type of development.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The lands affected by the proposed application have an approved zoning and designation under the official plan that permits residential units.

The Niagara Official Plan (NOP), identifies the subject lands as “Rural Lands”. The predominant use of Rural Lands will continue to be agriculture, however some non-agricultural development may be permitted. The NOP states that a maximum of three lots may be created within Rural Lands, provided the minimum lot size is one hectare. Smaller lot sizes may be considered if it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long-term operation.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed lots do not exceed the permitted number of three new residential lots and the applicant has submitted a hydrogeological study that shows the smaller lot sizes can adequately accommodate private water and sewage treatment, subject to the applicant implementing the recommendations.

City of Port Colborne Official Plan

The subject property is designated as Rural in the City’s Official Plan (OP). Rural lands are primarily agricultural in nature in addition to existing approved clusters of un-serviced residential development outside of the urban area boundary and outside of the hamlet designation. New residential development created through severance shall only be for the purpose of creating up to three lots between two existing residential buildings provided that each new lot can be adequately serviced by individual sanitary and water services, each new lot complies with the Zoning By-law and Minimum Distance Separation Formulae and each lot is a minimum of one hectare.

Planning Staff are satisfied that the proposed application is consistent with the Official Plan. A Hydrogeological Assessment has been submitted that states that the lots can accommodate individual sanitary and water services and MDS has been determined to not apply as there is no known farm operation in the vicinity of the subject lands. Only one lot is proposed to be created, where three are permitted in the Official Plan and if the concurrent minor variance applications are approved by the Committee, the application will comply with the Zoning By-law. It is noted that Staff have no objections to the proposed variances.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Lakeshore Residential (LR) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 18.4m and a lot area of 835m²

Part 2: A lot frontage of 23.5m and a lot area of 1018m²

The LR zone permits detached dwellings and accessory structures and buildings thereto. The minimum frontage required for a detached dwelling is 30m and 0.4ha of total lot area.

Based on the information above and attached as Appendix A, the proposal indicates that the frontage and lot area have not been met. The applicant has concurrently applied for two minor variances to address these deficiencies. It should be noted that Staff do not have any concerns with these requests

Staff is satisfied that the proposed application has met the requirements of the Zoning By-law, subject to the approval of the subsequent minor variances.

Recommendation:

Given the information above, Planning Staff recommends application B05-24-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
4. That Lot 33 and Part of Lot 32 be merged in title to create Part 2.
5. That Lot 31 and Part of Lot 32 be merged in title to create Part 1.
6. That the owner enter into a Development Agreement to implement the recommendations of the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021)
7. That a Stage 1 and 2 Archaeological Assessments be completed by a licensed professional archaeologist in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. Required archaeological assessments shall be submitted to the Province for review. No demolition, grading or other soil disturbances shall take place on the property until the Province has verified that the required archaeological assessment report(s) have met licensing and resource conservation requirements.
8. That minor variance applications A02-24-PC and A03-24-PC be approved.

9. That all conditions of consent be completed by April 10th, 2026.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,

A handwritten signature in black ink, appearing to read 'C. Roome', with a long horizontal flourish extending to the right.

Chris Roome, MCIP, RPP
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a long horizontal flourish extending to the right.

Denise Landry, MCIP, RPP
Chief Planner

Appendix A

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 500

