

Growth Strategy and Economic Development

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

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Via Email Only

March 25, 2024

Region File: PLCS202400102

Taya Taraba

Planning Technician / 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 Consent Application

City File: B05-24-PC

Applicant/Owners: Donna Bonato and Peter Smith

North Side of Firelane 3

Legal Description: Concession 1, Lots 31, 32, 33, 57, 58, 59 on Plan 799

City of Port Colborne

Regional Growth Strategy and Economic Development staff has reviewed the information circulated with the above noted consent application for lands on the north side of Firelane 3 in the City of Port Colborne. The application proposes to reconfigure the existing 3 lots into 2 lots to allow them to be developed. Part 1 (834.65m²) is proposed for future residential use, and Part 2 (1,018m²) will be retained for future residential use.

A pre-consultation meeting for the proposal was held virtually on November 25, 2021, and Regional comments were provided on the consent application on February 3, 2022. The following comments are provided to assist the Committee in their consideration of the consent application from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject land is located 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 the *Niagara Official Plan, 2022* (NOP).

The PPS and NOP note that the predominant use of rural lands will continue to be agriculture, but some non-agricultural related development permitted. The PPS states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. The NOP notes that within the Rural Lands designation, a maximum of three new lots (in addition to the retained lot) may be permitted for each lot in existence as of June 16, 2006. The minimum size of these lots is to be one hectare, unless 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. Additional comments are provided below relative to hydrologic considerations.

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 of the NOP as an area of archaeological potential.

As noted through the Region's comments (February 3, 2022), Regional staff identified a Stage 1 and 2 Archaeological Assessment as a submission requirement at the time of pre-consultation. The owner requested that this requirement be made a condition of the application. Regional staff noted the risk associated with delaying the study, including that any archaeological resource found on site may need to remain in their location and that the lots lines or building footprints may need to be reconfigured. The owner acknowledged and assumed the risk associated with delaying the study; therefore, Regional staff require that approval of the consent be conditional on the submission of a Stage 1 and 2 Archaeological Assessment as agreed to by the owner, including the Ministry's acknowledgement of the reports being received.

Natural Environment System

This application was reviewed through a pre-con meeting and comments provided Feb. 3, 2022. They form the basis for the following comments:

The subject properties are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Oil Mill Creek Locally Significant Wetland Complex (LSW) and Significant Woodland. The properties are also mapped as part of the Growth Plan Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 meters (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of

LSW/Significant Woodland. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ) (as measured from the outside boundary of a KNHF/KHF) be established as natural, self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ.

Since there are three existing lots of record within the Significant Woodland, and this consent will result in the feature being consolidated to fewer owners, Regional Environmental Planning staff have no objection to the application.

However, the applicant should be aware that if any future Planning Act application is required, Growth Plan policies will heavily constrain development and site alteration, which are not permitted within KNHF or associated VPZ's.

Staff note that NOP policy 3.1.18 protects the status of natural heritage features, including wetlands and woodlands, even if they have been disturbed or removed. Unauthorized removals of such features may necessitate a requirement for restoration. Any tree removal is subject to the Region's Woodland Conservation By-Law. For information on the Region's Woodland Conservation By-Law, please contact Daniel Root, Regional Forester by email at Daniel.Root@niagararegion.ca or by phone at 905-980-600 ext. 3329.

Hydrogeological Assessment and Private Servicing

Private Sewage System staff has reviewed the proposed application. These lots are existing lots of record and the application proposes a larger lot area than what is existing.

The lots (Part 1 and 2) are currently vacant and appear to have enough usable area to allow for the installation of private sewage system meeting Ontario Building Code requirements, however the exact size and location cannot be confirmed until the permit stage.

Regional staff reviewed the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021), submitted prior to the application. The Assessment supports the proposed lots and lot size, subject to certain requirements including:

1. All lots being equipped with sewage systems that provide at least 75% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment;
2. Future sewage disposal systems observe the required Ontario Building Code set-backs from water supplies, as shown on Figure 3 of the Assessment;
3. Future sewage disposal systems observe the required NPCA set-backs from wetlands; and
4. A Development Agreement should be completed indicating water supply will be by cistern(s).

Staff have no objections to the conclusions and recommendations of the report. The exact size and location of the septic systems for the lots will need to be confirmed through the septic permit application/process. The required sewage system permit for Part 1 and Part 2 will need to meet the conditions of the Hydrogeological Assessment and Ontario Building Code. Staff concur with the recommendation for a Development Agreement to ensure these recommendations are maintained through change in ownership of the lots.

Waste Collection

The Region provides curbside waste collection for developments that meet the requirements of the Corporate Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day, and that the following curbside limits are not exceeded:

- Organic: Unlimited Collection of Green Bins (collected weekly);
- Garbage: 2 Garbage Bags/Cans (collected bi-weekly).

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

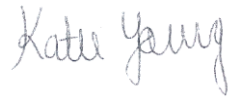
Conclusion

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 following conditions:

1. That Lot 33 and Part of Lot 32 be merged in title to create Part 2;
2. That Lot 31 and Part of Lot 32 be merged in title to create Part 1;
3. 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);
4. 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.

Should you have any questions, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the Committee's decision on the application.

Kind regards,

A handwritten signature in blue ink that reads "Katie Young". The signature is written in a cursive, flowing style.

Katie Young, MCIP, RPP
Senior Development Planner

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