

Growth Strategy and Economic Development

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Via Email Only

May 24, 2024

Region File: MV-23-0042

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: A12-24-PC
Applicant/Owner: Sara Schaeffer
3233 Snider Road
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 3233 Snider Road in the City of Port Colborne.

The applicant is requesting a Minor Variance to facilitate the development of an addition to the existing home on the subject land. The applicant is requesting a 1.52 metres side yard setback whereas the City of Port Colborne Zoning By-law (By-law 6575/30/18) requires 5 metres.

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 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*, and the *Niagara Official Plan, 2022 (NOP)*.

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 states that the

predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted under limited circumstances. The NOP permits expansions to existing buildings and structures within the Rural Lands designation provided new municipal services are not required, the proposal does not expand into key natural heritage features and key hydrologic features (unless there is no alternative and is limited in scope), does not introduce new incompatible uses, and is in accordance with the Minimum Distance Separation Formulae (MDS).

Staff note that the proposal is for an addition to an existing single-detached home on the property. No municipal services are required as the property is on private services (as detailed below). The property is impacted by wetlands that are considered to be key hydrologic features; however, a restoration landscape plan has been provided for the buffer to the satisfaction of Regional staff (as detailed below). The proposed addition will not result in a new incompatible use to the property or area. City staff should be satisfied that MDS is met for the subject property.

Natural Environment System

The property is impacted by the Region's Natural Environment System, consisting of other wetlands and woodland (significant or other). The wetlands are considered Key Hydrologic Features (KHF). NOP policy 3.1.5.7.1 typically requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KHF. However, staff determined in May 2023 that a restoration landscape plan for the buffer would satisfy requirements in lieu of an EIS.

In March 2024, Staff reviewed the Landscape Plan provided by the applicant in response to the Region's request. Staff are satisfied that the Plan meets Regional requirements and offer no objection to the Minor Variance.

Private Sewage System

No record was found for the existing sewage system on the property. The applicant is proposing to decommission the existing septic system and install a new class 4 sewage system to accommodate the existing dwelling with a proposed addition. At the time of inspection, it was noted that the existing septic system is defective. To satisfy the order to comply until this Minor Variance application goes to the Committee of Adjustment, the applicant has been pumping out the septic tank to stop the discharge of effluent to the surface. An application for a new class 4 sewage system has been submitted to Niagara Region and is consistent with this Minor Variance application and meets all Ontario Building Code regulations. The property does contain enough usable area for the installation of a new system.

Therefore, our department has no objections provided the applicant continues to pump out the existing septic tank and installs the new class 4 sewage system in a timely manner once minor variance approval is received and the septic permit issued.

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 acknowledge that the proposed addition is located within an area with an existing garage that is to be removed. Accordingly, given the location of the addition in an area that has previously been disturbed, staff offer no archaeological assessment requirements.

Should any resources be uncovered through construction works, the following warning clause is provided to the applicant for information:

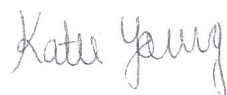
If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

Conclusion

Regional Growth Strategy and Economic Development staff do not object to the proposed Minor Variance application provided the applicant continues to pump out the existing septic tank and installs a new class 4 sewage system in a timely manner, upon receiving Minor Variance approval and a septic permit is issued.

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

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

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