

## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

July 30, 2024

Region File: PLCS202400185

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 Consent Applications  
City File: B10-24-PC  
Owner: Laverick Properties Ltd.  
Agent: Joseph DeFilippis  
2970 Highway 3  
City of Port Colborne**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed consent application for lands municipally known as 2970 Highway 3 in the City of Port Colborne.

The consent application is proposed to sever Part 2 (5,775.82 m<sup>2</sup>) from Part 1 (4,005.99 m<sup>2</sup>) on the submitted sketch to create a new residential lot. Part 1 is proposed to be retained for a future residential use and Part 2 is to be severed for a future residential use.

Pre-consultation meetings were held to discuss variations of the proposal on November 24, 2022, and June 22, 2023, with City and Regional staff in attendance. 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 within the 'Rural Settlement Area' under the *Provincial Policy Statement, 2020* (PPS), designated 'Rural Settlements' within *A Place to Grow: Growth*

*Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan), and designated 'Rural Settlement of Gasline' in the Niagara Official Plan, 2022 (NOP).*

The PPS states that within rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Consideration to rural characteristics, the scale of development, and the provision of appropriate service levels shall be considered when directing development to this area. The Growth Plan similarly notes that growth will be limited in rural settlements and municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.

The NOP builds on the direction of the Provincial plans and notes that a limited amount of development will occur outside of urban areas to achieve the employment and population forecasts in Table 2-1. Rural Settlements are to be the focus of development outside of the urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area. There should be adequate amenities to serve the needs of rural residents, area businesses, and surrounding nearby agricultural community, active transportation infrastructure should be considered, increased resilience to climate change should be considered, and the Region's natural environment system should be protected. Furthermore, rural settlements will be serviced by sustainable private water and wastewater treatment systems.

The proposed severance will create a new lot (Part 2), with Part 1 retained for future residential uses. Staff acknowledge that the intent for Part 2 is for future residential development. The submitted sketch shows a two-storey dwelling proposed on each lot (Part 1 and Part 2). Staff acknowledge that this built-form is consistent with surrounding uses in the area. Staff note the proposal will not impact the Region's Natural Environment System and there are no concerns from a private septic perspective, subject to implementing the recommendations of the submitted Hydrogeological Assessment as discussed below.

## **Hydrogeological Assessment**

Regional staff have reviewed the Revised Hydrogeological Assessment for 2970 Highway 3, prepared by Terra-Dynamics Consulting Inc. (dated June 7, 2024) and support the following recommendations:

- Proposed septic bed locations, and associated dilution areas, as shown on Figure 6 of the June 2024 study, based upon groundwater flowing from northeast to southwest.
- In order to meet the downgradient concentration requirement of 10 mg/L nitrate/nitrogen (MECP, 1996a), the sewage system will be required to have Level IV (or tertiary) treatment for 75% nitrogen reduction, also referred to as N-II treatment.

- An average, not peak, sewage loading rate of 1,000 Litres/day was used for the assessment of one home on each lot containing 3 bedrooms for a total of 6 bedrooms on the combined lots.
- Development agreements should be completed to ensure that cisterns will be used for any new water supplies at the site, if ground water supplies are constructed the following should occur:
  - a water supply assessment as per MECP (1996b) should be completed;
  - the water supply well should be constructed with a minimum of 6 metres of casing; and
  - the well should be located to meet the minimum Ontario Building Code (OBC) set-back and be upgradient from existing and new sewage disposal systems.

## Private Servicing

Part 1 (0.4 hectares) and Part 2 (0.58 hectares) appear to have enough usable area to allow for the installation of private sewage systems meeting OBC requirements. However, the septic systems shown on the site plan are smaller than what would be required by the Ontario Building Code. A Hydro-G was reviewed by our department that supports the development of these lots with the use of 75% nitrogen removal.

Therefore, we have no objections to the application given the proposed sewage systems for Part 1 and Part 2 meet the Hydro-G conditions and OBC requirements when applying for the sewage system permit.

## Site Condition

The PPS and NOP state that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. At the time of pre-consultation, staff noted that based on available aerial imagery that the property previously occupied a school (institutional use), with MPAC records identifying the use as a community hall (community use).

At the time of pre-consultation, staff requested a Phase One Environmental Site Assessment (ESA), completed in accordance with Ontario Regulation (O.Reg.) 153/04 under the *Environmental Protection Act*, to confirm the previous use and the need for filing a Record of Site Condition to the Ministry of the Environment, Conservation and Parks (MECP) Environmental Site Registry.

Staff have reviewed the Phase One ESA, prepared by Hallex Environmental Ltd. (dated November 17, 2021). The Study notes the site was utilized as an institutional building from 1954-55 to present day, with a daycare located in the building most recently. The building has sat vacant for more than 10 years. The Study finds potential designated substances and hazardous materials from the existing building and recommends that a

designated substance and hazardous material survey to identify and quantify potential asbestos-containing material, lead-based paint, and mold within the building structure located on-site prior to any renovation/demolition.

With respect to the need for further work, the Study does not identify any potentially contaminating activities resulting in any on-site areas of potential environmental concern that would warrant further investigation (soil and/or groundwater investigation). Therefore, the Qualified Person does not recommend any additional environmental work and states that the development for residential land use is justified.

The City's Chief Building Official should be satisfied that site condition standards have been met for the property.

## **Archaeological Potential**

The PPS and NOP state that development and site alteration shall not be permitted within 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.

Niagara Region is in receipt of a clearance letter (dated August 4, 2023) from the Ministry of Citizenship and Multiculturalism for a Stage 2 Archaeological Assessment, prepared by WSP (dated July 28, 2023), which recommends no further archaeological work for the study area.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of the discovery of deeply buried archaeological resources, staff provide the following standard archaeological warning clause to the owner should any resources be encountered through construction activities:

*"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**

Growth Strategy and Economic Development staff are satisfied that the proposed consent application is consistent with the Provincial Policy Statement and conforms to Provincial and Regional policies, subject to the owner entering into a development agreement with the City of Port Colborne to implement the recommendations of the Revised Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc.

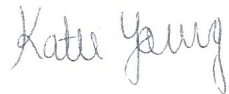
July 30, 2024

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(dated June 7, 2024) to the satisfaction of Niagara Region, for Part 1 and 2, prior to any construction or site alteration.

If you have any questions, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca). Please send a copy of the staff report and the Committee's decision on the application.

Kind regards,



Katie Young, MCIP, RPP  
Senior Development Planner

cc: Susan Dunsmore, P.Eng., Director (A), Infrastructure Planning & Development Engineering  
Phill Lambert, P.Eng., Director (A), Water Wastewater Services  
Devon Haluka, Private Sewage System Inspector