

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

August 30, 2024

Region Files: PLCS202400211
PLCS202400212
PLCS202400213

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 Files: B12-24-PC, B13-24-PC, B14-24-PC
Owner: Whisky Run Golf Club Ltd.
Agent: South Coat Consulting – Steven Rivers
631 Lorraine Road
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed consent applications for lands municipally known as 631 Lorraine Road in the City of Port Colborne.

The application proposes to sever Part 1 (10,136 m²), Part 2 (10,160 m²), and Part 3 (10,285 m²) for future residential purposes and retain Part 4 (32.84 ha).

A pre-consultation meeting was held to discuss the proposal on December 8, 2022, with City and Regional staff in attendance. Another meeting to discuss the proposal was held with the Agent, City, and Regional staff on January 30, 2024. 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 in 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 states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. New land uses, including the creation of lots, shall comply with the minimum distance separation formulae (MDS).

The NOP states the predominant use of rural lands will continue to be agriculture, but some non-agricultural related development is permitted under limited circumstances. A maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006, the minimum size of the proposed and retained lots shall each be 1 hectare (ha), unless it is determined through a hydrogeological study that a smaller lot size is appropriate but not be less than 0.4 ha. Furthermore, the development will be at a scale and density suitable to the physical characteristics of the site, soil and drainage conditions are suitable, the development is consistent with the Region's Natural Environment System, and the development is appropriately separated and protected from incompatible land uses.

Staff acknowledge that the proposal to create three new lots (Parcels 1, 2, and 3) meets NOP policy for lot creation in the Rural Lands designation. The proposed size of the created lots will be 1 ha, with a hydrogeological study completed as the property is located on a Highly Sensitive Aquifer as detailed further below. Generally, within the vicinity there is a mix of residential lots and agricultural parcels, and no incompatible land uses are identified. With respect to the Region's Natural Environment System, staff note that Significant Woodland is the primary constraint and requests that a Restoration Plan be completed for the buffer of the Significant Woodland, as described further below under 'Natural Environment System'. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. Therefore, the Committee should look for confirmation from City staff that the proposed lot creation meets the MDS setbacks.

Private Servicing

A septic permit was issued in 2021 for a Class 4 Sewage System to service the distillery on Parcel 4. At the time of inspection, the distillery is not operational and not producing any wastewater. A septic tank has been installed east of the distillery, but no leaching field constructed.

The retained parcel (Parcel 4) known as 631 Lorraine Road will continue operation of the golf course facilities and is serviced by a Class 4 Sewage System. The septic tanks are located north of the clubhouse and within the patio area. Access to the tank lids have been built into the patio. The location of the filter bed is to the south of the clubhouse within the driving range area. No visible defects were noted at the time of inspection. It was recommended that the distribution box lid be replaced to prevent oversaturation of the septic system due to ground water infiltration as well as to prevent allowing sewer gases to escape.

Parcels 1, 2 and 3 are currently vacant and have at least an acre of enough usable area to allow for the installations of private sewage systems meeting Ontario Building Code (OBC) requirements. The exact size and location of the sewage systems cannot be confirmed until the permit stage as no sewage system designs were submitted for review.

Therefore, provided that no changes are proposed for the existing golf course operation on Parcel 4 and the new Class 4 Seage Systems proposed for Parcels 1, 2, and 3 satisfy the requirements of the OBC when applied for and installed, Regional staff has no objection to the application as submitted.

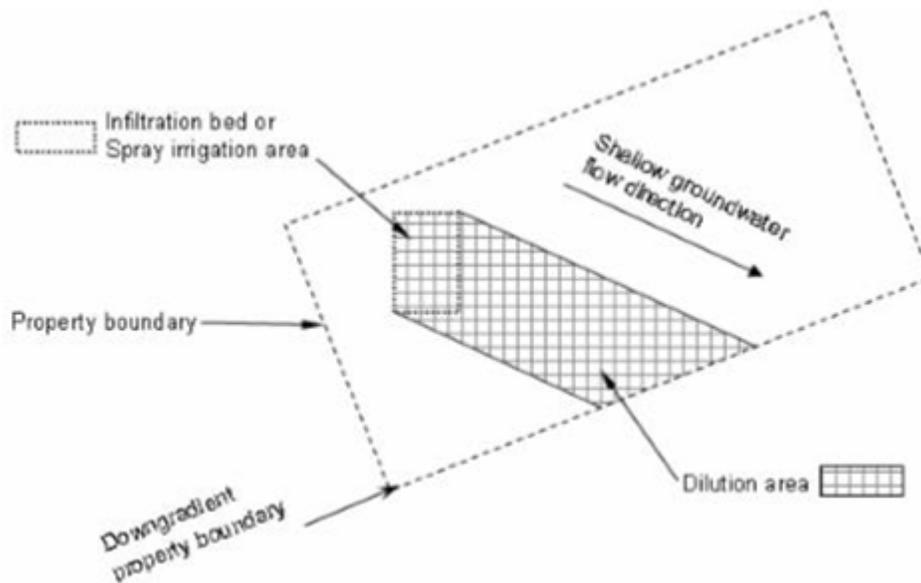
Hydrogeological Study

Regional staff have reviewed the Nitrate Impact Assessment and Water Supply Potential Assessment, prepared by Hydrogeology Consultants Services Inc. (dated July 2, 2024). Since the site is located on a Highly Sensitive Aquifer, the Region will require the system be designed to meet the Ministry of the Environment, Conservation and Parks' 22.5.8 standard.

Based on the report the septic systems will need to include pre-treatment with an effluent level of 5.5 mg/L. There are limited systems that can meet this requirement, therefore future owners are to be advised of this requirement through future purchase and sales agreements.

The created lots (Parcels 1, 2, and 3) will be serviced by cisterns for water supply. Analysis was completed based on a 4-bedroom house with a daily flow of 1,000 l/day.

The report is to be updated with the proposed location of the bed, dilution area and groundwater flow direction as the location of the septic systems will have to be located appropriately to meet the Nitrate concentration requirements at the lot boundaries. (see example below)



Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of provincially significant wetland (PSW), 'other wetlands', 'other woodlands' and a linkage. Wetlands are considered Key Hydrologic Features outside of Settlement Areas. Consistent with NOP policies, an Environmental Impact Study (EIS) is typically required in support of development within and adjacent to the Regional NES to demonstrate that there will be no significant negative impact on the features or their ecological function. Environmental Planning staff visited the property on June 23, 2023, and confirmed that wetlands were not present, and that Significant Woodland was the primary constraint from a natural heritage perspective. Staff supported waiving the EIS requirement in lieu of a Restoration Plan to ensure lands located between the dripline of the woodland and the limit of development (i.e., final location of the new lot lines) were naturalized.

Staff noted that conditions of approval will be recommended when the future consent applications are circulated for regional review and approval. As indicated in previous correspondence with the applicants, a Restoration Plan will be required in support of the consent applications to illustrate the locations of native trees, shrubs and wildflowers within the buffer of the Significant Woodland. An appropriate condition has been included in the attached Appendix.

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.

Niagara Region is in receipt of a clearance letter from the Ministry (dated December 22, 2023) for the submitted Stage 1 Archaeological Assessment, prepared by Irvin Heritage Inc. (dated December 21, 2023).

Staff have reviewed the submitted Stage 2 Archaeological Assessment, prepared by Irvin Heritage Inc. (dated May 24, 2024). Parcels 1, 2 and 3 were investigated through the assessment and the licensed archaeologist notes that there is no further archaeological concern. The archaeologist notes that Parcel 4 retains archaeological potential, and a Stage 2 Archaeological Assessment is recommended in the future for any development or site alteration.

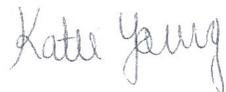
Staff require the Ministry of Citizenship and Multiculturalism's acknowledgement of receiving the Stage 2 Archaeological Assessment and confirming it meets the Standards and Guidelines for Consultant Archaeologists. A condition has been included in the attached Appendix.

Conclusion

Growth Strategy and Economic Development staff are satisfied that the proposed consent applications to create Parcels 1, 2, 3 is consistent with the Provincial Policy Statement and conforms to Provincial and Regional plans, subject to fulfillment of the conditions listed within the attached Appendix.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send the staff report and notice of the Committee's decision on the application when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Susan Dunsmore, P.Eng., Director (A), Infrastructure Planning & Development Engineering
Devon Haluka, Private Sewage System Inspector
Rachel Daniels, Planning Ecologist

Appendix

Regional Recommended Conditions of Consent Approval

631 Lorraine Road, Port Colborne

1. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 2 Archaeological Assessment, prepared by Irvin Heritage Inc. (dated May 24, 2024). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate dense plantings of native trees, shrubs and wildflowers that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA) or a qualified environmental professional.
3. That the Nitrate Impact Assessment and Water Supply Potential Assessment, prepared by Hydrogeology Consultants Services Inc. (dated July 2, 2024) be updated with the proposed location of the bed, dilution area and groundwater flow direction for the location of the septic systems to be located appropriately to meet the nitrate concentration requirements at the lot boundaries.
4. The owner provides a written undertaking stating future purchase and sales agreements will include a clause advising that the septic systems for Parcels 1, 2, and 3 will need to include pre-treatment with an effluent level of 5.5 mg/L.