

Public Works Growth Management and Planning Division

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

Via Email Only

November 26, 2024

Region Files: PLCS202401395, PLCS202401396, PLCS202401397

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: B17-24-PC, B18-24-PC, B19-24-PC
Owner: Hassan Kurabi
Agent: Urban Belief Inc.
4838 Sherkston Road
City of Port Colborne**

Regional Growth Management and Planning staff has reviewed the proposed consent applications for lands municipally known as 4838 Sherkston Road in the City of Port Colborne.

The applicant proposes to sever Part 1 (1.54 acres), Part 2 (1.60 acres), and Part 3 (1.44 acres) on the submitted sketch for the purposes of creating new residential lots, with Part 5 (4.6 acres) to be retained for an existing agricultural use. Part 4 (0.24 acres) is proposed to be established as an access easement for Part 5

A pre-consultation meeting was held to discuss the proposal on September 8, 2022, 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 property has split designation under Provincial and Regional policy. The northern portion of the property is designated 'Prime Agricultural Area' under Provincial and Regional policy. This portion of the property is not subject to the consent applications. The southern portion of the property (subject land) is identified as 'Rural

Settlement Area' under the *Provincial Planning Statement, 2024* (PPS) and designated 'Rural Settlement of Sherkston' within the *Niagara Official Plan, 2022* (NOP).

The PPS identifies that Rural Settlement Areas are to be the focus of growth and development within rural areas. Healthy, integrated, and viable rural areas should be supported by accommodating an appropriate range and mix of housing in rural settlement areas. When directing development in rural settlement areas, planning authorities are to consider locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

The NOP outlines that development in rural settlements should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area; ensure there is adequate amenities to serve the needs of rural residents, area businesses, and the surrounding agricultural community; consider the inclusion of active transportation infrastructure; protect the Region's natural environment system; and encourage reduced energy consumption. Furthermore, rural settlement areas are to be serviced by sustainable private water and wastewater treatment systems in accordance with section 5.2 of the NOP.

Staff observe that the general area consists of single-detached dwellings and the proposed lot fabric will build on the rural character of the surrounding area. The proposal will not impact the Region's Natural Environment System and will be serviced by private services. Please see below comments with respect to 'Private Servicing' and required conditions.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Wetlands and potential Other Woodland. As such, a Constraints Analysis was required in support of the application.

Staff have reviewed the Natural Heritage Constraints Assessment, prepared by Colville Consulting Inc. (dated December 2023). Seasonal field inventories were completed to characterize the potential features on the property. Staff note for information that the terms of reference, assessment of supporting features and areas, linkages, and enhancement areas were not included in the Natural Heritage Constraints Assessment and should generally be included in future EIS submissions. Based on the results of the assessment, the report concludes that there are no NES features on or adjacent to the subject lands.

Staff note that Section 7.0 of the Natural Heritage Constraints Assessment provides the following recommendation, provided below for information purposes only:

- It is recommended that Tree Preservation Plans be prepared as part of future building permit applications to assist with maintaining trees on the properties.

As such, Regional Environmental Planning staff offer no objection to the proposed consent applications.

Hydrogeology

Regional staff have reviewed the submitted Hydrogeological Study, prepared by Terra-Dynamics Consulting Inc. (dated July 12, 2024) and note that the Nitrate- nitrogen concentration calculations were not included. Accordingly, the Hydrogeological Study will need to be updated to include the calculations to determine the location of the septic systems and the type of additional treatment, if required. Staff note this can be managed as a condition to the consent applications.

Private Sewage System

Regional Private Sewage System staff has reviewed the applications. No records were found within our department for the existing sewage system servicing the existing dwelling on Part 1. A two-chamber concrete septic tank was exposed north of the dwelling. The in-ground leaching field was exposed north of the dwelling and was confirmed to not meet the required setbacks to the proposed property line (between Part 1 and Part 2) 4.2m west of the dwelling. The existing septic system is considered legal non-conforming, and the property contains enough useable area for a replacement septic system.

Part 2 and Part 3 are currently vacant. Our department received and reviewed a preliminary septic design for Part 2 that would be mirrored on Part 3. The class 4 sewage system appears to meet Ontario Building Code requirements, and any further details will be handled at the septic permit stage.

Part 5 is to be retained as vacant land.

Based on the consent sketch provided, the proposed property line (between Part 1 and 2) which is 4.2 m west of the existing dwelling does not meet the setbacks required by the Ontario Building Code to the existing septic system on Part 1. Therefore, a new class 4 sewage system must be applied for and installed to be fully contained on Part 1 and meet the required setbacks to the property line 4.2 m west of the dwelling located on Part 1.

Prior to construction of dwellings on Parts 2 and 3, class 4 sewage system permits are to be applied for through our department. Appropriate conditions are included to this effect.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or 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 advise that at the time of pre-consultation (September 8, 2022), the Niagara Official Plan was not in effect at the property did not meet the Province's screening criteria for archaeological potential. Staff highly recommend that an archaeological assessment be completed for the subject land. A recommended condition has been included for consideration in the conclusion of this letter.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste collection provided that the owner brings the waste to the curbside on the designated pick up day, and that the following curbside limits are met:

- Green – no limit (weekly)
- Waste – (2) containers per unit bi-weekly
- Curbside collection only

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

Conclusion

Regional Growth Management and Planning staff do not object to the proposed consent applications based on Provincial and Regional policies, subject to the below conditions being fulfilled:

1. Part 4 merging on title with Part 3;
2. That a new class 4 sewage system is applied for and installed to be fully contained on Part 1 and meet the required setbacks to the property line 4.2m west of the dwelling located on Part 1; and
3. That the Hydrogeological Study, prepared by Terra-Dynamics Consulting Inc. (dated July 12, 2024) include the nitrate-nitrogen calculations to determine the location of the septic systems and the type of additional treatment, if required.

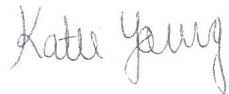
Furthermore, staff highly recommend that a Stage 1 Archaeological Assessment (at minimum) is completed for the subject land as the property is mapped as an area of archaeological potential in Schedule K of the NOP. Staff note this was not previously identified at the time of pre-consultation, as the NOP was not approved and in effect.

PLCS202401395, PLCS202401396, PLCS202401397
November 26, 2024

Prior to construction of dwellings on Parts 2 and 3, the applicant must apply for a class 4 sewage system permit through Niagara Region.

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

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young, MCIP, RPP
Senior Development Planner

cc: Susan Dunsmore, P.Eng., Director (A), Infrastructure Planning & Development Engineering
Lori Karlewicz, Planning Ecologist
Philippe Biba, Development Approvals Technician
Devon Haluka, Private Sewage System Inspector