



PORT COLBORNE

City of Port Colborne

Municipal Offices
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Port Colborne, Ontario
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Development and Government Relations Department

Planning Division Report

February 7, 2025

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

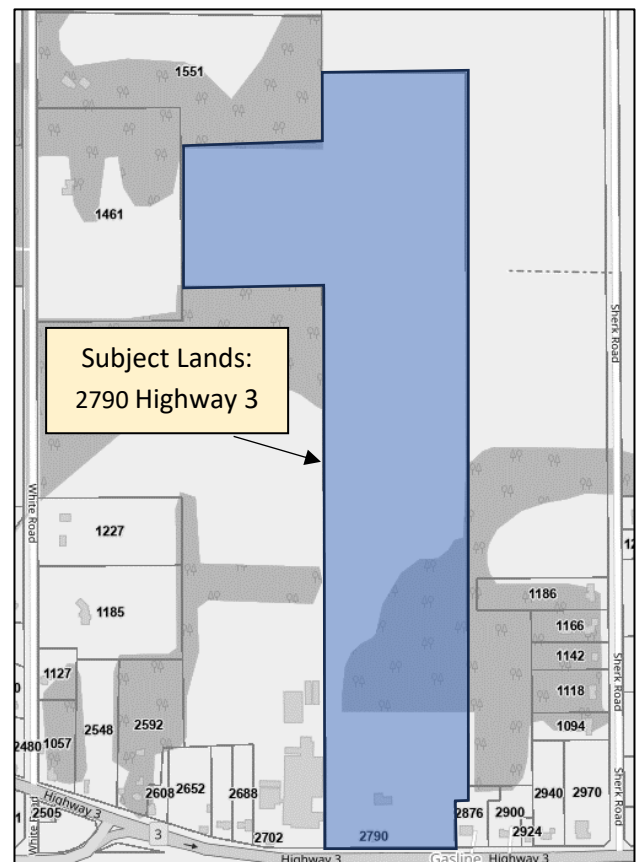
**Re: Application for Consent B03-25-PC
Concession 2, Part of Lots 13 and 14
2790 Highway 3
Agent: Carol Moroziuk
Owner(s): Francis and Paula Sneek**

Proposal

The purpose and effect of this application is to permit the adjustment of the interior lot boundary line between 2790 Highway 3 and 2702 Highway 3. The application proposes to convey Part 1 on the proposed severance sketch attached as Appendix A, having 47.51 metres of frontage along Highway 3 and an area of 8,960 square metres (0.9 hectares), to 2702 Highway 3 for an existing commercial use. Part 2 will retain a lot frontage of 136.79 metres on Highway 3 with a lot area of 25.51 hectares (255,100 square metres) for an existing commercial use.

Surrounding Land Uses and Zoning

The southern portion of the subject lands, which are the subject of this application, are in the Hamlet Commercial (HMC) zone; the northern portion of the lot is zoned Agricultural (A). The parcels surrounding the subject lands are zoned HMC to the west, Hamlet Residential (HR) to the south and east, and A to the north. The surrounding uses consist primarily of residential dwellings to the south and east, a greenhouse to the west, and agricultural operations to the north.



Environmentally Sensitive Areas

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. The subject property also features a Provincially Significant Wetland and a Regulated Floodplain. This application was circulated to the Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) for formal comments. Full comments from each agency are included in the Committee of Adjustment agenda package dated February 7, 2025.

Public Comments

Notice was circulated on January 28, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of February 7, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on January 8, 2025, to internal City departments and external agencies. As of February 7, 2025, the following comments have been received.

Niagara Region

Regional Growth Management and Planning staff offer no objection to the proposed consent (boundary adjustment) application and are satisfied the proposal is consistent with the PPS and conforms to Regional policy.

Note: Full comments are included in the Committee of Adjustment agenda package dated February 7, 2025.

NPCA

The subject location for the proposed boundary adjustment for the purpose of merging two lots does not contain and is not impacted by NPCA Regulated Features. Therefore, the NPCA has no objection to the proposed consent.

Note: Full comments are included in the Committee of Adjustment agenda package dated February 7, 2025.

Drainage Superintendent

The subject parcel is within the Beaver Dam Drain watershed. As such, a drainage apportionment agreement will be required. Once the deposited plan has been provided to the planning department, the applicant will have the option of the apportionment agreement being completed by an approved engineer at the cost of the applicant or having the City Drainage Superintendent complete the agreement. It is recommended that a mutual drain be established if the parcels do not drain independently of one another.

Staff Response

A drainage apportionment agreement has been included as a condition of the severance.

Fire Department

No objections.

Engineering Technologist

No objections.

Discussion

This application was reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

Provincial Planning Statement (PPS)

The subject lands are identified as a Rural Settlement Area in the PPS. Section 2.5.1 of the PPS provides that healthy, integrated and viable rural areas should be supported, in part, by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

Section 2.5.2 provides that rural settlement areas shall be the focus of growth and development. Section 2.5.3 states that, when directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels. Section 2.5.3 also permits growth and development to be directed to rural lands in accordance with policy 2.6.

Section 2.3.1.2 encourages land use patterns within settlement areas to be based on a mix of land uses which efficiently use land and resources and optimize infrastructure. Section 2.6.4 encourages planning authorities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Planning staff are satisfied that the boundary adjustment application is consistent with the PPS. The proposal to adjust the boundaries to support an existing commercial use supports the provincial requirement to direct growth and development to settlement areas, including rural settlement areas. Given that no physical development of the site is proposed, the application maintains the locally appropriate rural characteristics and service levels that have already been established on the subject lands. The boundary adjustment will assist the greenhouse operation at 2702 Highway 3, encouraging an efficient mix of land uses and supporting a diversified rural economy.

Niagara Official Plan (NOP)

The subject lands are within the Rural Settlement of Gasline designation in the NOP. The NOP permits a limited amount of development 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.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. NOP policy 3.1.4.9 states that applications for a lot boundary adjustment shall avoid the fragmentation of Significant Woodlands. The subject land is also mapped within Schedule K as an area of archaeological potential, where development and site alteration are not permitted unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Planning staff are satisfied that the proposed consent application conforms to the NOP. The proposal is to facilitate a boundary adjustment, resulting in no physical development or site alteration. The boundary adjustment is proposed in a location that will not fragment the Significant Woodlands. Archaeological conservation and private servicing requirements have been met as no physical development or site alteration has been proposed as a result of this application.

City of Port Colborne Official Plan (OP)

The subject lands are within the Hamlet designation in the OP. The Hamlet designation permits commercial and special agricultural uses, severances, and intensification. Proposals for the creation of new lots in the Hamlet designation are considered in accordance with the provisions of section 2.4.3 of the Official Plan, which encourages limited intensification and infill in Hamlets, and are also assessed by the policies of section 3.3.4, which provide that sections 3.2.2 and 3.2.4 apply. Section 3.2.4 sets out the requirements for severing a property, while section 3.3.2 outlines the requirements for intensification and infill.

Planning staff are satisfied that the proposal meets the requirements of the OP. An Ontario Land Surveyor sketch has been submitted. The boundary adjustment application has been requested to convey a portion of the property to an adjacent landowner, as supported by section 3.2.4 (d) (i); no new lots are being proposed by this application. If approved, both 2702 and 2790 Highway 3 will maintain their compliance with the Zoning By-law, as required by section 3.3.2 (b) (iii). No Minimum Distance Separation formula was required as the property is within a settlement area.

City of Port Colborne Zoning By-law 6575/30/18

The lands subject to this application are in the Hamlet Commercial (HMC) zone in Zoning By-law 6575/30/18. Planning staff note that the northern portion of the property is in the Agricultural (A) zone, but the lands subject to this application are contained in the HMC portion to the south of the property. The application proposes to leave the following dimensions:

Part 1 (to be added to 2702 Highway 3): A lot frontage of 47.51 metres and a lot area of 8,960 square metres (0.9 hectares).

Part 2 (remanent parcel): A lot frontage 136.79 metres and a lot area of 25.51 hecatres (255,100 square metres).

Planning staff are satisfied that all applicable zoning requirements will be met. The requirements to create a new lot in the HMC zone are 15 metres of lot frontage and 0.5 hectares which have been acheived as a part of this application.

Recommendation:

Given the information above, Planning staff recommend application B03-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That all conditions of consent be completed by February 12, 2027.

For the following reasons:

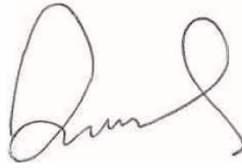
1. The application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



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Planner

Submitted by,



David Schulz, BURPI, MCIP, RPP
Manager of Planning

Appendix A

