

**Public Works Growth Management and Planning Division**

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**Via Email Only**

March 26, 2025

Region File: PLMV202401239

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: A07-25-PC  
Applicant/Owner: Chris Simpson  
3618 Firelane 12  
City of Port Colborne**

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Regional Growth Management and Planning staff has reviewed the proposed Minor Variance application for lands municipally known as 3618 Firelane 12 in the City of Port Colborne.

The applicant proposes to demolish existing buildings located on the property and construct a new dwelling and detached garage. The applicant has requested relief from the City of Port Colborne Zoning By-law 6575/30/18 related to the required side-yard setback and lot coverage provisions to accommodate the dwelling and relief of the required front-yard setback to permit the garage.

**Planning Act Changes**

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region will become an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Niagara Region has not entered into any service level agreement to continue providing planning support and advice to the City of Port Colborne.

Regional staff provide the below comments on the basis that comments were requested by the City before March 31, 2025. As this application is going to the Committee of Adjustment after March 31, 2025, the following planning comments are provided from a Provincial and Regional perspective for information purposes to assist City staff. Please note comments related to private servicing must be addressed in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the City.

## **Provincial and Regional Policies**

The subject land is located within 'Rural Lands' under the *Provincial Planning Statement, 2024* (PPS), and designated 'Rural Lands' in 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 acknowledges that the rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development and that these uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions. Furthermore, the NOP notes that accessory structures and redevelopment of legally existing uses are permitted subject to new municipal services not being required, the proposal not expanding into key natural heritage features and key hydrologic features, the proposal does not result in the intrusion of new incompatible land uses and the proposed use is in accordance with the minimum distance separation (MDS) formulae.

Regional staff acknowledge that the proposal contemplates the demolition of existing buildings on the property in order to construct a new dwelling and garage. The proposal does not propose municipal services as the property is privately serviced. The proposal will not expand into key hydrologic features, as detailed under the natural environmental system comments below. No new incompatible land uses are proposed. City staff should be satisfied that MDS is met for the subject property.

## **Natural Environment System**

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Wetlands, which are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policy 3.1.9.8.1 states that a proposal for new development or site alteration within 120 m of a KHF/natural heritage feature or area will require an Environmental Impact Study (EIS) that identifies a minimum 30 m Vegetation Protection Zone (VPZ), to be established as natural self-sustaining vegetation. Development or site alteration is

generally not permitted within a KHF or its VPZ. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the proposal is for a reconstruction of a dwelling on a similar footprint and for a garage that is located further away from the feature, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that standard Erosion and Sediment Control (ESC) fencing and Best Management Practices are implemented during construction. Staff offer no objection to the minor variance.

## **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 recommend the City considers requiring the completion of a Stage 1-2 Archaeological Assessment (at minimum), prepared by a licensed archaeologist prior to development or site alteration occurring on the property, given the sensitivity of this area from an archaeological potential standpoint. If determined to be required, the assessment must be entered into the Ministry of Citizenship and Multiculturalism's (MCM) Ontario Public Register of Archaeological Reports, with their acknowledgement letter shared to the City of Port Colborne.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MCM through the City of Port Colborne confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

## **Private Servicing**

A septic permit was issued in 1987 by Niagara Region Health Services Department for the inground leaching field. Another septic permit was issued in 2007 by Niagara Region Public Health for a tank replacement on the property with continued use of the inground leaching field. The applicant is proposing to demolish the existing dwelling, decommission the existing septic system and install a new class 4 sewage system to accommodate the proposed dwelling.

The existing septic system consisting of a septic tank connected to an inground leaching field is located north of the dwelling. The applicant has applied for a septic permit for a class 4 sewage system to service the proposed dwelling containing two bedrooms, 16.5 fixture units and 194m<sup>2</sup> of living space. A top of slope analysis was conducted, and an inspection occurred with the proposed dwelling and septic system

marked out at the time of Regional inspection to confirm that the new class 4 sewage system would fit between the stable top of bank and the proposed dwelling while also meeting all the setbacks required by the Ontario Building Code.

The floor plans and site plan are consistent with what was reviewed for the septic permit application.

Therefore, Regional Private Sewage System staff has no objections to the minor variance as submitted given that the location of the dwelling and the floor plans are consistent with what was reviewed for the septic permit application. The septic permit will be issued once the minor variance application has been approved.

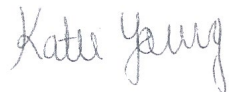
## Conclusion

Regional Growth Management and Planning staff offer no objection to the proposed Minor Variance application, provided the above Provincial and Regional policies, Archaeological Potential, and Natural Environment System comments are addressed by City staff.

Please send notice of the staff report and Committee's decision on the application so Regional Private Sewage System staff can proceed accordingly with the septic permit application.

Should you have any questions regarding the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca).

Kind regards,



Katie Young, MCIP, RPP  
Senior Development Planner

cc: Devon Haluka, Private Sewage System Inspector  
Lori Karlewicz, Planning Ecologist