

Planning and Development Services

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Via Email Only

April 19, 2021

File No.: D.18.07.ZA-21-0034

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Provincial and Regional Comments
Zoning By-law Amendment Application
Owner/Applicant: Grandstone Living Inc. (Marc Vaillancourt)
Location: Vacant Lot on North Side of Neff Street, City of Port Colborne
Legal Description: Part of Lots 2 & 4, Plan 762 & Parts 1-3, Plan 59R-16500
City File No.: D14-08-21**

Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment, which proposes to add the Fourth Density Residential (R4) zoning to the property, which is currently not zoned. Due to the irregular shape of the lot, special provisions are being sought to reduce the front yard setback from 9m to 7m and reduce the rear yard setback from 6m to 3m. The Zoning By-law Amendment is being sought to permit the construction of a multi-unit residential building.

A virtual pre-consultation meeting was held on February 11, 2021. The application was received by Regional staff by email on March 30, 2021, and fees were received March 31, 2021. Regional staff provides the following comments to assist the City in their consideration of the application from a Provincial and Regional perspective.

Provincial and Regional Growth Management Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure and public service facilities. The Growth Plan contains policies that encourage the development of

complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. Growth management policies state that until the Region completes the municipal comprehensive review and it is approved and in effect, the annual minimum intensification target contained in the Regional Official Plan (ROP) for the Delineated Built-Up Area (40% for the Region, 15% for Port Colborne) will continue to apply. The proposal satisfies the intent of Provincial policies by making more efficient use of a vacant parcel within the Delineated Built-Up Area, contributing to the City's intensification target and providing additional housing in the neighbourhood.

The subject lands are designated Urban Area (Built-Up Area) in the ROP. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies (i.e. urban design, compatibility, environmental conservation, etc.).

Environmental Site Assessment

As conveyed at the pre-consultation meeting, the last use of the property is unclear based on aerial imagery, and MPAC data indicates the property use as "vacant industrial". A Phase 1 Environmental Site Assessment was identified as a requirement during preconsultation, to confirm the last use. A sensitive use is proposed, as categorized under the Environmental Protection Act; therefore, if the property was last used for commercial/industrial/community use, a Record of Site Condition (RSC) must be filed on the Ministry of Environment, Conservation and Parks (MECP) Brownfields Environmental Site Registry in accordance with the *Environmental Protection Act* as amended.

PPS Policy 3.2.2 states 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." The PPS defines "adverse effects" to include harm or material discomfort to any person, an adverse effect on the health of any person, and/or impairment of the safety of any person.

In this regard, a Phase One Environmental Site Assessment (ESA), prepared by Hallex Environmental Ltd. (dated March 10, 2021) was submitted with the application. The ESA identified two on-site Areas of Potential Environmental Concern (APEC) related to fill material (contaminants of potential concern are metals, PHCs¹, PAHs², BTEX³, EC/SAR/pH⁴) and the rail line along the east property line (contaminants of potential

¹ PHC= Petroleum Hydrocarbons

² PAH= Polycyclic Aromatic Hydrocarbons

³ BTEX= Benzene, Toluene, Ethylbenzene, Xylene

⁴ EC/SAR= Electrical Conductivity/Specific Absorption Rate

concern are metals, PHCs, BTEX, PAHs). The ESA recommended a limited Phase Two ESA to identify the potential impact of the APECs on the site's soil

In order to address the requirement to protect human health under the PPS and ensure the decision conforms to Provincial Plans as required by the *Planning Act*, Regional staff request that a Holding provision be added to the amending Zoning By-law to require the submission of the Phase 2 ESA, prepared by a Qualified Professional, in accordance with the requirements of the *Environmental Protection Act*. Use of a Holding provision will allow time to complete the Phase 2 ESA, and any remediation/filing a RSC if levels of contamination are found to be above the applicable Site Condition Standards.

Noise

The subject lands are adjacent to a Trillium rail line. The Provincial Policy Statement (PPS) calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses and major facilities (including transportation corridors) are to be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...” (Policy 1.2.6.1). To implement these policies, the Ministry of Environment, Conservation and Parks (MECP) Noise Guidelines (NPC-300) and the Federation of Canadian Municipalities/Railway Association of Canada’s “Guidelines for New Development in Proximity to Railway Operations” (May 2013) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the preconsultation meeting, Regional staff identified the requirement for a noise and vibration study due to proximity to the rail line to the east of the proposed development. Since that time, the applicant has been in contact with Trillium/Gio Railways, who have provided current traffic volumes for this rail line. Based on this being a spur line, the low volume (2 daytime trains and 0 night time trains, with no growth of volume anticipated) and speed (maximum 10mph) of rail cars at this location, the rail line is of the opinion that a noise and vibration study is not necessary at this location. Regional staff concur with this position, and have no further concerns relative to noise and vibration for this development.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. Regional staff note the proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick-up day, that the containers are clearly marked to identify ownership and that the following limits are not exceeded:

- No limit blue/grey boxes- weekly collection;
- No limit green bins- weekly collection; and,
- 2 Garbage bags/cans per unit- every-other-week collection.

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Conclusion

In conclusion, Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective, subject to the inclusion of a Holding provision in the amending Zoning By-law to require submission of a Phase 2 Environmental Site Assessment, prepared by a Qualified Professional in accordance with the requirements of the *Environmental Protection Act*. The Holding provision can be removed subject to submission of the Phase 2 ESA, and completion of any remediation/filing of a Record of Site Condition if levels of contamination are found to be above the applicable Site Condition Standards.

Should you have any questions related to the above comments, please feel free to contact me by email at Britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

Kind regards,



Britney Fricke, MCIP, RPP
Senior Development Planner

cc: Rob Alguire, CET, Development Approvals Technician, Niagara Region

David Schulz

From: Fricke, Britney <Britney.Fricke@niagararegion.ca>
Sent: May 25, 2021 9:14 AM
To: David Schulz
Subject: RE: 1 Neff St. Phase 2 - City file D14-08-21

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Dave,

I'm satisfied with the Phase 2 ESA. A Record of Site Condition does not need to be filed because there is no change of use (i.e. the property was last used for residential use) and the Phase 2 ESA confirms the site meets the applicable Site Conditions Standards.

No Holding provision is required by the Region.

Thanks,

Britney Fricke, MCIP, RPP (she/her)
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Regional Municipality of Niagara
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