

**City of Port Colborne
Public Meeting Agenda**

Date: Tuesday, April 2, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Disclosures of Interest**
- 4. Statutory Public Meetings**

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act. Due to COVID-19 this meeting will be conducted virtually. Requests to delegate, both written and appearing virtually, will be accepted until noon the day of the meeting by contacting deputyclerk@portcolborne.ca. Material accepted after this time will be circulated with the minutes and included as public record.

- 4.1 Public Meeting Report for Zoning By-law and Official Plan Amendment at 631 Lorraine Road – File No. D14-02-24 and D09-01-24, 2024-81**

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- 5. Procedural Motions**
- 6. Information Items**
- 7. Adjournment**



Subject: Public Meeting Report for Zoning By-law and Official Plan Amendment at 631 Lorraine Road – File No. D14-02-24 and D09-01-24

To: Council

From: Development and Legislative Services Department

Report Number: 2024-81

Meeting Date: April 2, 2024

Recommendation:

That Planning and Development Report 2024-81 be received for information.

Purpose:

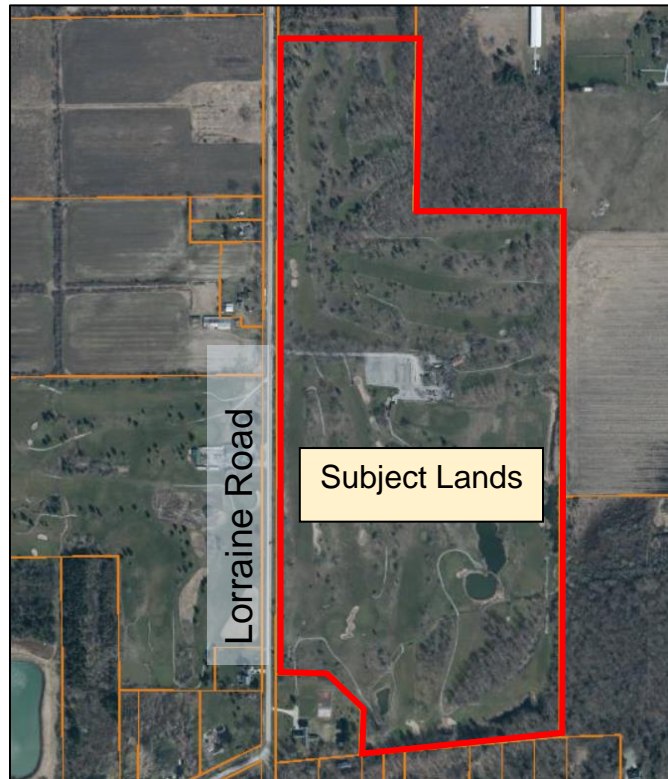
The purpose of this report is to provide information regarding applications for a Zoning By-law and Official Plan Amendment submitted by Steven Rivers of South Coast Consulting on behalf of the owner Whisky Run Golf Course Ltd for the lands known as Part of Lot 20, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 631 Lorraine Road.

Background:

Applications for a Zoning By-law and Official Plan Amendment were submitted on February 1, 2024, and deemed complete on March 7, 2024.

The application for Official Plan Amendment is being requested to redesignate the lands from Agricultural to Rural to permit the severance of 3 lots for residential purposes. The lots are proposed to contain one single detached dwelling per lot.

The application for Zoning By-law Amendment proposes to change the zoning of the proposed residential lots from a special provision of the Agricultural Zone (A-11) to Rural Residential (RR). The zoning of the retained lot is proposed to be changed from A-11 to a special provision of the Rural zone (RU-XX). The proposed special provision will be the same as the existing special provision in the A-11 zone and will state, in addition to the uses permitted in the Rural (RU) zone, this land may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. The proposal is being requested to permit the severance of 3 residential lots containing one detached dwelling each and to maintain consistency with the proposed Official Plan Amendment.



Internal Consultations:

The application was circulated internally to applicable departments and agencies on March 13, 2024, and as of the date of this report, no formal comments have been received. Comments submitted by internal departments and outside agencies will be included when a recommendation is brought back to Council.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre (393.7-foot) radius of the subject lands as of March 13, 2024. As of the date of preparing this report, no comments from the public have been received.

Discussion:

These applications will be reviewed with consideration of applicable policies in the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Official Plan (2022), the City of Port Colborne Official Plan and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “rural area” according to the PPS. According to the PPS, rural areas are important to the economic success of the province and urban areas and rural areas are interdependent in terms of markets, resources, and amenities. The PPS directs development in the rural area to be reviewed against Sections 1, 2 and 3 of the PPS.

The Growth Plan primarily focuses on directing development to designated settlement areas. However, development may be allowed in rural areas if they have the necessary Zoning and Official Plan designations. The subject parcel is located within a rural area, and as such, will be assessed against Section 2.2.9 of the Growth Plan.

The Niagara Official Plan (NOP) also designates the subject lands as “Rural Lands”. The predominant use of Rural Lands in the NOP is for agriculture, but some non-agricultural related development may be permitted including limited residential development. When a recommendation returns to Council, Sections 4.1.8 and 4.1.9 of the NOP will be used to assess the proposal.

City of Port Colborne Official Plan

According to Schedule F: City Wide Land Use, the City of Port Colborne Official Plan (OP) designates the subject property as Agricultural. Staff notes that, due to recent Provincial changes, the designation of the lands has been changed from Agricultural to Rural under the PPS, Growth Plan and NOP, however the City of Port Colborne has not updated its Official Plan to conform with the aforementioned plans. As the applicant is requesting a Rural designation for the subject lands, Staff will assess the application using Section 3.4 of the OP, when a recommendation is brought to Council.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject lands as a special provision of the Agricultural zone (A-11). The special provision states that, in addition to the uses permitted in the Agricultural zone, these lands may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. Much like the requested Official Plan designation, the rezoning is being requested to conform to the PPS, Growth Plan, NOP, and proposed OP designations.

The applicant is requesting two separate zoning regulations for the subject lands. The lands identified as Parcels 1, 2 and 3 on the attached sketch are proposed to be

rezoned to Rural Residential (RR), to facilitate the future development of single detached dwellings. The RR zone requires 45 m of lot frontage and 0.4 ha of lot area and as such, no special provisions are requested as Parcels 1, 2 and 3 all exceed these requirements. When the application returns to Council, Staff will assess the proposal using Section 10 of the Zoning By-law.

The applicant is requesting that Parcel 4 in the attached sketch be rezoned to a special provision of the Rural (RU) zone. The special provision will contain the same wording as the current special provision to permit the continued use of the existing golf course. The RU zone requires 30 m of lot frontage and 0.4 ha of lot area which are proposed to be exceeded and therefore require no further special provisions. When the application returns to Council, Staff will assess the proposal using Section 15 of the Zoning By-law.

Adjacent Zoning and Land Use

The lands surrounding the subject parcel are zoned Agricultural and Agricultural Residential and are primarily used for agricultural and residential purposes.

Financial Implications:

As this report is for information purposes, there are no financial implications at this time. However, staff would like to note that Council has 120 days to render a decision on combined Official Plan and Zoning By-law Amendment applications before application fees are required to be refunded to the applicant. For this application, the 120-day timeframe ends on July 5, 2024. As of the date of this Public Meeting (April 2, 2024), 26 days will have passed.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
-

Conclusion:

Planning staff are not providing a recommendation on the proposed Zoning By-law and Official Plan Amendment at this time to allow all agency, public, and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

Appendices:

- a. Survey Sketch
- b. Planning Justification Report

Prepared by,

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Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS

Prepared for: Whisky Run Golf Club Ltd.

631 Lorraine Road

Part Lot 20, Concession 1

City of Port Colborne, Regional Municipality of Niagara



DISCLAIMER

The Report was prepared by South Coast Consulting for the Zoning By-law Amendment application for the subject property. The material in the Report reflects the South Coast Consulting's best judgment.

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South Coast Consulting reserves the right, but will be under no obligation, to review and / or revise the contents of this Report considering information which becomes known to South Coast Consulting after the date of this Report.

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INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2023-11-15 by Whisky Run Golf Club Ltd. to prepare this [Planning Policy Justification Report and Impact Analysis](#) for *Planning Act* applications to permit a residential development at 631 Lorraine Road in the City of Port Colborne. The purpose of this [Planning Policy Justification Report and Impact Analysis](#) is to review a proposal to develop part of the approximately 36-hectare subject property with about 1050 metres frontage on the east side of Lorraine Road for a residential redevelopment, illustrated in [ANNEX 1, SKETCH](#). The subject property, illustrated in [ANNEX 2, SURVEY](#), has a golf course with a club house, pro-shop, and event space.

The City of Port Colborne hosted a Pre-Consultation Meeting on 2022-12-08. Staff of the City Planning, Public Works, and Fire, the Region of Niagara, and Canadian Niagara Power attended or submitted comments. The meeting determined Port Colborne Official Plan and Zoning By-law Amendments and Severances for Consent are required supported by a:

- Planning Justification Study accompanying the Official Plan and Zoning By-law Amendment applications.
- Hydrogeological Study if privately serviced lots less than 1 hectare are proposed.
- Stage 1 (and probably Stage 2) Archaeological Assessment.
- Master Grading Plan.
- Satisfaction of the Minimum Distance Separation Formulae.
- Environmental Impact Study / Constraints Analysis.
- On-site inspection of the existing septic system.

The proposal is reviewed against the policies of the: [Provincial Policy Statement](#); Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)); [Region of Niagara Official Plan](#); [City of Port Colborne Official Plan](#); and the provisions of the [City of Port Colborne Zoning By-Law](#).

The subject property is designated Rural in the Region of Niagara Official Plan, Agricultural in the Port Colborne Official Plan, and zoned A-11 (Agricultural with golf course provision).

The flyer in Annex 1 was sent to all properties withing 120 metres of the subject property. One response was received with concerns about:

- Turning a quiet country area into a residential neighbourhood.
- Increased traffic.
- Noise.
- Requirement to move to continue the owner's way of life instead of enjoying retirement in the family home.
- Impact on wildlife.

DESCRIPTION OF THE PROPOSAL

This section of the Preliminary Report provides conceptual details about proposed use.

The *Sketch* is an indicative plan reflecting a desirable development scenario for the subject property and is an articulation of established best practices in community design and urban planning. It provides a flexible framework and practical direction for development of buildings in the space, and to the extent possible currently, detail of the anticipated building location and development parameters. Regardless of the eventual implementation and build out, the intent and objective of creating a safe and environmentally resilient community *development*.

Sketch for Planning Act Application

See Annex 1, *Sketch for Planning Act Application* prepared by Rasch & Hyde, dated 2023-11-21.

SITE CONTEXT AND SURROUNDING LAND USES

As illustrated in *Figure 1, Adjacent Land Use Schematic* and *Figure 2, Adjacent Land Use Image*, the subject property is bordered by existing long standing residential and agricultural uses.

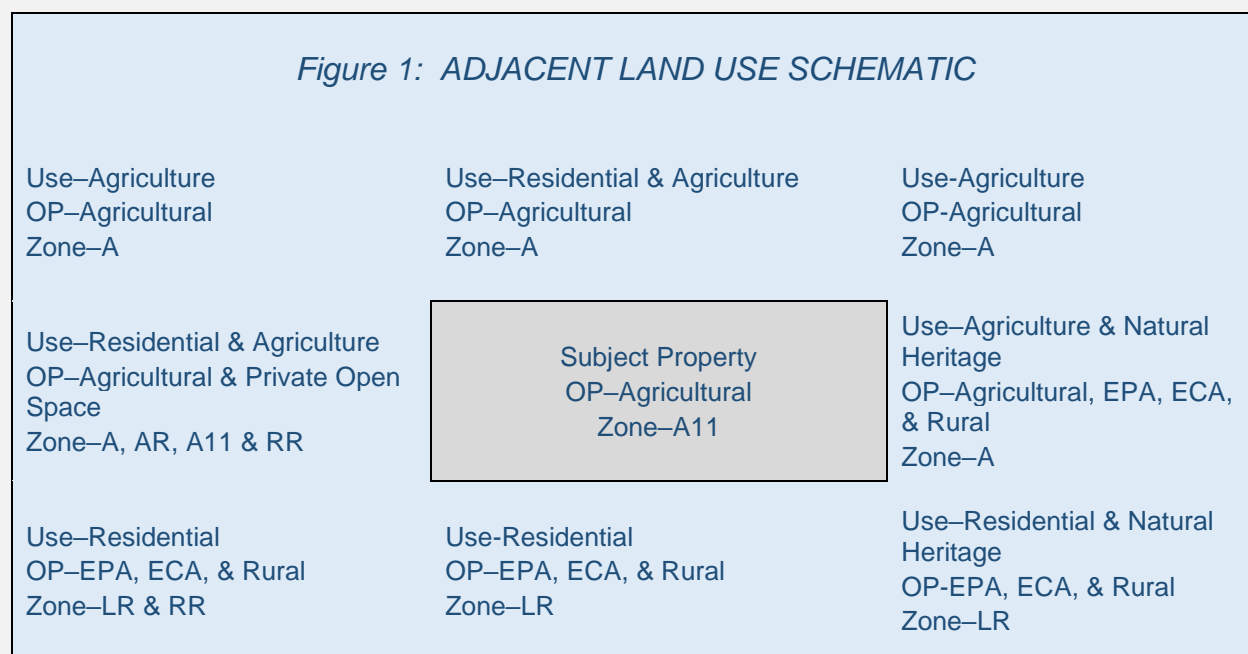


Figure 2: ADJACENT LAND USE



RESIDENTIAL USE IN RED
AGRICULTURAL USE

Supporting Studies and Issues Review

Hydrogeological Study

The subject property is on a *Highly Vulnerable Aquifer* and *Highly Sensitive Area*, a hydrogeological study will be required to determine potential cumulative effects and type of septic system required. Created lots must have 4047 square metres of usable area and be able to support a replacement system / spare septic area. A detailed septic design by an approved contractor / designer may be required if there is limited usable land for replacement / spare septic use. (i.e. existing development or environmental restrictions).

A Hydrogeological Study and a detailed septic design should be conditions of severance approval.

Stage 1 Archaeological Assessment.

The subject property is in an area of archaeological potential in the [Region of Niagara Official Plan](#) and in accordance with [Provincial Policy Statement](#) policy 2.6.2 and [Region of Niagara Official Plan](#) policies 6.4.2.1, 6.4.2.6, and 6.4.2.7, a Stage 1 Archaeological Assessment, completed by a licensed archaeologist at minimum, with Ministry Acknowledgement the assessment has been received' for the new lots is required.

On 2023-12-21 Irvin Heritage Inc. provided a Stage 1 Archaeological Assessment Report in support of the Severance Applications for the approximately 33.50-hectare subject property. indicating the subject property retains archaeological potential and recommending a Stage 2 Archaeological Assessment consisting of a 5 metre test pits. The Report was submitted to the Ministry of Citizenship and Multiculturalism and entered into the Ontario Public Register of Archaeological Reports on 2023-12-22.

Master Grading Plan.

A master grading plan, required to ensure drainage of the area is maintained, will be provided at as a condition of severance.

Minimum Distance Separation

The Minimum Distance Separation study is required to demonstrate the proposed lot creation conforms to the Minimum Distance Separation formula. The following image illustrates the result of a review the most recent satellite imagery identifying the locations of barns within 1500 metres of the subject property. The Minimum Distance Separation Formulae is a land use planning tool used to minimize land use conflicts and nuisance complaints arising from odours associated with livestock operations. The Minimum Distance Separation Document, Publication 853 OMAFRA (2016) came into effect on March 1, 2017. Prior to that, the Minimum Distance Separation Implementation Guidelines, Publication 707 (2006) provided the Minimum Distance Separation formula and the factors to be used to calculate the Minimum Distance Separation setback requirements.

The Minimum Distance Separation I formula is used when new *development* is proposed, to calculate the recommended separation distance between livestock or manure storage facilities and non-farm land uses. For the proposed lot creation, the Minimum Distance Separation I formula may need to be applied to determine the separation distance from existing *livestock facilities* the proposed *development* must adhere to. The factors used in the Minimum Distance Separation I calculations include:

- Type of livestock (e.g., dairy, beef, equine, hogs, poultry, etc.).
- Maximum capacity of livestock facility(ies);
- Lot size; and
- Type of manure storage facility.

This information is usually obtained through:

- a review of aerial photography (digital imagery) to identify land uses and potential livestock facilities; and
- a site visit to verify observations and gather specific information regarding the farm operation if required.

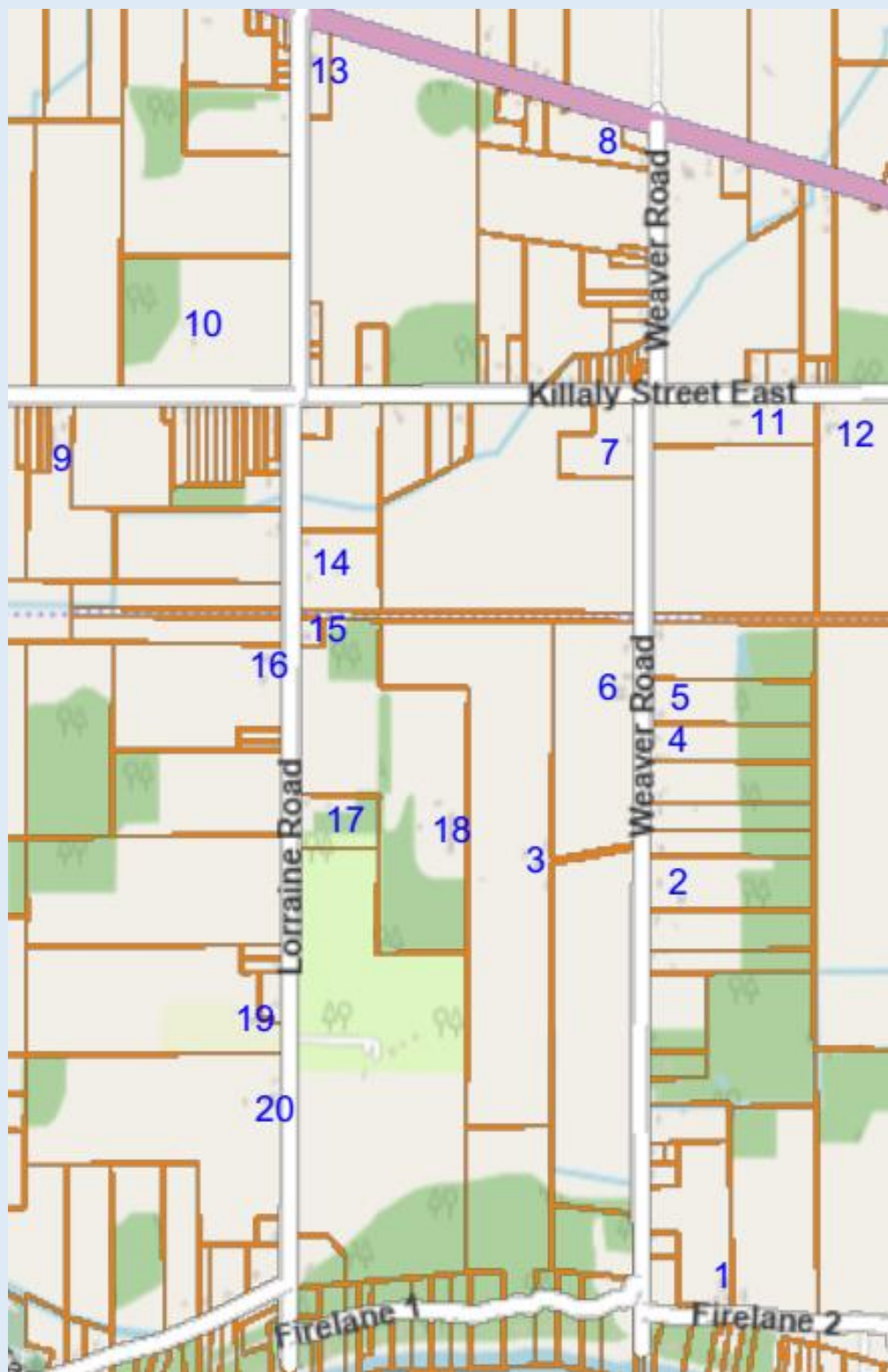
For the purposes of Minimum Distance Separation I, proposed Type B land use is characterized by a higher density of human occupancy, habitation or activity including as required by this proposal an official plan and / or a zoning by-law amendment to permit *development* on land outside a *settlement area* such as proposed. The proposal requires Minimum Distance Separation I setback is twice the distance as the Minimum Distance Separation I setback for a Type A land use. As part of municipal consideration of a planning application, all existing *livestock facilities*, or *anaerobic digesters* within a 1,500-metre distance of a proposed Type B land use shall be investigated and Minimum Distance Separation setback calculations undertaken where warranted.

The Minimum Distance Separation Guidelines require *lot* creation adjacent to other residential dwellings to undertake a Type B land use (e.g., an official plan amendment and / or a zoning by-law amendment to permit *development* on land outside a *settlement area* and / or the creation of one or more lots for *development* on land outside a *settlement area*, resulting in four or more lots for *development*, immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant.) which has a higher potential for generating nuisance complaints.

Minimum Distance Separation Guideline 12 provides for a reduced Minimum Distance Separation I setback to be permitted where there are four (4), or more, *dwellings* closer to the *livestock facility* than the proposed *development*, AND located within the intervening area (120° field of view shown in Figure 4 in Section 7 of this Minimum Distance Separation Document) between the closest part of the proposed *development* and the nearest *livestock facility* or *anaerobic digester*; AND located on separate *lots*, AND of the same or greater sensitivity as the proposed *development* or *dwelling*.

If ALL the above conditions are met, the Minimum Distance Separation I setback for the proposed *development* may be reduced such that it is located no closer to the *livestock facility* or *anaerobic digester* than the furthest of the four *non-agricultural uses*, *residential uses* and / or *dwellings* as shown in Figure 4.

There are 20 barns of various size within 1500 metres of the subject property illustrated in [Figure 3. Surrounding Barns](#). A site visit was completed to identify / confirm the livestock facilities, determine the type of livestock facility, and assess whether the facility is active or an empty. A visual assessment was completed of the structural integrity of the facility (i.e., does it appear to be structurally sound and capable housing livestock?) and identified manure storage. Other land uses affecting the application of the Minimum Distance Separation I formula were identified. Ther results of the site visit are outlined in [Table 1, Site Inspection Comments](#).

Figure 3: SURROUNDING BARNs

Barns 9 to 14 can be eliminated from further consideration because of the implications of [Minimum Distance Separation Guideline 12](#). Additionally, barns 1, 2, 4, 5, 6, 7, 8, 15, 16, 17, 18, and 19 can be eliminated from further consideration because they are either unoccupied and / or too small or unsuitable to house a significant number of livestock, and / or are on small lots, and/ or the ability to house livestock is constrained by nearby dwellings, and / or the barn is in poor condition. Barn 3 can be eliminated from further consideration due to its use as an event centre.

[Environmental Impact Study / Constraints Analysis.](#)

The subject property is impacted by the Region's [Natural Environment System](#), consisting of *provincially significant wetland, other wetlands, other woodlands, and a linkage*. *Wetlands* are considered *Key Hydrologic Features* outside *Settlement Areas*. The [Region of Niagara Official Plan](#) requires the completion of an *Environmental Impact Study* when *development or site alteration* is proposed within 120 metres of a *Key Hydrologic Features*, 120 metres of *provincially significant wetland*, 50 metres of *other woodlands* and 30 metres of *linkages*. The *Environmental Impact Study* must demonstrate no significant negative impact on the features or their ecological function.

A minimum 30 metre *Vegetation Protection Zone* is required for *Key Hydrologic Features*, to be established as natural self-sustaining vegetation. *Development or site alteration* is generally not permitted within a *Key Hydrologic Features* or its *Vegetation Protection Zone*. Further, a minimum 10 metre buffer is required for *other woodlands*.

The Provincial Policy Statement requires significant natural features be protected in the long-term. The diversity and connectivity of natural features in an area, and the long-term natural processes, products, or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes and biodiversity of natural heritage systems, should be maintained, and where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Regional Environmental Planning staff confirmed wetlands were not present and that Significant Woodland was the biggest constraint from a natural environment perspective. Environmental Planning staff were present when the boundary of the Significant Woodland was staked and confirmed the survey provided (prepared by Rasch & Hyde Ltd., dated 2023-08-17) accurately reflected what was staked. The dripline of the woodland plus a 20-metre setback / *Vegetation Protection Zone* is the extent of environmental constraints from a Regional perspective.

Table 1: SITE INSPECTION COMMENTS

Barn #	Address	Description	Assessment	Comment	MDS Guideline 12
1	1663 Firelane 2	equipment storage / hoop greenhouses	intensive farm operation	An unoccupied barn. Land used for field crops only.	
2	713 Weaver	equipment storage	single detached dwelling	An unoccupied barn on a small lot with significant natural heritage coverage.	
3	736 Weaver	event space / horse hobby farm	farm with residence	An event space with field crops and a few horses.	
4	805 Weaver	unused / poor condition	single detached dwelling	An unoccupied barn on a small lot with significant natural heritage coverage.	
5	819 Weaver	equipment storage	farm with residence	An unoccupied barn on a small lot with significant natural heritage coverage.	
6	856 Weaver	equipment storage	farm with residence	An unoccupied barn. Field crops only with on temporary manure imported and stored on site for fertilizer.	
7	974 Weaver	equipment storage	farm with residence	An unoccupied barn on small parcel	
8	1266 Weaver	small barn	farm with residence	A small parcel with 1700 metres separation	
9	791 Killaly	equipment storage	farm with residence	An unoccupied barn. The small parcel's ability to house livestock constrained by abutting dwellings	Yes
10	896 Killaly	equipment storage	land owned by a non-farmer improved with a non-farm residence with a portion being farmed	A small lot with significant natural heritage coverage and the ability to house livestock is constrained by abutting dwellings	Yes

11	1627 Killaly	small pole barn / horses on property	farm with residence	The small parcel's ability to house livestock is constrained by nearby dwellings and is separated by 1330 metres	Yes
12	1739 Killaly	equipment storage	farm with residence	The parcel's ability to house livestock hampered by nearby dwellings and it is separated about 1430 metres.	Yes
13	1413 Lorraine	equipment storage	single family detached	The small parcel's ability to house livestock is constrained by nearby dwellings and has significant separation.	Yes
14	915 Lorraine	unused / poor condition	farm with residence	An unoccupied barn on a small lot. The small parcel's ability to house livestock is constrained by nearby dwellings.	Yes
15	861 Lorraine	equipment storage	residence with a commercial industrial use building	An unoccupied barn on a small lot. The small parcel's ability to house livestock is constrained by nearby dwellings.	
16	836 Lorraine	equipment storage	farm with residence	An unoccupied barn on a small lot used for field crops. The small parcel's ability to house livestock is constrained by nearby dwellings.	
17	765 Lorraine	equipment storage	single family detached	An unoccupied barn on a small lot with significant natural heritage coverage.	
18	773 Lorraine	equipment storage	large scale poultry operation	An unoccupied barn with the poultry equipment removed and significant natural heritage coverage	
19	650 Lorraine	equipment storage	farm without residence	An unoccupied barn. Field crops only	
20	606 Lorraine	golf course equipment storage	golf course	n/a	

A Restoration Plan illustrating how the feature and Vegetation Protection Zone will be restored with native, naturally self-sustaining vegetation is requested and should be a condition of severance approval. The development agreement be required as a condition of consent must ensure the approved Restoration Plan is implemented to the satisfaction of Regional staff (for the retained lot).

The required 20 metre Vegetation Protection Zone, as measured from the extent of the significant woodland boundary, is illustrated on the Sketch for Planning Act application in [Annex 1, Sketch for Planning Act Application](#).

No development or site alteration (including new lot lines) are proposed within the feature or associated Vegetation Protection Zone. As a condition of consent, a Restoration Plan must be prepared that illustrates how the Vegetation Protection Zone will be planted with native, naturally self-sustaining vegetation.

[On-Site Inspection Of The Existing Septic Systems](#)

There are no existing septic systems on the proposed lots. A new septic was approved under PSS-21-006. PSS-19-0325 is also related to this property. An on-site inspection is needed to confirm existing sewage systems are wholly contained within the proposed parcels (excavation of the tile bed may need to occur) and that there are no defects.

The created lots must have 4000 square metres of usable area and be able to support a replacement septic system / spare septic area. Since there is adequate area a detailed septic design by an approved contractor / designer is not required required to usable land for replacement / spare septic use. (i.e. existing development or environmental restrictions) is not required.

The existing and proposed lots are on a Highly Vulnerable Aquifer and Highly Sensitive Area, therefore a Hydrogeological Study, prepared by a professional geoscientist, professional engineer, or hydrogeologist will be required to determine potential cumulative effects and type of septic system required.

Providing the Hydrogeological Study and Private Sewage System Study can be a condition of consent.

[Turning A Quiet Country Area Into A Residential Neighbourhood.](#)

The residential use is provided for in the recently adopted and approved Niagara Region Official Plan.

Increased traffic

A recent Traffic Brief for four (4) residential units (two semi-detached buildings) in Thorold concluded that due to the limited scale of the proposed development, the additional trips will impose virtually no impact on the nearby road network; any minor change in the traffic parameters because of the new trips will be negligible to the current traffic operations. It is assumed the same conclusion would apply to the three (4) proposed single detached dwelling units.

Noise

The noise impact from one single detached dwelling on another single detached dwelling is assumed to be minimal. The Provincial Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300) does not provide guidance for noise generated by the use of single detached dwelling units.

Requirement To Move

While neighbours can have issues with each other there is no reason to believe there is a requirement to move particularly since the existing dwelling units are and the proposed dwelling units will be on large lots with substantial separation between the single detached dwelling units.

Impact On Wildlife.

Since the project is required to maintain a 30-metre vegetated buffer from the woodland on the property and the locations where the dwellings can be is already cleared it is assumed there will be little if any impact on wildlife.

POLICY AND PLANNING ANALYSIS

The **Policy and Planning Analysis**:

- Provides the basis for establishing why a proposal should be considered and approved.
- Provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- Establishes the basis for the applications by explaining how the proposal conforms to the policies.

In addition to the *Planning Act* the following planning documents are addressed as part of the **Policy and Planning Analysis**:

- Provincial Policy.
 - **Provincial Policy Statement.**
 - Growth Plan for the Greater Golden Horseshoe (**Growth Plan**).
- Municipal Policy.
 - **Region of Niagara Official Plan.**
 - **City of Port Colborne Official Plan.**

Planning Act

The *Planning Act* sets out the basis for land use planning in Ontario. The *Act* promotes sustainable economic development in a healthy natural environment; integrates matters of provincial interest into provincial and municipal planning decisions by requiring all planning decisions to be consistent with the [Provincial Policy Statement](#). Official Plan and Zoning By-law Amendments are required to permit the proposed Consents for Severance.

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council is required to have regard to in fulfilling its responsibilities under the *Planning Act*. These matters are analyzed in Table 2.

Provincial Interest	Comment and Analysis
Protection of ecological systems, including natural areas, features, and functions	The natural heritage areas, features and functions identified on the subject property are adequately buffered based on a constraints analysis inspection with Region of Niagara staff.
Protection of the agricultural resources of the Province	The Subject property is within a Rural Area. designation providing for development reducing pressure to urbanize agricultural areas.
Conservation and management of natural resources and the mineral resource base	The proposed development will not impact natural resources or mineral resources.
Conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest	A Stage 1 Archaeological Assessment recommends a Stage 2 Assessment, and this Report and Analysis supports that recommendation and recommends an Archaeological Assessment completed by a licensed archaeologist with Ministry Acknowledgement that the assessment has been received for the 3 new lots proposed as a condition of approval.
Supply, efficient use and conservation of energy and water	The proposed development is a form of development provided for by Provincial policy and is intensification where available municipal services exist.

Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	The proposed development would optimize the use of existing municipal services.
Orderly development of safe and healthy communities	The proposed development will facilitate appropriate development standards for intensification while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the Provincial Policy Statement, regarding building strong healthy communities. This matter is discussed in this Report and Analysis.
Accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	<p>The City of Port Colborne is a member of the Joint Accessibility Advisory Committee partnership between seven communities in Niagara: Thorold, Pelham, Niagara-on-the-Lake, Lincoln, West Lincoln, Grimsby and Port Colborne that comments on planning applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities.</p> <p>The Applications are anticipated to be circulated to the Joint Accessibility Advisory Committee for review and comment. Future Building Permit Applications will need to comply with O. Reg. 191/11: Integrated Accessibility Standards under the <i>Accessibility for Ontarians with Disabilities Act, 2005</i>, S.O. 2005, c. 11.</p>
Adequate provision of employment opportunities	Residents of the proposed development are anticipated to support existing commercial uses within this area of Port Colborne.

Protection of the financial and economic well-being of the Province and its municipalities	The efficient use of lands and compact built form allows for the efficient use of municipal infrastructure, optimizing their life span and increasing cost efficiencies and resilience related to maintenance.
Protection of public health and safety	The subject property is not impacted by any known hazards.
Appropriate location of growth and development	The subject property is within the Rural designation of the Regional Official Plan providing limited development and the Official Plan Amendment places the subject property in the Port Colborne Rural designation which provides for the proposed intensification.
Promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	There are no fixed transit routes in the City of Port Colborne however the City is serviced by on-demand transit. On-Demand transit is a shared-ride public transit service without a fixed schedule or route.
Promotion of built form that, <ul style="list-style-type: none"> • is well-designed, • encourages a sense of place. • provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant. 	The proposed development is compatible with and maintains a rural environment provided for by the planning documents reviewed.
Mitigation of greenhouse gas emissions and adaptation to a changing climate.	The proposed development is compatible with and maintains a rural environment provided for by the planning documents reviewed.

Section 3(5) of the Planning Act requires decisions of Council shall be with provincial policy statements and conform with provincial plans in effect.

Official Plan Amendment

Section 16 of the Planning Act states an official plan shall contain goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, built, and natural environment of the municipality and a description of the measures and procedures for informing and obtaining the views of the public in respect of, among other things, proposed consents. Council may initiate an amendment to any official plan that applies to the municipality and a person may request amendment to its official plan under sections 21 and 22 of the *Act*.

Section 24(1) of the *Planning Act* requires that by-laws passed by Council conform to the Regional and City of Port Colborne Official Plans in effect.

A Port Colborne Official Plan Amendment is required to redesignate the subject property from Agricultural to Rural to provide for un-serviced residential *development* outside of the Urban Area Boundary and outside of the Hamlet designation.

Zoning By-law Amendment

Section 34 the establishes land use controls. Specifically, Section 34(4)1 of the states:

Zoning by-laws may be passed by the councils of local municipalities restricting use of land, prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality.

The Zoning By-law can be amended to change either the zoning of the land or add special provisions to the zoning for a specific property. An amending by-law can change the zone from one to another, add a use, or change a requirement.

A zoning by-law amendment is required to:

- Change the retained parcel A-11 (Agricultural with golf course provision) Zone lot area requirement from “as existing” to 29.7 hectares.
- Change the retained parcel A-11 (Agricultural with golf course provision) Zone lot frontage requirement from “as existing” to 805 hectares.
- Rezone the severed parcels from the A-11 (Agricultural with golf course provision) to the Agricultural Residential Zone (AR).

Consent for Severance

The *Planning Act* provides for an owner of land may apply for approval of a consent for severance and requires the provision of a sketch showing:

- Boundaries of the land proposed to be severed.
- Locations, widths, and names of roads.
- The purpose for which the proposed lots are to be used.
- Existing uses of all adjoining lands.
- Approximate dimensions and layout of the proposed lots.
- If any affordable housing units are being proposed.
- Natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands, and wooded areas within or adjacent to the land proposed to be severed.
- The availability and nature of domestic water supplies.

- The nature and porosity of the soil.
- Existing contours or elevations as may be required to determine the grade of the Highways and the drainage of the land proposed to be subdivided.
- The municipal services available or to be available to the land proposed to be subdivided.
- The nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements.

Three (3) Consents for Severance are required.

Provincial Policy Statement (2020)

A decision of the Council must be consistent with the Provincial Policy Statement or not conflict with it. The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A basic principle of policy led land use planning, iterated in the Provincial Policy Statement, is that, when more than one policy is relevant, decision-makers should consider all the policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, assists decision-maker's understanding how the policies are to be implemented.

The Provincial Policy Statement defines Rural Areas as a system of lands within municipalities that may include, among other things, rural lands, further defined as land located outside settlement areas and prime agricultural areas. The Provincial Policy Statement provides for limited residential development outside settlement and prime agricultural areas. Such development must be appropriate to the water, septage treatment, stormwater management, waste management, electricity generation, transmission and distribution, communications / telecommunications, transit and transportation corridors, and oil and gas pipelines and associated systems which are planned or available and avoid the need for the unjustified and / or uneconomical expansion of this infrastructure. Sewage and individual, autonomous water supply systems owned, operated, and managed by the owner may be used.

Policy 1.1.1a of the Provincial Policy Statement states Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns reflected by the proposed accessory building on the subject property and thus sustaining the financial well-being of

the Province and the Township over the long term. The proposal addresses the Provincial Policy Statement directions by promoting efficient land use.

The Vision of the Provincial Policy Statement is to focus growth and development within urban and rural settlement areas while supporting the viability of rural areas. The Provincial Policy Statement provides for limited residential development in Rural Areas, provided it does not adversely affect the protection of agricultural uses, is compatible with the rural landscape, and can be sustained by rural services.

The proposal is for limited residential development compatible with the rural landscape and sustainable by rural service levels. No expansion of infrastructure is required. The proposal accommodated by the requested Official Plan and Zoning By-law Amendment approvals addresses the Provincial Policy Statement directions by permitting a limited residential development in a rural area.

Growth Plan (2020)

Section 2.1 speaks to building compact and complete communities and protecting agricultural lands, water resources, and natural areas that help to reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy, and prosperous rural communities are vital to the economic success of the *Greater Golden Horseshoe* and contribute to the quality of life. Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in *rural areas*. Healthy rural communities are important to the vitality and well-being of the larger region and *settlement areas* and the Growth Plan applies protections like those in the *Greenbelt Plan* to provide consistent and long-term protection throughout the *Greater Golden Horseshoe*.

The proposed *residential use* is:

- Compatible with the rural landscape and surrounding local land uses.
- Sustainable by rural service levels.
- Will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate* operations.

Official Plans

Region of Niagara Official Plan (2022)

The Region of Niagara Official Plan is a long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development, influencing economic, environmental, and planning decisions until 2051 and beyond.

The Region of Niagara Official Plan designates the subject property Rural. Unlike the broad concept of *rural areas* in the Provincial Policy Statement and Growth Plan, the *rural area* in the Niagara Region Official Plan is land use designation. Section 4.1 of the Niagara Region Official Plan states the agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The proposal satisfies:

- **Objective 4.1b)** to protect the region's agricultural land base because no land is taken out of agricultural production.
- **Objective 4.1c)** to ensure agriculture is the predominant land use in specialty crop areas and *prime agricultural areas* for the same reasons.
- **Objective 4.1d)** to restrict and control non-agricultural uses to minimize potential conflicts for the same reasons.
- **Objective 4.1f)** to protect prime agricultural areas from fragmentation because it does not take land out of agriculture.

Development in the Niagara Region Official Plan Rural Area is permitted only when the individual lot and its soil conditions are suitable for the satisfactory long-term operation of a *private sewage disposal system* and only when the water supply meets the requirements of the applicable regulatory agency. The cost of providing services such as storm drainage, snowplowing, road maintenance, possible road paving, garbage, and refuse pickup, if necessary, the operation of additional school buses, etc., should be reviewed when considering approval of any non-farm residential development in the Rural Area.

The proposed *residential use* on the subject property:

- Offers amenities such as diverse landscaping and vegetation near Lake Erie.
- Retains desirable natural features and vegetation.
- Is at a scale and density suitable to the physical characteristics of the site.
- Has soil and drainage conditions suitable and permits the proper siting of the building.
- Does not have problems of
 - flooding,
 - erosion,
 - unstable slopes,
 - swamps
 - or organic soils.
- Does not have a *significant* detrimental impact on the larger surrounding *ecosystem*.
- Is suitably distant from, and protected from, incompatible land uses such as livestock operations.
- Has adequate access and does not jeopardize the operation of the road system by improper or numerous accesses.

Port Colborne Official Plan

The [Port Colborne Official Plan](#) designates the subject property [Agricultural](#) – land used primarily for agricultural purposes.

The Vision for the City of Port Colborne is, among other things, continue to provide the opportunity for a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs and desires; ensuring new *development* is accessible by all members of the community, and developing the community in a way which optimizes existing municipal and regional infrastructure.

Growth Management Strategy [Policy 2.4.2](#) promotes the development of an appropriate mix of housing types, densities, and tenures to meet the diverse needs in Port Colborne, considering current and future demographic characteristics, income levels, special needs, and lifestyle considerations.

[Section 3.5](#), the introduction to the Agricultural designation states it is primarily Prime Agricultural Areas as defined by the [Provincial Policy Statement](#) and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The predominant uses of lands designated Agriculture do not include non-farm residential uses and [Policy 3.5.3](#) only provides for reasons other than the creation of a separate lot and may be permitted such as for minor boundary adjustments, easements or rights-of-way or any other purpose that does not create a new lot. The policy further states Severances for the purpose of creating residential building lots will not be permitted on lands designated as agricultural. This policy does not comply with the Regional Official Plan for Consents for Severance in the Regional Plan's Rural designation.

An Official Plan Amendment is required to redesignate the subject property to a designation such as Rural providing for the Consents for Severance.

[Section 3.4](#), the introduction to the Rural designation states it is primarily agricultural in nature in addition to existing approved clusters of un-serviced residential development outside of the Urban Area Boundary and outside of the Hamlet designation. The predominant uses for land designated Rural include, but are not limited to, single-detached residential, natural heritage areas, and golf courses.

In keeping with the requirements of [Policies 3.4.1a\) and b\)](#) *municipal sanitary services* and *municipal water services* will not be required now or at any time in the future and the new *dwellings* will be located on 10,000 square metre lots suitable to support a private well and sewage disposal systems.

As provided for in [Policies 3.4.1d\) and e\)](#) the proposal is for limited growth outside the urban area boundary and hamlet areas in a site-specific location complying with the approved Region of Niagara Official Plan's Rural designation permitting this type of development in accordance with the policies of the [Growth Plan](#) and complies with the Province's Minimum Distance Separation formula.

As required by [Policy 3.4.1f\)](#) locally important agricultural areas, are protected by avoiding uses that may constrain these uses.

[Policy 3.4.2](#) provides for the *intensification* proposed because the new residential *development* will be created through severance for the purpose of creating only three (3) lots between two (2) existing residential buildings such that:

- The new lots can be adequately serviced by individual sanitary services and individual water services on 10,000 square metre parcels, excluding *flood plain* areas, *fish habitat* and set back 30 metres from other Natural Heritage features.
- Each new lot will comply with the requirements of the Zoning By-law as amended.
- Each new lot complies with the *Minimum Distance Separation Formulae*.

[Policy 3.4.2](#) provides for the intensification proposed but requires the new residential development to be between two (2) existing residential buildings. There is an existing residential building located abutting the norther boundary of the subject property but not on the proposed southern boundary of the proposed severed parcel.

The required Official Plan Amendment needs a new site-specific policy providing for the creation of lots between existing residential buildings and existing non-agricultural land use.

As required by [Policy 3.4.3.1a\)](#) the *development* is consistent with the placement and rural character of the existing built form.

As required by [Policy 3.4.3.2](#) the propose residential uses.

- Orient to Lorainne Road.
- Can provide front porches or covered entrances.
- Will not have garages that occupy more than 50 percent of the main building wall.
- Can incorporate the planting of mature trees and shrubs and use landscaping features to clearly define driveway entrances.

[Policy 3.4.4a\)](#) states it is the intent of this Plan to preserve and encourage the growth of viable agricultural industries, particularly for farming, forestry and the conservation of plant and wildlife. The proposal satisfies the following policies because the severances for new rural residential dwellings provide for:

- A maximum of three lots created on the property in existence as of June 16, 2006.
- Lots are designed to retain natural features and vegetation.
- Lots greater than one (1) hectare.

- Lots not contributing to the extension or expansion of strip development because there are no opportunities for residential development to the south.
- Lots located on an opened and maintained public road.
- Feasible sustainable private services provided for by the one (1) hectare lot sized.
- Lots suitable in terms of topography, soils, drainage, erosion, lot size, and shape for the use proposed.
- Road access from the straight flat road to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections.
- Use compatible with surrounding uses.
- Use not resulting in development precluding or hindering the establishment of new mineral aggregate operations because they are already constrained by surrounding existing residential uses.
- Lots meeting the *minimum distance separation formulae*.

Policy 3.14 states land in the Private Open Space designation shall predominately be used for golf courses, driving ranges, skateboard parks, and other such open-air recreational uses not owned by the municipality. Related and / or ancillary uses such as clubhouses, storage barns, and parking areas are also permitted.

Zoning By-Law

The subject property, zoned A11, needs a zoning by-law amendment to:

- amend the minimum lot area and minimum lot frontage requirements for the retained parcel, and
- rezone part of the subject property to permit new dwellings on lots created by severance.

POLICY AND ISSUES REVIEW SUMMARY

The City of Port Colborne Council has the authority to approve Official Plan and Zoning By-law Amendments and the City of Port Colborne Committee of Adjustment has the authority to approve Consent for Severance applications where they implement the policies of the Official Plan.

ZONING PROVISION REVIEW

PROVISION / USE	ZONE REQUIREMENTS		PROPOSED		COMMENT
	AR ZONE	A-11 ZONE	Retained Lot in the A-11 Zone	Severed Lots in the AR Zone	
Golf Course Sec 37.2	Not Permitted	Permitted	Permitted	Not Permitted	Existing and proposed uses permitted on the retained lot in the A-11 Zone
Detached Dwelling Secs 16.2a) & 17.2	Permitted	Permitted	Permitted	Permitted	Proposed use permitted on the severed lots in the AR Zone
Frontage Secs 16.3a) & 17.3a)	45m	30m or as existing	805m	Parcel 1 – 74.7m Parcel 2 – 90.45m Parcel 3 – 74.9m	Although the proposed severed lot frontages satisfy the AR Zone requirement, the retained and severed lots require a zoning by-law amendment to permit lot frontages not as existing in the A-11 Zone
Lot Area Secs 16.3b) & 17.3b)	0.4 hectares unless a larger lot area is required to accommodate private services as determined by a qualified professional	As existing	29.7ha	Parcel 1 – 10,136sqm Parcel 2 – 10,160sqm Parcel 3 – 10,285sqm	Although the proposed severed lot areas satisfy the AR Zone requirement, the retained and severed lots require a zoning by- law amendment to permit lot areas not as existing in the A-11 Zone

The Provincial Policy Statement provides for limited residential development outside settlement and prime agricultural areas in Rural Areas. The proposal satisfies the Region of Niagara Official Plan objectives to protect the region's agricultural land base, ensure agriculture is the predominant land use in specialty crop areas and prime agricultural areas for the same reasons, restrict and control non-agricultural uses to minimize potential conflicts, and to protect prime agricultural areas from fragmentation because it does not take land out of agriculture. Conditions of Consent for Severance and ensure soil conditions are suitable for the satisfactory long-term operation of a private sewage disposal system and the water supply can meet the requirements of the applicable regulatory agency. The proposed residential use on the subject property:

- Offers amenities such as diverse landscaping and vegetation near Lake Erie retains desirable natural features and vegetation.
- Is at a scale and density suitable to the physical characteristics of the site.
- Has soil and drainage conditions suitable and permits the proper siting of the building.
- Does not have problems of
 - flooding,
 - erosion,
 - unstable slopes,
 - swamps
 - or organic soils.
- Does not have a *significant* detrimental impact on the larger surrounding *ecosystem*.
- Is suitably distant from, and protected from, incompatible land uses such as livestock operations.
- Has adequate access and does not jeopardize the operation of the road system by improper or numerous accesses.

The proposed residential use and Consents For Severance are provided for in the Port Colborne Official Plan's Rural designation. *Municipal sanitary services* and *municipal water services* will not be required now or at any time in the future and the new *dwellings* will be located on lots larger than 10,000 square metres. The proposal is for limited growth and complies with the Province's *Minimum Distance Separation formulae*.

The proposal is *intensification* creating only three (3) lots between an existing residential building and a non-agricultural land set back 30 metres from other Natural Heritage features consistent with the rural character of the neighbourhood.

The residential uses orient to Lorraine Road, can provide front porches or covered entrances, will not have garages that occupy more than 50 percent of the main building wall, and can incorporate the planting of mature trees and shrubs and use landscaping features to clearly define driveway entrances.

The proposal is for a maximum of three lots greater than one (1) hectare, created on the property in existence as of June 16, 2006, and retaining natural vegetation. The lots do not contribute to strip development because there are no opportunities for residential additional development without Council approval. The lots are located on an opened and maintained public road, are suitable in terms of topography, soils, drainage, erosion, lot size, and shape for the use proposed, do not create a traffic hazard and are compatible with surrounding uses.

OPINION

The neighbourhood of the subject property is an older established area and can be considered 100% developed but also exhibiting infill opportunities such as that of this proposal. Neighbourhood land uses are residential, agriculture, and natural heritage in addition to the golf course. The key features of the neighbourhood are Lake Erie, the Friendship Trail, and the golf course.

The development of the subject property as residential use is compatible with the residential land uses context of the surrounding area. It is recommended that the proposed severed parcels be rezoned from the A-11 Zone to the AR Zone and the minimum lot frontage of the A-11 Zone be changed to 800 metres.

The proposed Official Plan and Zoning By-law Amendments:

- Conform with the provisions of the [Planning Act](#); [Provincial Policy Statement](#); [Growth Plan](#); [Region of Niagara Official Plan](#); and [Port Colborne Official Plan](#).
- Permits the proposed residential use; and
- Are good planning.

Council can be confident that the recommended Official Plan and Zoning By-law Amendments are consistent with the City's Official Plan as well as Provincial and Regional policies.

The approval of the Consents for Severance to permit the creation of three (3) new lots with a permitted residential use conforms with the provisions of the [Planning Act](#); [Provincial Policy Statement](#); [Growth Plan](#); and the objectives and policies of the [Niagara Region Official Plan](#); and [City of Welland Official Plan](#) and conforms with the provisions of the [City of Port Colborne Zoning By-law](#).

As a condition of approval, the proponent may be required to:

- Dedicate parkland or cash-in-lieu of such dedication.
- Dedicate any road widenings and one-foot reserves as may be required by the City.
- Fulfill any financial requirements of the City.
- Submit a registered reference plan.

- Submit an Archaeological Assessment completed by a licensed archaeologist with Ministry Acknowledgement that the assessment has been received for the 3 new lots proposed.
- Have an on-site inspection confirming existing sewage systems are wholly contained within the proposed parcels and there are no defects.
- Submit for Regional approval a Hydrogeological Study, prepared by a professional geoscientist, professional engineer, or hydrogeologist determining potential cumulative effects and type of septic system required.
- Enter into any other Agreements which may be necessary, and which may be registered on title.

The Committee of Adjustment can be confident that the proposed requested Consents for Severance applications are consistent with the City's Official Plan as well as Provincial and Regional policies. The applicant can be required to enter into a Development Agreement ensuring the development is built and maintained as approved by the Committee.

The approval of the applications will allow new dwelling units. This development constitutes *intensification* and infill. The proposed *Planning Act* application Zoning By-law Amendments and Consents for Severance are consistent with the policies of the City of Port Colborne. The proposed development constitutes good planning.

CLOSING

This report is intended solely for Whisky Run Golf Club Ltd. (the "Client") in providing the City of Port Colborne the Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed residential redevelopment at 631 Lorraine Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as South Coast Consulting (South Coast). This report is considered South Coast / Steven Rivers' professional work product and shall remain the sole property of South Coast / Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to South Coast / Steven Rivers. The Client shall defend, indemnify, and hold South Coast / Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with South Coast / Steven Rivers' present understanding of the proposed project, the current site use, surface, and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. South Coast / Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. South Coast / Steven Rivers has assumed that the information provided was factual and accurate. South Coast / Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report because of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

Steven Rivers

South Coast Consulting

Land Use Planning and Development Project Management

Steven Rivers, MCIP, RPP

189 Clare Avenue

Port Colborne, Ontario L3K 5Y1

Phone: 905-733-8843

Email: info@southcoastconsulting.ca

Dated: 2024-01-30

SKETCH FOR PLANNING ACT APPLICATION

**631 LORRAINE ROAD
"WHISKY RUN GOLF COURSE"
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1: 2000
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
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PIN 64387 - 0052 (LT)

PIN 64387 - 0071 (LT)
(20.12 WIDE)

LORRAINE ROAD
(ROAD ALLOWANCE BETWEEN LOTS 20 AND 21)

PARCEL 1
10,136 sqm
(TO BE SEVERED)

LOT 20

CONCESSION

PIN 64387 - 0056 (LT)

PARCEL 2
10,160 sqm
(TO BE SEVERED)

PARCEL 3
10,285 sqm
(TO BE SEVERED)

"WHISKY RUN GOLF COURSE"

PARCEL 4
32.84 Ha ±
(TO BE RETAINED)

PIN 64387 - 0114 (LT)

PIN 64387 - 0053 (LT)

KEY PLAN NOT TO SCALE

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©

3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF LOT 20, CONCESSION 1,
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

PIN 64387-0056 (LT)

SURVEYOR'S SEAL

LEGEND & NOTES

PIN DENOTES PROPERTY IDENTIFIER NUMBER
NPCA DENOTES NIAGARA PENINSULA CONSERVATION AUTHORITY
BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.
N= NORTH, S= SOUTH, E= EAST, W= WEST

NOVEMBER 21, 2023
DATE

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH & HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #1 East, Unit B
DUNNVILLE, ONT. N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 2000 SURVEY: 20F072 DRAWN BY: T. Matheson

ANNEX 2: DRAFT AMENDMENTS

ANNEX 2.1: DRAFT OFFICIAL PLAN AMENDMENT

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. X to the Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. X to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this day _____ of _____, 2024.

William C Steele
Mayor

NAME
City Clerk

**AMENDMENT NO. X
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA
PREPARED BY:
SOUTH COAST CONSULTING
2024-XX-XX**

**AMENDMENT NO. X
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, adopted by the Council of the Corporation of the City of Port Colborne, is approved in accordance with Sections 17 and 21 of the *Planning Act* R.S.O. 1990, c. P.13, as Amendment No. X to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. X TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA
INDEX**

The Statement of Components

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Purpose

Location

Basis

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Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. X to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain background data, planning considerations, and public involvement associated with this Amendment.

PART A – THE PREAMBLE

Purpose

The purpose of this amendment is to amend land use designation on Schedule A – City Wide Land Use of the Port Colborne Official Plan to facilitate the development of the subject land, illustrated on the attached Schedule, as single detached dwellings.

Location

The lands affected by this amendment are legally described as part of Lot 20, Concession 1 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 631 Lorraine Road. A detailed map of the subject land is attached as Schedule “A” to this Official Plan Amendment No. X.

Basis

The subject land is designated “Agricultural”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By- law as they relate to the subject land to facilitate the development of three (3) residential dwelling units.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject land is surrounded by residential, agricultural, and recreational land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City's Zoning By-law XXXX/XX, rezoning of the land from the existing "Agriculture (A-11)" zone to the "Agricultural Residential (AR)" zone and amend the minimum lot frontage requirement of the Agriculture (A-11)" zone from "or as existing" to 805 metres and amend the minimum lot area requirement from "or as existing" to 29.7 hectares.

The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by providing for limited growth within a rural area;
- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan providing for limited growth within a rural area; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and providing for limited growth within a rural area.

PART B – THE AMENDMENT

Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule "A", constitutes Amendment No. X to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

The land illustrated on Schedule A is redesignated from Agricultural to Rural to permit to be developed for single detached dwellings between an existing dwelling and an existing non-agricultural use.

new residential *development* created through severance for the purpose of creating only three (3) lots between an existing residential building and an existing non-agricultural use such that:

- The new lots can be adequately serviced by individual sanitary services and individual water services on 10,000 square metre parcels, excluding *flood plain* areas, *fish habitat*, and set back 30 metres from other Natural Heritage features.
- Each new lot will comply with the requirements of the Zoning By-law as amended.
- Each new lot complies with the *Minimum Distance Separation Formulae*.

Details of the Amendment

1. The land illustrated on "Schedule A to Official Plan Amendment No. X", are re-designated from Agricultural to Rural and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding any policy of the Official Plan for the City of Port Colborne to the contrary, the land may be developed for single detached dwellings, subject to the following:
 - a) Only three (3) new lots are created through severance between an existing residential building and an existing non-agricultural land use;
 - b) The new lots can be adequately serviced by individual sanitary services and individual water services on 10,000 square metre parcels set back 30 metres from Natural Heritage features.
 - c) Each new lot will comply with the requirements of the Zoning By-law as amended.
 - d) Each new lot complies with the Minimum Distance Separation Formulae.

Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject land.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. X but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report XXXX-XXX

Schedule "A"

ANNEX 2.2: DRAFT ZONING BY-LAW AMENDMENT

Report XXXX-XXX

Appendix A.

By-law No. _____

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the land legally known as Part of Lot 20, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 631 Lorraine Road.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment applies to the land described on Schedule "A" attached to and forming part of this by-law.
2. The Zoning Map referenced as Schedule "A5" forming part of By-law 6575/30/18 is amended by changing those lands described on Schedule "A" attached to and forming part of this by-law from A-11 to AR.
3. Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is amended by adding the following:
A-11
Notwithstanding the provisions of the Agricultural (A) zone, the following regulations apply:
 - a) Minimum Lot Frontage 805 metres
 - b) Minimum Lot Area 29.7 hectares
4. This by-law comes into force and takes effect on the day it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.
6. This by-law shall come into force and take effect on the day it is passed by Council, subject to the provisions of the *Planning Act*.

Enacted and passed this ____ day of _____, 2024.

William C Steele
Mayor

NAME
City Clerk

Schedule "A"