



# The Municipal Corporation of the Town of Fort Erie

By-law No. 124-2016

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**Being A By-Law To Enact an Amendment to the Official Plan  
Adopted by By-law No. 150-06 for the Town of Fort Erie  
Planning Area**

**Amendment No. 31  
Royal Ridge Subdivision  
Town of Fort Erie**

350302-0095

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The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O 1990 enacts as follows:

1. **That** amendment No.31 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 14<sup>th</sup> day of November, 2016.**

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Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 124-2016 of the said Town. Given under my hand and the seal of the said Corporation, this\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**AMENDMENT NO. 31**

**TO THE**

**OFFICIAL PLAN**

**FOR THE**

**CORPORATION OF THE TOWN OF FORT ERIE**

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## **PART "A" - THE PREAMBLE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The *Planning Act*, 1990, shall be known as Amendment No. 31 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 31 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto from "Residential – Low Density, "Residential – Medium Density" and "Open Space" to "Special Policy Area 20" to permit townhouse and semi-detached dwellings at a minimum density of 16 units/hectare and from "Open Space" to "Environmental Protection" to permit passive open space and the protection of the natural heritage feature only.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located on the west side of Ridge Road North, south of Nigh Road as shown on Schedule "A" attached hereto.

### **SECTION 4**

#### **BASIS OF THIS AMENDMENT**

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

**a) The need for the proposed use:**

This amendment for “Special Policy Area 20” will permit semi-detached and townhouse dwellings at a minimum density of 16 units/hectare whereas the current “Residential – Medium Density” designation permits townhouse and low rise apartment dwellings only, at a minimum density of 25 units/hectare. The need for the semi-detached dwellings is substantiated by the general objectives of the Ridgeway-Thunder Bay Secondary Plan which requires the Town to provide for a variety of housing alternatives at key locations throughout the neighbourhood with particular focus on intensification.

There is a desire for low rise, bungalow style semi-detached and townhouse dwellings in the Ridgeway-Thunder Bay Neighbourhood. The reduced density is required to accommodate road infrastructure, stormwater and sanitary services and easements in consideration of the location of natural heritage features and the geometry of the site.

There is a need for the Environmental Protection designation to protect the Provincially Significant Wetland and buffer area from development.

**b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:**

Land uses in this area of the Ridgeway-Thunder Bay Neighbourhood are predominantly single detached dwellings. The addition of townhouses and semi-detached dwellings to the housing stock in Ridgeway-Thunder Bay is desirable from a Provincial, Regional and Town Planning perspective.

**c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:**

The subject site slopes to the south and west. The soil conditions and relief of the site are suitable for residential development. The applicant supplied cross-section and render information that demonstrated that the proposed roadway and intersection would not present any safety concerns.

An Environmental Impact Study was completed as part of the planning application process. The Environmental Impact Study concluded that there would be no adverse impact to Natural Heritage Features provided mitigation measures were incorporated into the development. The recommended mitigation measures were incorporated as conditions of Draft Plan Approval. The Niagara Peninsula Conservation Authority have confirmed that there will be no impact to Natural Heritage Features located on the subject site provided a restrictive Official Plan designation and zoning are applied to the Provincially Significant Wetland and 15 m buffer area. The application of the Environmental Protection designation to these lands proposed through this amendment and the associated Zoning By-law Amendment will satisfy this condition.

**d) The location of the area under consideration with respect to:**

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject site is located on Ridge Road North which is a municipal road. Access to the proposed dwellings will be from a new municipal road which will connect to Ridge Road North. The new municipal road will be constructed to a full urban cross section that meets Town of Fort Erie standards. Ridge Road North provides adequate and convenient vehicular access to the site. Ridge Road North has sidewalks on both sides of the road in this area which will provide for convenient pedestrian access to the site.

The subject site has access to full municipal services. Water supply is available from Ridge Road North and municipal sanitary services are available at Nigh Road via a servicing easement which must be obtained as a condition of approval. Stormwater will be treated in an on-site stormwater management pond that will drain to the wetland located to the west of the property. Infrastructure Services have not identified any servicing issues through their review of this proposal.

**e) The compatibility of the proposed use with uses in adjoining areas:**

The subject site is appropriately located within a residential setting. The proposed redesignation will result in a land use that is at a lower density that is more compatible with surrounding residential land uses than the current designation.

**f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:**

There is no evidence to suggest that the redesignation of the subject property to permit semi-detached dwellings and a lower density will depreciate adjoining properties. There will be no change in land use on the area where the Environmental Protection designation is proposed.

**g) The potential effect of the proposed use on the financial position of the Municipality:**

The proposed redesignation of the subject property will not affect the financial position of the municipality.

**h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.**

None.

## **SECTION 5**

### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.



## **PART "B" - THE AMENDMENT**

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 31 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described as Part 1 on the attached Schedule A are hereby redesignated from "Open Space", "Residential - Medium Density" and "Residential – Low Density" to "Site Specific Policy Area 20". These lands may only be used for townhouse or semi-detached dwellings at a minimum density of 16 units per net hectare and a stormwater management pond.
2. The subject lands described as Part 2 on the attached Schedule A are hereby redesignated from "Open Space" to "Environmental Protection".



## **PART “C” - THE APPENDICES**



- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

# SCHEDULE "A"

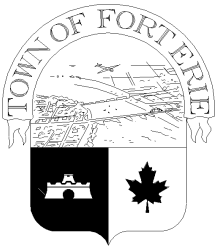


## Proposed Official Plan Amendment - Royal Ridge Subdivision

-  Part 1 - Change from Residential - Low Density, Residential - Medium Density & Open Space on the Ridgeway-Thunder Bay Secondary Plan to Site Specific Policy Area 20
-  Part 2 - Change from Open Space on the Ridgeway-Thunder Bay Secondary Plan to Environmental Protection

-  Subject Lands - Royal Oak Subdivision
-  Parcel Fabric

Note: Schedule A of the Official Plan to be updated in accordance with the Ridgeway-Thunder Bay Secondary Plan in future office consolidation.



## APPENDIX "1" TOWN OF FORT ERIE

# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT  
PLAN OF SUBDIVISION

WEST SIDE OF RIDGE ROAD NORTH, SOUTH OF NIGH ROAD  
OWNER: ROYAL OAK PROPERTY DEVELOPMENTS LTD. (BRENT KING)

*Applications: 350308-101, 350309-0403 & 350302-095*

**DATE:** SEPTEMBER 8, 2015  
**TIME:** 6:00 PM  
**LOCATION:** TOWN HALL, COUNCIL  
CHAMBERS

### LOCATION OF SUBJECT LANDS

### PROPOSED CHANGE

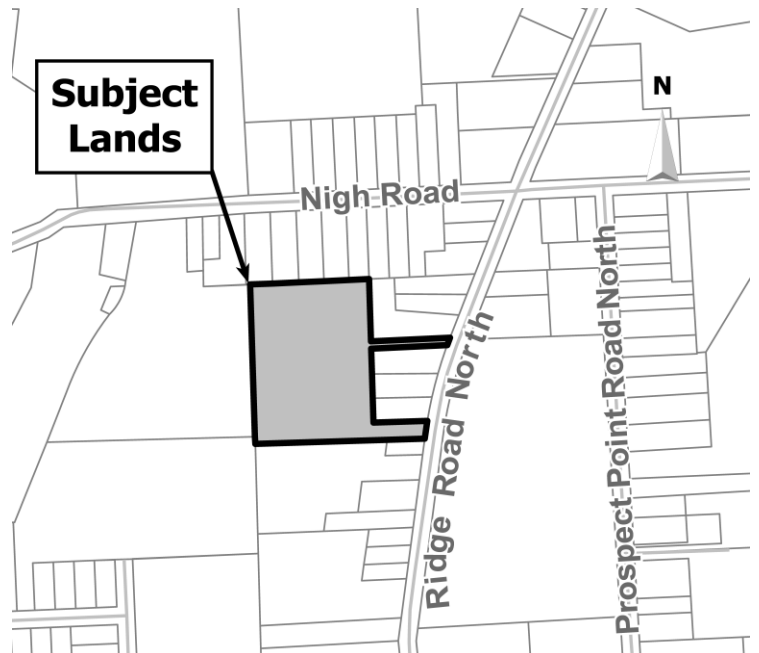
Applications for a Combined Official Plan Amendment, Zoning Amendment and Draft Plan of Subdivision have been received from Royal Oak Property Developments Ltd. The purpose of the applications is to permit the development of the 2.61 hectare property as a subdivision containing 39 freehold street townhouse units and two semi-detached units.

The property is currently designated Medium Density Residential in the Town's Official Plan. The application to amend the Official Plan is to permit a reduced density in the Medium Density Residential Designation and to permit two semi-detached dwelling units. The site is currently zoned site specific Residential Multiple RM1-508 Zone in the Town's comprehensive Zoning By-law 129-90 which permits townhouses and low rise apartments. The Zoning By-law Amendment application proposes to change to zoning to a site specific Residential Multiple 1 RM1 Zone to permit the semi-detached dwelling use and the dwellings with reduced frontages, lot areas, front yard and side yard setbacks and increased building coverage.

The proposed plan of subdivision includes 39 freehold street townhouses in 5 blocks and 1 block of 2 semi-detached dwelling units fronting onto a public road ending in a cul-de-sac. The density of the proposed subdivision is approximately 17 units per hectare.

### HAVE YOUR SAY

Input on the proposed Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision is welcome and encouraged. You can provide input by speaking at the Public Meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.



### MORE INFORMATION

For further information please contact Matt Kernahan, Senior Development Planner at (905) 871-1600 extension 2507 or [mkernahan@town.forterie.on.ca](mailto:mkernahan@town.forterie.on.ca). A copy of the Information Report will be available to the public on **September 2<sup>nd</sup>, 2015**. The information report will be available in the Council agenda portion of the Town's Web Site: [www.town.forterie.on.ca](http://www.town.forterie.on.ca) or from the Community and Development Services Department.

### WRITTEN SUBMISSION

To provide input in writing, or to request written notice of the decision of the Zoning By-law Amendment, please send a letter c/o the Town Clerk Laura Bubanko, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to [lbubanko@town.forterie.on.ca](mailto:lbubanko@town.forterie.on.ca)

### PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding these applications.

After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Plan of Subdivision, Official Plan and Zoning By-law amendment before the approval authority gives or refuses to give approval to the plan of subdivision, and the Official Plan and Zoning By-law amendments are passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Plan of Subdivision, Official Plan and Zoning By-law amendment before the approval authority gives or refuses to give approval to the plan of subdivision, and the Official Plan and Zoning By-law amendments are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the adoption of the Official Plan and Zoning By-law Amendment, you must make a written request to the Laura Bubanko, Town Clerk and such request should include the name and address to which such notice should be sent.

**Dated this 13<sup>th</sup> day of August, 2015**

**Laura Bubanko, CMO, Dipl.M.A.**  
**Manager, Legislative Services/Clerk**

**Richard F. Brady, MA, MCIP, RPP, Director of Community and Development Services**




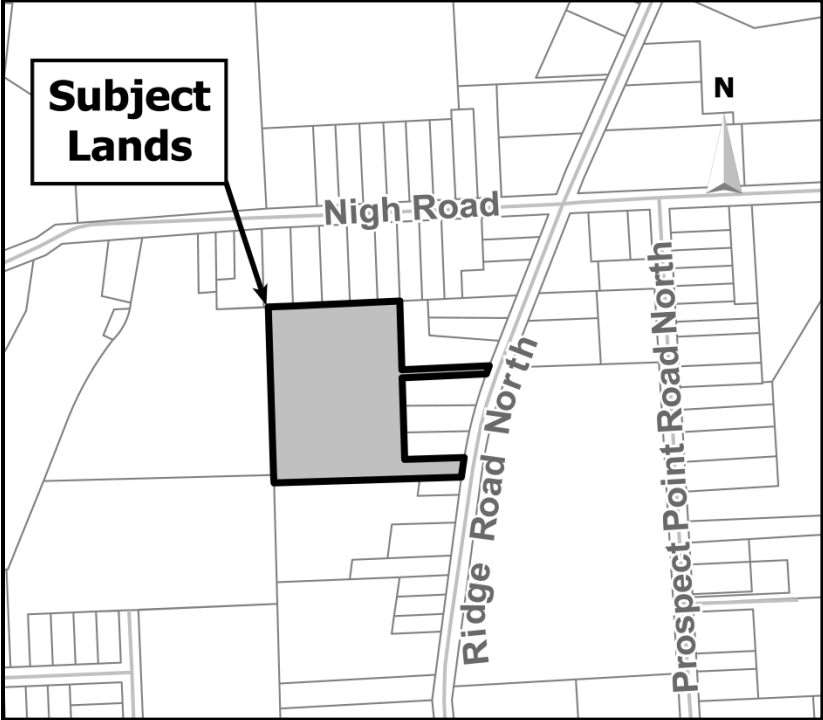

NOTICE OF **REVISED** APPLICATION  
AND PUBLIC MEETING




Owner/Applicant – Royal Oak Property Developments Ltd.  
(Brent King)

DRAFT PLAN OF SUBDIVISION AND COMBINED  
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

APPLICATION 350308-101, 350302-095 AND 350309-0403

DATE: October 3, 2016  
TIME: 6:00 PM  
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p><b>WHAT WILL THESE APPLICATIONS CHANGE:</b></p> <ul style="list-style-type: none"><li>• Draft approval of a subdivision consisting of 27 townhouse dwelling units and 12 semi-detached dwelling units</li><li>• Permit semi-detached dwellings and reduced density in the medium density Official Plan designation</li><li>• <b>Current Zone</b> = Residential Multiple RM1-508 Zone .</li><li>• <b>Proposed Zone</b> = Residential Multiple 1 (RM1) with special provisions to permit the following:<ul style="list-style-type: none"><li>○ Reduced interior side yard setback (townhouses)</li><li>○ Increased building coverage for interior and exterior townhouses</li><li>○ Minimum distance from dwelling and covered porch to daylight triangle</li><li>○ Reduced front yard setback to covered porch</li><li>○ Reduced exterior side yard setback to covered porch</li><li>○ Reduced rear yard setback to covered porch</li><li>○ Delete requirement for planting strip adjacent to residential zone</li></ul></li></ul>

	<p><b><u>GETTING MORE INFORMATION</u></b></p> <p>Input on the proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>September 28, 2016</b>. The information report will be available in the Council agenda portion of the Town's Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or from the Planning and Development Services Department.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Matt Kernahan, MCIP, RPP, Senior Development Planner</b> <b>Planning and Development Services Department,</b> <b>Town Hall, 1 Municipal Centre Drive,</b> <b>Fort Erie, Ontario L2A 2S6</b> <b>905-871-1600, ext. 2507</b> <b>Or by e-mailing your comments to: <a href="mailto:mkernahan@forterie.ca">mkernahan@forterie.ca</a></b></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision and passage of the Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment, please send a letter c/o the Town Clerk Laura Bubanko, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:lbubanko@forterie.ca">lbubanko@forterie.ca</a></p>
  	<p><b><u>PLANNING ACT LEGAL REQUIREMENTS</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment before the Draft plan of Subdivision, Official Plan Amendment and By-law are passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment before the Draft plan of Subdivision, Official Plan Amendment and By-law are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.</p> <p>If you wish to be notified of the approval of the Draft Plan of Subdivision, the adoption of the Official Plan Amendment and the passage of the Zoning By-law Amendment, you must make a written request to Laura Bubanko, Town Clerk and such request should include the name and address to which such notice should be sent.</p>

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### **Council-in-Committee - 08 Sep 2015 Meeting Minutes**

m), reduced exterior side yard (3 m), increased maximum lot coverage (no maximum) and an increase in the maximum allowable encroachment of porches into the required yard (1.5 m for front yard and 3 m for rear yard).

Mr. Kernahan stated the Site Plan for the subject property shows 39 townhouses and 2 semi-detached units fronting onto a public road ending in a cul-de-sac. An area of passive open space is located in the southwest corner of the site. The stormwater management block is located to the east and north. There is one vehicular access to Ridge Road North in the south portion of the site and a combined pedestrian/emergency access in the north.

The Mayor indicated the Committee would now hear from the applicant.

Mr. Brent King, owner of Royal Oak Property Developments advised this residential property is within the urban boundary and is zoned for residential use. Two years ago Council passed the Ridgeway Thunder Bay Secondary Plan. He provided an overview of the current zoning for medium density (between 60-180 units), up to three floors high, townhomes and low-rise apartments. The proposed zoning is for medium density, site specific (41 units), one floor bungalow townhomes and semi-detached.

Mr. King stated the study requirements have been completed and are part of the conditions:

- Planning justification;
- Engineering: storm water management, road grading and functional services;
- Scoped Environmental Impact Study;
- Geotechnical study of soil, water table, etc.;
- Archeology study because of the significance of the area however, the study concluded there are no heritage features.

Mr. King advised the Site Plan is proposing 39 single detached dwellings and two semi-detached dwellings for a total of 41 units. Prices will start in the low \$300's. He stated an open house was held on August 20, 2015 where 21 residents attended. He explained the intention was for upscale bungalows that would sell fast. Medium density with green space. Residents were in support and thought it was a smart plan. He hoped Mayor and Council would support the plan.

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Mr. Doug Peters, Engineer, Quartek Group, St. Catharines, referred to comments regarding access in an emergency situation and suggested it be deferred to the Town's fire services. He indicated 90 m from the public road to a cul de sac is used as a safe distance. If an accident were to happen beyond that, emergency vehicles would go around and over the boulevards, carry someone out or extend firehoses. This fits with the standards throughout Southern Ontario.

Mr. Peters provided an overview regarding the storm drains and run off within the development to the storm water management pond as well as through the water course into Beaver Creek to Black Creek to the Niagara River.

Ms. Jennifer Vida, Planner, Upper Canada Consultants, St. Catharines, was present to respond to questions from Members of Council.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of or in opposition to the proposed Official Plan and Zoning By-law Amendments.

**(a) John Warkentin, 3713 Nigh Road, Ridgeway**

Mr. Warkentin advised he retired here from St. Catharines at the end of May. The houses will back onto his property line. He is concerned about drainage and traffic. He did not expect this when he bought the property. There is a special tree in the top right corner of the proposed subdivision that has several bats that come out at dusk. He questioned if the tree and bats will be preserved. He also questioned if this subdivision could be developed somewhere else.

**(b) Jim McNair, 633 Ridge Road, Ridgeway**

Mr. McNair stated he was concerned about the development because it is next to his property and the access road on Ridge Road will abut his lot. Three units will also back onto his property. The access road will follow the natural water course from Pride Field which becomes a small pond in the spring to Ridge Road and goes towards where there will be the storm water management pond. The whole property is lower than the surrounding land. He is concerned about the grinder



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### **Council-In-Committee - 08 Sep 2015 Meeting Minutes**

pump system and if there is a power outage. He questioned what provision will be made to get sewage out to the sewer line and is concerned about this becoming a liability to the Town. He is also concerned the development will be half finished, the developer will disappear and surrounding property values will decrease. He is not sure the upscale project beginning in the low \$300's is viable. He is also concerned about the single access and cul de sac and if the emergency access will be plowed. He would like the Town to take more responsibility.

**(c) Mr. Bruce Kidd, 689 Ridge Road North, Ridgeway**

Mr. Kidd stated his biggest concern is the he is finding out more information on the project with each session he attends. He is concerned about the viability of the project for retirees versus current unsold/incomplete projects throughout the Town. He would like Council to review the level of traffic to this area with one ingress and egress. He is concerned about the surface water management flow and the storm water management system. He referred to Mr. King's reference that single family dwellings would be more saleable with less traffic, kids and school buses which Mr. Kidd believes will resolve a lot of issues. He asked Council to consider the residents' concerns within the Town's envelope of control.

**(d) Mike Rutherford, 3773 Nigh Road, Ridgeway**

Mr. Rutherford referred to a letter he sent to the Clerk on September 4, 2015 outlining his three concerns:

1. The cul de sac is shortly before their property line. If the developer requests reduced setbacks on the units fronting the cul de sac, they would be opposed to the Town approving this request. These final lots should not be developed until the road can be extended.
2. Loss of privacy and potential for access afforded by building a new road directly to their wooded property. They request Council to direct the developer to provide fencing along their property line.
3. The proposed sewer management system for each house with a sewage ejector or grinder pump system. While this will be cost efficient to the developer, they

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### Council-in-Committee - 08 Sep 2015 Meeting Minutes

are concerned about the long term impacts on the Town and future owners of these properties. They are unclear as to who will be responsible for its ongoing operations and the Town assuming liability should a failure occur.

Mr. Rutherford does not want the snow plow to push the snow into his woods.

(e) Wayne Eggleton, 3725 Nigh Road, Ridgeway

Mr. Eggleton expressed his concern about the sewer water being pumped into the creek. The cul de sac is close to his backyard and the water will be a problem. He doesn't think the holding area will work. He referred to the Gorham Road subdivision where there are bull rushes and algae. We are trying to eliminate west Nile virus but he suggested this will be a breeding zone.

(f) Jim Puhl, 3811 Rebstock Road, Crystal Beach

Mr. Puhl referred to the 310 Ridge Road subdivision where they have a 25 ft. road and no setbacks. It is too bad they cannot do the same here. The condominium owners pay \$140 per month to have their grass cut and snow removed. The value of these homes have increased since they were built. He has nine backyards facing his backyard. Mr. Puhl stated the developer needs to get the bugs out but he thinks the subdivision is a good idea.

Mayor Redekop announced the public meeting closed.

*Members of Council recessed from 8:18 to 8:31 p.m.*

## 7. Consent Agenda Items

**CDS-66-2015**      Amendment to Comprehensive Zoning By-law No. 129-90 - Housekeeping Amendment

**That:** Council authorizes staff to proceed with a housekeeping amendment to the Town of Fort Erie Comprehensive Zoning By-law No. 129-90 as outlined in Report No. CDS-66-2015 and present a report on the Zoning By-law Amendment at a future Council-in-Committee meeting with the recommendations subsequent to the Public Meeting.

**(Carried)**

## **APPENDIX "2"**

6:00 p.m. in Town Hall Council Chambers; Council adoption of Budget By-law: Monday, December 5, 2016 – Capital Budget; Monday, January 16, 2017 - Water and Wastewater Budget & Rates; Monday, February 27, 2017 - General Levy Budget.

### **6. Public Meetings**

- (a) Draft Plan of Subdivision, Combined Official Plan and Property Rezoning (revised)

Re: Royal Oak Property Developments Ltd. (Brent King) - West Side of Ridge Road North, South of Nigh Road. The applicant is proposing to change the draft subdivision approval consisting of 27 townhouse dwellings and 12 semi-detached dwelling units and permit semi-detached dwellings and reduced density in the medium density Official Plan designation and rezone from Residential Multiple RM1-508 Zone to Residential Multiple 1 (RM1) with special provisions.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding a revised Draft Plan of Subdivision and a combined Official Plan and Property Rezoning. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Mr. Kernahan delivered a power point presentation.

Mr. Kernahan explained an application for a Draft Plan of Subdivision and an application for a combined Official Plan and Zoning By-law Amendment were received for the proposed Royal Oak Subdivision on the west side of Ridge Road North, south of Nigh Road on July 24, 2015. A public meeting was held on the July 2015 proposal at the Council-in-Committee meeting on September 8, 2015. Significant concern was raised regarding the proposed sanitary sewage disposal system that included the use of buried sump and grinder pumps on each lot and a low pressure forcemain within the proposed internal municipal roadway. The applicant requested that their application be placed on hold to allow them time to address the issue of sanitary waste disposal until a revised submission was received on September 1, 2016. The revised application for a Draft Plan of Subdivision includes 27 townhouse dwellings and 12 semi-detached dwellings fronting onto a public road ending in a cul-de-sac as well as a block for a stormwater management pond

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and an environmental protection area. The proposed dwellings would be serviced by a gravity sewer under the public road within the subdivision that outlets to the municipal sanitary sewer under Nigh Road by way of easements over lots with frontage on Nigh Road.

Mr. Kernahan advised that notification of the October 3, 2016 Public Meeting was provided in accordance with the requirements of the *Planning Act* by placing a notice in the September 8, 2016 edition of the Fort Erie Times newspaper and mailed to property owners within 120 metres on the same date.

Mr. Kernahan stated the subject lands are located in the Ridgeway/Thunder Bay neighbourhood on the west side of Ridge Road North, south of Nigh Road. The surrounding land uses consist of: single detached residential dwellings to the north; single detached dwellings and woodlot to the south; Provincially Significant Wetland, woodlot and single detached residential dwellings to the west; and single detached residential dwellings, Ridge Road North and Ridgeway High School to the east.

Mr. Kernahan stated the natural heritage features on and in the vicinity of the subject property as identified in the Official Plan, were more precisely delineated and the impact of the proposed development was evaluated through an Environmental Impact Study by Natural Resource Solutions. The study concluded that with the implementation of the proposed mitigative measures, there would be no adverse impact to the natural heritage features. Mitigative measures include a Tree Preservation Plan, timing of construction, the stormwater management and drainage strategy and a Sediment and Erosion Control Plan. These mitigative measures would be included as Conditions of Approval to ensure their implementation.

Mr. Kernahan explained the Ridgeway/Thunder Bay Secondary Plan designates the majority of the subject property as medium density residential and permits townhouses and low rise apartments with a minimum density of 25 units per hectare and a maximum density of 75 units per hectare. An amendment to the Official Plan is required to permit the semi-detached dwellings and the reduced density of 16 units per hectare. Two small areas in the northwest and southwest of the site are designated low density residential. The southwest corner of the site is designated Open Space. The proposed Official Plan

## **APPENDIX "2"**

amendment will align the Open Space area with the proposed stormwater management pond, eliminate the low density residential designation and align the Environmental Protection designation with the area recommended in the EIS.

Mr. Kernahan stated the majority of the property is currently zoned Residential Multiple 1 RM1-508 which permits townhouses and low rise apartment buildings. Two small portions of the property in the northwest and southeast are zoned Neighbourhood Development ND Zone. A portion in the southwest in the area of the proposed stormwater management pond and Open Space area is zoned Open Space. The application proposes to change the zoning of the property where dwellings are proposed to a Site Specific Residential Multiple 1 RM1 Zone. The applicant has requested semi-detached dwellings be permitted in addition to the uses permitted in the RM1 Zone. The area of the site where the Provincially Significant Wetland and buffer area are located would be rezoned to Environmental Protection. The Site Specific Zoning regulations that the applicant has requested is for relief from the interior side yard setback for townhouse dwellings and front and rear yard setbacks from porches. They have also requested relief from the coverage requirements and setbacks from daylighting triangles on corner lots.

Mr. Kernahan stated the Site Plan for the subject property is for 27 townhouses and 12 semi-detached units fronting on to a public road ending in a cul-de-sac. The proposed density is approximately 16 units per hectare. An area of passive open space is located in the southwest corner of the site. The stormwater management block is located to the east and north of this area. There is one vehicular access to Ridge Road North in the south portion of the site and a combined pedestrian/emergency access in the north.

Mayor Redekop invited the developer to present.

Brent King, President, Royal Oak Property Developments Ltd. outlined some of the obstacles that arose since his last presentation at the Public Meeting held on September 8, 2015, and how they have been resolved. He advised that the plan, a year later, has not changed much except that requirements to address concerns identified, including the sanitation system and species at risk, have been fulfilled.

## **APPENDIX "2"**

Leigh Whyte, Professional Planner, and local resident has reviewed the plan extensively and advised that revisions have been made to accomplish the desire of the Town's Infrastructure Services staff to provide a means of egress for gravity sewers northerly to Nigh Road and accommodate the easement. He stated that the proposed development is desirable and the intensification and mix of housing types are supported by provincial principles.

Doug Peters, Professional Engineer spoke to the good engineering principles used to address rain water from the east side of Ridge Road which passes over private property, and will be handled in a perforated pipe fashion intended to mimic current flow regime to allow water to come to the existing wetland area. The grade of Ridge Road North is proposed to be brought down to minimize the impact on adjacent properties. The drainage runoff will be handled along the south limit of the subdivision property and continue to discharge to the wetland area. There will be drainage run off intercepted and piped through the development to the storm water management pond and discharged into the wetland area. This design will accommodate that run off in an appropriate manner satisfactory to the Town and Region and in accordance with Ministry of the Environment and Climate Change guidelines. The pond will be designed to satisfy NPCA regulations and guidelines. Mr. Peters advised that the cul-de-sac turning radius has been looked into and is adequate for Fire Emergency vehicles.

Mr. King displayed slides showing the design of the proposed homes and he outlined the layout of the homes.

Mayor Redekop asked if anyone was present to speak either for or against the proposed development.

Bruce Kidd, 689 Ridge Road, Ridgeway spoke to the elevation concern and where vehicles would be coming in and going out, assuming it will be 2 lanes, and what would happen to the sidewalk which gets used a lot. He raised concerns about water drainage and that the pond will not be able to handle the rain, considering climate change, and who would be maintaining the drainage system over the land.

Jim McNair, 633 Ridge Road, Ridgeway advised that he is directly north of the roadway going in and his main concern is on the grade of the road going in and maintaining access to the back part of his lot.

## APPENDIX "2"

John Warkentin, 3713 Nigh Road, Ridgeway raised concerns over the removal of greenery and buffer zones from the lots on Nigh Road and what the backs of the new properties would look like. He is concerned about noise and appearance in the rear yards. He stated that since the removal of trees he has experienced much more wind in his back yard and is concerned about what will be done with the dust during construction.

James Puhl, 3811 Rebstock Road, Crystal Beach enquired about the measurement of the cul-de-sac road and the minor variance, and the trees that were cut down and the size of the servicing lot easement.

Wayne Eggleton, 3725 Nigh Road, Ridgeway stated his concerns about the sewer system on Nigh Road and enquired about the result of the smoke test. He also enquired about the drainage water coming off Ridge Road draining into the pond and where the offsite drainage is occurring. He asked about the drop in elevation in the southwest corner and how water from that drainage pond is going to drain into the creek where they've had problems for many years with it not releasing the water downstream. He also raised concern with the narrowness of the cul-de-sac.

Natalie Demelo, 3679 Nigh Road, Ridgeway raised concerns about drainage and sewer since during the last storm the ditches overflowed, and what happens if she has water issues.

Mayor Redekop closed the public meeting.

(b) Property Rezoning

Re: Town Initiated Housekeeping Amendment - The proposed amendment will consider certain minor changes to Zoning By-law No. 129-90 by clarifying definitions and general provisions and remove inconsistencies/redundancies within the by-law.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed housekeeping amendments to Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Mr. Kernahan delivered a power point presentation.



## Interoffice Memorandum

September 29, 2015

File No.350307

To: Matt Kernahan, MCIP, RPP

From: Kevin Winney, Senior Fire Prevention Inspector

Subject: **Draft Plan of Subdivision Royal Oak Property Developments**

---

The Fort Erie Fire Department has the following issue with the above-mentioned submission.

1. The turning circle (cul-de-sac) at the end of street A shall meet the requirements of the Guidelines for Development of New Subdivisions 5.4 "Dead End Streets". This requires a pavement radius of 13.25m in accordance with Town Standard Drawing No. PW-504 FE. Also a temporary easement in favour of the Town of Fort Erie with a radius of 15m may be required.

Kevin Winney  
Senior Fire Prevention Inspector

kjw





Draft Plan of Subdivision No. 350309-0403, 350302-095 and 350308-101

Vitumbiko.Mhango

to:

MKernahan

14/08/2015 02:32 PM

Hide Details

From: <Vitumbiko.Mhango@HydroOne.com>

To: <MKernahan@town.forterie.on.ca>

Draft Plan of Subdivision No. 350309-0403, 350302-095 and 350308-101

We have reviewed the documents concerning the above noted Draft Plan of Subdivision Application and have no comments or concerns at this time.

Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier.

Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or call 1-866-272-3330.

If you have any questions please call me at the number below.

Thank you.

Dennis De Rango  
Specialized Services Team Lead  
905-946-6237

**Please note that Hydro One accepts planning circulations by email at [landuseplanning@Hydroone.com](mailto:landuseplanning@Hydroone.com)**

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## APPENDIX "3"



Enbridge Gas Distribution  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

September 18, 2015

Matt Kernahan, MCIP, RPP  
Senior Development Planner  
The Corporation of the Town of Fort Erie  
Community & Development Services  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Matt Kernahan,

Re: Zoning By-law Amendment  
Residential Zoning Regulations  
Town of Fort Erie Initiated Amendment  
File No.: 350309-0402

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nikki DeGroot', with a stylized flourish at the end.

**Nikki DeGroot**

Municipal Planning Advisor  
Distribution Planning & Records

**ENBRIDGE GAS DISTRIBUTION**  
TEL 416-758-4754  
500 Consumers Road North York, Ontario M2J 1P8

[enbridgegas.com](http://enbridgegas.com)  
Integrity. Safety. Respect.

ND/rv

## APPENDIX "3"



Enbridge Gas Distribution  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

September 12, 2016

Matt Kernahan, MCIP, RPP  
Senior Development Planner  
The Corporation of the Town of Fort Erie  
Community & Development Services  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Matt Kernahan,

Re: Official Plan Amendment, Draft Plan of Subdivision & Zoning By-Law Amendment – Revised  
Royal Oak Property Developments Ltd.  
651 Ridge Road (Royal Oak Subdivision)  
Town of Fort Erie  
File No.: 350308-0101      Related: 350309-0403

**Enbridge Gas Distribution has no changes to the previously identified conditions for this revised application(s).**

Sincerely,

A handwritten signature in blue ink, appearing to read "Allison Sadler", with a light blue circular stamp or watermark behind it.

**Allison Sadler**

Municipal Planning Advisor  
Distribution Planning & Records

**ENBRIDGE GAS DISTRIBUTION**

TEL 416-495-5763

500 Consumers Rd, North York, ON, M2J 1P8

[enbridgegas.com](http://enbridgegas.com)

Integrity. Safety. Respect.

AS/jh

## APPENDIX "3"



September 8, 2016

Matt Kernahan, MCIP, RPP  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Reference: Royal Oak Subdivision, Ridgeway ON

Thank you for contacting Canada Post regarding plans for a new subdivision in Ridgeway. Please see Canada Post's feedback regarding the proposal, below.

**Service type and location**

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMB's). CMB will be installed as identified on the attached map.

**Municipal requirements**

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

**Developer timeline and installation**

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Regards,

*Tony Filice*

Tony Filice  
Delivery Services Officer | Delivery Planning  
955 Highbury Ave N  
London, ON N5Y 1A3

## **APPENDIX "3"**

### **Appendix A**

#### **Additional Developer Requirements:**

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - Any required walkway across the boulevard, per municipal standards
  - Any required curb depressions for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)
  - A Community Mailbox concrete base pad per Canada Post specifications.







RE: Royal Oak Subdivision (Fort Erie) - NPCA Comments

David Deluce

to:

Matt Kernahan

27/09/2016 03:54 PM

Cc:

"teresa.gray@niagararegion.ca", "Steve Miller", Lee-Ann Hamilton, "Darren MacKenzie",  
"Brent King (brent.king@royaloakpd.com) (brent.king@royaloakpd.com)"

Hide Details

From: David Deluce <delduce@npca.ca> Sort List...

To: Matt Kernahan <MKernahan@forterie.ca>

Cc: "teresa.gray@niagararegion.ca" <teresa.gray@niagararegion.ca>, "Steve Miller" <smiller@npca.ca>, Lee-Ann Hamilton <lhamilton@npca.ca>, "Darren MacKenzie" <DMacKenzie@npca.ca>, "Brent King (brent.king@royaloakpd.com) (brent.king@royaloakpd.com)" <brent.king@royaloakpd.com>

History: This message has been forwarded.

1 Attachment



Royal Oak Subdivision - Fort Erie MPR 6 3 67 (June 21, 2016).pdf

Hi Matt,

We've reviewed the revised applications and have no objections. Our comments of June 21, 2016 (attached) remain applicable. If you have any questions, please let me know.

Regards,

David Deluce, MCIP, RPP  
Supervisor, Development Reviews  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, Ontario, L3C 3W2  
905-788-3135 ext. 224  
[delduce@npca.ca](mailto:delduce@npca.ca)

From: Matt Kernahan [<mailto:MKernahan@forterie.ca>]

Sent: September 7, 2016 4:08 PM

To: David Deluce <delduce@npca.ca>

Subject: Re: Royal Oak Subdivision (Fort Erie) - NPCA Comments

David,

Please see attached request for comments on a revised submission of this application.

Matt

Matt Kernahan, MCIP, RPP  
Senior Development Planner

## APPENDIX "3"



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

June 21, 2016

Via Email Only

Mr. Matt Kernahan, MCIP, RPP  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive,  
Fort Erie, ON, L2A 2S6

Our File MPR 6.3.67

Dear Mr. Kernahan

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Royal Oak Subdivision  
651 Ridge Road  
Owner: Royal Oak Property Developments Ltd. (Brent King)  
File Nos.: 350309-0403, 350302-095 & 350308-101**

---

Further to our letters of September 29, 2015 and October 30, 2015, the NPCA has received additional information pertaining to our previous concerns about stormwater management and Species at Risk (SAR) bat habitat. Based on the new information, we offer the following.

The applicant received a letter from the Ministry of Natural Resources and Forestry (MNRF) on March 18, 2016 pertaining to the large tree that was identified as potential SAR bat habitat. The MNRF did not raise any objections to removal of the tree in question based on the parameters outlined in their letter. Based on this, the NPCA is satisfied that the issue of potential SAR habitat has been adequately addressed. Please note that it is the applicant's responsibility to ensure compliance with the *Endangered Species Act* and applicable Regulations thereto.

The NPCA had previously raised concerns about the size of the stormwater management pond to achieve its directives and recommended that this issue be addressed prior to Draft Plan Approval. As noted in our letter of October 30, 2016, this issue can be addressed through a Condition of Draft Plan Approval, however, if it is determined that the stormwater management pond is not large enough, the Draft Approved Subdivision may have to be revised to accommodate a larger pond. Please note that as per previous comments, NPCA staff require that the stormwater management facility include a sediment forebay and that all stormwater runoff from the site be treated to an Enhanced standard prior to discharge from the site.

NPCA staff previously raised a concern regarding the stormwater outlet, which to be directed to the Provincially Significant Wetland (PSW) in the southwest corner of the



## **APPENDIX "3"**

subject lands and allowed to drain onto the abutting property to the west. The applicant provided NPCA staff with a legal opinion which we forwarded to our solicitor for review. Based on our legal advice, NPCA staff are satisfied with the stormwater outlet directing drainage into the wetland, subject to the approval of a detailed stormwater management report and the applicant obtaining an NPCA Work Permit. Conditions have been included to address this matter.

Please note that any further vegetation removal should occur outside the key breeding bird period identified by Environment Canada for migratory birds to ensure compliance with the Migratory Birds Convention Act (MBCA), 1994 and Migratory Bird Regulations (MBR). Vegetation removal should be undertaken outside the breeding season for migratory birds (March 15 and August 31). For any removal of vegetation within this timeframe a nest survey should be completed by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the MBCA. The NPCA does not administer the MBCA, as it is Federal legislation. This comment is provided inform the applicant of the MBCA. Any specific questions regarding the MBCA should be directed to Environment Canada.

### **Conditions of Draft Plan Approval**

NPCA staff request that the following conditions be included in the Conditions of Draft Plan Approval.

1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading, storm servicing, stormwater management, and construction sediment control plans.
2. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater management outlets going into the Provincially Significant Wetland on the subject lands.
3. That Block 7 be rezoned Environmental Protection or other similar zone category that would prohibit development and site alteration, to the satisfaction of the Niagara Peninsula Conservation Authority.
4. That the Developer provide 1.5 metre high chain link fencing along the boundary of Block 7 and Block 8.
5. That the Developer submit a Landscape Plan to the Niagara Peninsula Conservation Authority for review and approval which includes dense plantings of native trees and shrubs along the boundary of Block 7 and 8.
6. That the 15 metre naturally vegetated buffer from the wetland boundary be shown on all applicable engineering drawings. The buffer is to be maintained in a natural state.

### APPENDIX "3"

7. That sediment control and limit of work fencing be shown on the Grading Plan along the boundary of Block 7 and Block 8, and that no grading occur beyond this point. Limit of work fencing must be maintained in good working order during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
8. That the street lighting plan include a note indicating that bird-friendly downward projecting lighting structures will be used to ensure minimization of spill light into adjacent natural areas as required by the Environmental Impact Study prepared by Natural Resource Solutions Inc. and dated July 2015 as required to demonstrate conformity with Policy 7.B.1.11 of the Regional Official Plan.
9. That conditions 1 to 8 above be incorporated into the Subdivision Agreement between the Developer and the Town of Fort Erie to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Fort Erie shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Based on the above, NPCA staff are able to support the applications subject to the above Conditions of Draft Plan Approval. I hope this information is useful. If you have any questions, please let me know.

Respectfully,



David Deluce, MCIP, RPP  
Supervisor, Development Reviews (ext. 224)

cc: Mr. Brent King, Royal Oak Property Developments Ltd. (email only)  
Ms. Teresa Gray, MCIP, RPP, Region of Niagara (email only)  
Mr. Carmen D'Angelo, NPCA (email only)  
Ms. Lee-Ann Hamilton, NPCA, (email only)  
Mr. Steve Miller, P.Eng., NPCA (email only)  
Mr. Darren MacKenzie, C.Tech, rcsi., NPCA (email only)

m:\\_7 watershed mgmt -planning & regulations\dave d\651 ridge road (fort erie)\royal oak subdivision - fort erie mpr 6 3 67 (june 21, 2016) docx



## Interoffice Memorandum

September 23, 2016  
File No. 350308-0101

To: Matt Kernahan, Senior Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **REVISED APPLICATION FOR COMBINED OFFICIAL PLAN AND ZONING  
BY-LAW AMENDMENT AND DAFT PLAN OF SUBDIVISION – ROYAL OAK  
SUBDIVISION - COMMENTS**

---

I have completed a review of the documents submitted in support of the REVISED Combined Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications and provide the following comments:

1. All the comments and conditions of Draft Plan Approval provided in my memo dated September 29, 2015 shall also apply to the REVISED application except for the comments provided under the section entitled Sanitary Sewers.

### **Sanitary Sewers**

2. We agree with the assessment of the report authors that there is sufficient capacity within the receiving system to take the additional sewage flow.
3. We are satisfied with the proposed sanitary sewage scheme – including the provision of the gravity sewer across private lands to connect to the sanitary sewer on Nigh Road. This is a much better proposal than the previously proposed low-pressure system.
4. Page 4 of the Functional Servicing Report makes reference to a 5.0m easement across private property "which has already been obtained." The applicant shall supply the Town with details of this easement as well as registration document (if any) as the easement shall be in the favour of the Town in order to give rights to the Town to maintain upon assumption of the sewer. A review of our aerial photographs shows a garage on the east side of 3741 Nigh Road which appears to be on top of the proposed easement. The easement shall be free and clear of all registered encumbrances as well as free from all obstruction which may limit the Town's ability to maintain the sewer.

### **Other Comments**

5. Contrary to the statements made Page 6 of the Functional Servicing Report, the Town's minimum road width from centre-line of gutter to centre-line is 8.50m. Also, the Town standard drawing is PW-501 FE no PW-510 FE.
6. Concrete barrier curb in accordance with OPSD 600.040 is the Town's standard, not mountable curb as stated on Page 6 of the Functional Servicing Report.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

cc: George Stojanovic, Manager, Engineering Division; Kira Dolch, Manager, Development Approvals



## Interoffice Memorandum

September 29, 2015  
File No. 350308-0101

To: Matt Kernahan, Senior Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **DRAFT PLAN OF SUBDIVISION AND COMBINED ZONING BY-LAW AND  
OFFICIAL PLAN AMENDMENT APPLICATIONS  
ROYAL OAK SUBDIVISION**

---

On behalf of the Infrastructure Services Department, Engineering Services Division, we have reviewed the above noted Draft Plan of Subdivision and Combined Zoning By-law and Official Plan Amendment applications. After a review of the applications and associated documents we offer the following comments and requirements regarding the proposed applications:

### **BACKGROUND COMMENTS**

#### **General**

1. The subject parcel has frontage on the following existing municipal services:
  - Town watermain along Ridge Road North.
  - Town sanitary sewer along Ridge Road North.

The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Because the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewage collection system and the municipal water distribution system.
2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.
4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.
5. The Owner must obtain approved Service Connection Permits from the Town of Fort Erie for residential connections to existing sewers or watermains.
6. A geotechnical study and hydrogeological study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.
7. Phasing of the development servicing shall be subject to approval from the Director of Infrastructure Services.

#### **Roads**

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-510 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards

**September 29, 2015  
Royal Oak Subdivision  
Draft Plan of Subdivision  
Combined Zoning By-law and Official Plan Amendment**

---

(OPS) and Transportation Association of Canada (TAC). The proposed pavement width does not meet Town standards.

2. All proposed roadways within the plan shall be dedicated as public highways.
3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.
4. LED Streetlights will be required as per the Town street light policy.
5. Daylight triangles (4m x 4m) must be provided at internal street corners.
6. 0.3m wide reserves are required on the north and south flankages of Block 1; on the south flankage of Block 2 and on the west and east flankage of Block 5.
7. A 1.5m wide concrete sidewalk shall be provided on one side of the street to the west limit of the development.

**Watermain**

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.
2. All watermains must be looped to ensure a consistent turn-over of water within the development. Rather than the proposal to install a 150mm watermain on both sides of the road from the fire access route to the cul-de-sac. A 150mm watermain shall be provided on one side of the road to the west limit of the cul-de-sac, a cap with a 50mm curb-stop valve shall be provided and a 50mm HDPE line shall come off which shall loop back to the 150mm watermain and connect via a 50mm main-stop. In the event the lands to the west are developed, connection can be made to the cap at the end of the 150mm watermain and the 50mm loop abandoned.

**Sanitary Sewer**

1. Prior to the issuance of these comments, the Town has requested the owner to explore alternatives to the proposed low-pressure sanitary sewer system. From an operational perspective it is the Town's preference to have a sanitary sewer that drains by gravity. The owner has advised Infrastructure Services staff that a gravity sewer system which would drain to Nigh Road is possible subject to obtaining an easement across private lands. The owner has been advised that this is the preferred option and that discussions with the private property owners shall commence toward obtaining an easement.

**Storm Drainage**

1. The developer of these lands must address any downstream impacts of storm water runoff from the proposed development. Downstream impacts can be mitigated with on-site storm management. Storm water management must include a means to control the release of post development storm run off to predevelopment rates for storm events (for the 5-year storm and up to and including the 100-year storm). The difference in pre and post development runoff shall be stored on site and released at a safe controlled rate. The release rate shall not create downstream flows that may increase erosion. If the receiving outlet (storm sewer, ditch or drainage course) has not been designed for the 5-year storm, then site discharge must be controlled to the site pre-development rate discharge for that outlet based on the existing design capacity of the outlet and the downstream system.

**September 29, 2015**

**Page 3 of 5**

**Royal Oak Subdivision**

**Draft Plan of Subdivision**

**Combined Zoning By-law and Official Plan Amendment**

---

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.
3. The developer must provide a SWM report for all development phases of the subject lands.
4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.
5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.
6. Existing overland drainage patterns must be maintained.
7. The Town would assume responsibility for the maintenance of the storm water management facility, as set out in the subdivision agreement.
8. A land block must be dedicated for a SWM facility and will ultimately be dedicated to the Town. A maintenance pathway, 3.0m wide, may be required around the circumference of the facility. Side slopes on the ponds shall be as per Town guidelines.
9. A chain link fence (black preferred) shall be provided along all sides of storm water pond land block (Block 8) that are adjacent to private property.
10. Inlet pipe to SWM facility to be wholly within Town lands, minimum 5.0 m wide right of way.

**REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:  
ROYAL OAK PLAN OF SUBDIVISION**

1. That the owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town of Fort Erie concerning the provision of roads, watermain, sewers, drainage, storm water management, daylight triangles, sidewalks, fire hydrants, streetlighting, including the upgrading of existing services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
2. That the owner deed Block 8, as shown on the Draft Plan to the Town for stormwater management facility and emergency access roadway, free and clear of any mortgages, liens and encumbrances.
3. That the owner agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
4. That all roads within the subdivision be conveyed to the Town of Fort Erie as public highways.
5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to ground surface via splash pads to either side or rear yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway".

**September 29, 2015**

**Page 4 of 5**

**Royal Oak Subdivision**

**Draft Plan of Subdivision**

**Combined Zoning By-law and Official Plan Amendment**

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6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall".
7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
8. That the owner submit, for review and approval by the Town, a Geotechnical Study and Hydrogeological Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered. Owner to provide three copies of the final study, once approved by the Town.
9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
10. That any phasing of subdivision servicing be to the satisfaction of the Town.
11. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
12. That the streets be named to the satisfaction of the Town.
13. That the owner agrees to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town.
14. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
15. That prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers, sanitary sewers and storm water management for this development and 'Form 1' Record of Watermain for any required watermains.
16. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.

**September 29, 2015  
Royal Oak Subdivision  
Draft Plan of Subdivision  
Combined Zoning By-law and Official Plan Amendment**

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17. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 16 above.
18. That the Subdivision Agreement between the owner and the Town be registered by the Municipality against the lands to which it applies in accordance with the Planning Act.
19. Owner shall obtain approved Service Connection Permits from the Town for connection(s) to existing sewers and watermain.
20. Owner shall provide daylight triangles (4m x 4m) must be provided at internal street corners along Street "A". Daylight triangles are to be added to road allowances and must be free and clear of any mortgages, liens and encumbrances
21. That the Owner shall provide 0.3m wide reserves are required on the north and south flankages of Block 1; on the south flankage of Block 2 and on the west and east flankage of Block 5. These must be free and clear of any mortgages, liens and encumbrances.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals



## APPENDIX "3"



### Planning and Development Services

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-641-5208

[www.niagararegion.ca](http://www.niagararegion.ca)

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September 30, 2016

**VIA EMAIL ONLY**

Files: D.11.01.SD-15-031  
D.10.01.OPA-15-024  
D.18.01.ZA-15-065

Mr. Matt Kernahan, MCIP, RPP  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

**Re: Regional and Provincial Review Comments  
Revised Royal Oak Draft Plan of Subdivision  
Official Plan Amendment & Zoning By-law Amendment  
Owner: Royal Oak Property Development Ltd. (Brent King)  
WS Ridge Road North, Town of Fort Erie**

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Regional Development Services staff has received the information circulated for the revised Draft Plan of Subdivision dated August 24, 2016. This proposal is for the decrease in the total number of units from 41 to 39 units, to facilitate servicing of the development. The proposed plan includes a greater mix of housing types, and the modification also requires an amendment to the Zoning By-law for lot coverage and setback requirements. Previous Regional comments dated September 28, 2015 remain applicable, with only minor changes required to the conditions of draft approval to address servicing revisions.

The following changes to the previous comments are offered to assist the Town in considering the revised Draft Plan of Subdivision.

#### **Site Servicing**

The revised Functional Servicing Report, prepared by Quartek Group Inc., dated August 2016, proposes to use a conventional gravity sanitary sewer system and a stormwater management pond, instead of the previously proposed low-pressure forcemain. The owner is required to submit design drawings, with calculations, for the sanitary and storm drainage systems, as well as obtain Ministry of the Environment and Climate Change (MOECC) Environmental Compliance Approval under the Transfer of Review Program to the satisfaction of the Niagara Region Planning and Development Services Department. The stormwater management pond however, will require a direct submission to the Toronto Ministry of Environment (MOE) office.

As such, please refer to the amended conditions of draft approval, included in Appendix 1, to address the changes in the servicing of this development.

## **APPENDIX "3"**

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### **Conclusion**

Regional staff supports the approval of the revised Draft Plan of Subdivision, the Official Plan amendment and the Zoning By-law amendment from a Provincial and Regional perspective subject to the comments of the NPCA, any local planning requirements/concerns, and the inclusion of the amended draft conditions requested by Regional Planning and development services department as set out in Appendix 1 attached hereto.

Should you have any questions or wish to discuss these comments further, please contact the undersigned at 905-685-4225, ext. 3352, or Teresa Gray, Senior Development Planner, at ext. 3430.

Please send a copy of the staff report and notice of the Town's decision on these applications.

Sincerely,



**Michelle Baya**  
Development Services Planning Student

Attach. Appendix 1 – Amended Conditions of Draft Approval

c: Ms. Kira Dolch, MCIP, RPP, Manager, Development Approvals, Town of Fort Erie  
Mr. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Ms. Susan Dunsmore, P. Eng., Development Engineer, Development Planning, Niagara Region  
Mr. David Deluce, MCIP, RPP, Supervisor, Development Review, NPCA

## **APPENDIX "3"**

### **APPENDIX I – Amended Conditions Required Conditions of Draft Approval for Royal Oak Subdivision, Town of Fort Erie**

1. That the owner submits a written undertaking to the Niagara Region (Development Services Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
  2. That the owner submits a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Fort Erie.
  3. That prior to approval of the final plan or any on-site grading, the owner submit to the Niagara Region (Development Services Division) for review and approval, two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment and Climate Change (MOECC) documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for the New Development, June 1991:
    - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
- Note:** The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Region's behalf and submit comments to the Niagara Region (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional staff. A technical review fee is applicable.
4. The Subdivision Agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sedimentation control measures required in accordance with Condition 3.
  5. Prior to final approval for the registration of this draft plan of subdivision, the owner shall submit the design drawings (including calculations) for the stormwater management system, and obtain a MOECC Environmental Compliance Approval directly from the Toronto office.

**Note:** any specialized systems and/or stormwater management requires direct application to the MOECC office in Toronto. Please note that any additional approvals required from any other agency (NPCA, MTO, etc.) as part of the application, must be obtained prior to submission of the Environmental Compliance Approval application. The developer should discuss any items with an engineering consultant.

## **APPENDIX "3"**

6. Prior to final approval for registration of the plan, the owner shall submit the sanitary sewer and storm drainage system designed to service this development to the Niagara Region for review and approval under the Ministry of the Environment's Transfer of Review Program and obtain Ministry of the Environment and Climate Change (MOECC) Environmental Compliance Approval.
7. That the owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy C3.C17, Collection of Material By Way of Entry on Private Property and by-laws relating to the curbside collection of waste for the development. The owner shall provide a temporary cul-de-sac with a minimum curb radius of 12.8 metres at the end of Street 'A' until such time that the through-street connection is provided and this requirement shall also be included in the subdivision agreement.
8. That the owner submits an archaeological assessment of the subject lands prepared by a licensed archaeologist to the Ministry of Tourism, Culture and Sport for the review and approval with a copy provided to the Niagara Region Planning and Development Services Department and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport through the Niagara Region Planning and Development Services Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

### **Clearance of Conditions**

**Prior to granting final plan approval, the Town of Fort Erie must be in receipt of written confirmation from the following agencies that their respective requirements have been met satisfactorily:**

**Regional Municipality of Niagara for conditions 1 to 8**

#### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to Regional Planning and Development Services for verification that the appropriate clauses have been included. **Note:** it is also recommended that a copy of the draft agreement also be provided to Niagara Region in order to allow for the incorporation of any necessary revisions prior to execution.

## APPENDIX "3"



### Planning and Development Services

2201 St. David's Road W, PO Box 1042, Thorold, ON L2V 4T7  
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-8056  
[www.niagararegion.ca](http://www.niagararegion.ca)

September 28, 2015

VIA EMAIL ONLY

Files: D.11.01.SD-15-031  
D.10.01.OPA-15-024  
D.18.01.ZA-15-065

Mr. Matt Kernahan, MCIP, RPP  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

**Re: Regional and Provincial Review Comments  
Royal Oak Draft Plan of Subdivision  
Official Plan Amendment & Zoning By-law Amendment  
Owners: Royal Oak Property Developments Ltd. (Brent King)  
WS Ridge Road North, Town of Fort Erie**

A pre-consultation meeting was held on May 14, 2015 at Town Hall in Fort Erie with Town, Niagara Peninsula Conservation Authority (NPCA) and Regional staff along with the agent and owner for the subject property. Regional Development Services staff has reviewed the Draft Plan of Subdivision prepared by Don Chambers, Surveyor (dated June 29, 2015) which proposes the creation of 41 dwelling units, 1 block for environmental protection, 1 block for stormwater management, 1 block for emergency access on 2.615 hectares of land located on the west side of Ridge Road North, south of Nigh Road in the Town of Fort Erie.

The proposed Official Plan amendment is to permit a reduced density in the Medium Density Residential Designation and to permit two semi-detached dwelling units. The Zoning By-law amendment application proposes to change the zoning to a site specific Residential Multiple 1 RM1 Zone to permit the semi-detached dwelling use and the dwellings with reduced frontages, lot areas, front yard and side yard setbacks and increased building coverage.

The following Provincial and Regional comments are provided to assist the Town in considering these applications.

#### **Provincial and Regional Policy**

The property is within a settlement area under the Provincial Policy Statement (PPS) and the Built-up Area under the Places to Grow Growth Plan. According to the Regional Official Plan (ROP), the property is within the Urban Area and the Built-up Area for the Town of Fort Erie. A wide range of residential, commercial, and industrial uses are permitted generally within the urban Areas, subject to the availability of adequate municipal services and infrastructure. Built-up Areas are lands within urban areas that will be the focus of residential and employment intensification and redevelopment within the Region over the long term. Municipalities are encouraged to provide a range of housing types and densities, including affordable housing, which is suited for a variety of household types and income groups.

## **APPENDIX "3"**

The subject property is located within the urban area, surrounded by a low density residential neighbourhood where existing infrastructure is available to service the proposed development. The proposed townhouses and two semi-detached dwelling units will add to the range of housing types and densities in the neighbourhood. Provincial and Regional policies requires that by the year 2015 and each year thereafter, a minimum of 40% of all residential development occurring annually across Niagara is to occur within the Built-up Areas. The ROP further provides that the Town's residential intensification target is 15%. Local municipalities are to develop their own residential intensification strategies which may meet the Region's minimum targets or exceed them. Staff notes that the Town's recent Ridgeway/Thunder Bay Secondary Plan designates the subject lands for medium density residential with a density of 25 to 75 units per hectare. The current official plan amendment is proposing to reduce the density to 17 units per hectare. Given this, the Town should be satisfied that the proposed density reduction will not impact the Town's ability to meet their intensification target.

### **Site Servicing**

A Functional Servicing Report, prepared by Quartek Group Inc., (dated July 2015) was submitted in support of the applications. The report indicates that the sanitary servicing for the development will be using a low-pressure forcemain and the storm sewer system will involve a stormwater management pond. Low-pressure forcemains are not reviewed by the Niagara Region through the Ministry of the Environment (MOE) Transfer of Review program, and therefore, the sanitary servicing application must be sent directly to the Toronto office of the MOE. Further, any low-pressure forcemains will be under the ownership of the local municipality and not the Niagara Region.

The storm sewer system may be reviewed through the Niagara Region as a Transfer of Review application. However, the pond will require a direct submission to the Toronto MOE office, therefore, we recommend that the entire storm system and pond be submitted directly to Toronto MOE office. Staff notes that the storm water management for this development will also be reviewed for quantity and quality by the NPCA on behalf of the Niagara Region.

As such, the appropriate conditions of draft approval are included in Appendix I to address the servicing of this development.

### **Curbside Waste Collection**

In order to receive Regional household waste collection, the development must comply with the Region's waste collection requirements. A key requirement is that the roadway system is adequate for waste collection vehicles to access the site without the need to engage in any backup maneuvering. The layout of the subdivision has a dead-end street on the westerly portion of the development. The draft subdivision plan shows a temporary 12.8 metre radius turnaround which appears acceptable for Regional curbside waste collection. A condition with respect to waste collection is included in Appendix 1.

### **Archaeological Resources**

Based on Ministry of Tourism, Culture and Sport screening criteria, the subject lands exhibit potential for the discovery of archaeological resources due to their proximity to a watercourse and nearby registered archaeological sites. Proximity to water sources and known archaeological sites are important indicators for determining archaeological potential. In addition, the subject lands appear to be identified in the Town's Cultural Heritage Archaeological

## APPENDIX "3"

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Potential zone as having archaeological resource potential. Therefore, an archaeological assessment appears warranted and is included as a condition of draft approval in Appendix 1.

### Natural Heritage

According to the Region's Core Natural Heritage mapping, the southerly portion of the subject property is designated an Environmental Conservation Area (ECA) which is associated with Significant Woodlands. Further, the subject property is adjacent to an Environmental Protection Area (EPA) which is located to the west that is identified as Provincially Significant Wetlands. An Environmental Impact Study, prepared by Natural Source Solutions Inc., and dated July 2015, has been submitted with the applications. In accordance with the Memorandum of Understanding and the protocol between the Region and the NPCA, the NPCA shall be responsible for the review and comment of all planning applications to ensure the proposed development will not have any significant negative impacts on the natural environment.


### Conclusion

Regional staff supports the approval of the proposed draft plan of subdivision, the official plan amendment and the zoning by-law amendment from a Provincial and Regional perspective subject to the comments of the NPCA and the inclusion of draft conditions requested by the Regional Planning and Development Services Department as set out in Appendix 1 and subject to any local planning requirements/concerns.

Regional staff has reviewed the draft official plan amendment prepared by the applicant which was forwarded with the circulation. Based on the draft plan, dated June 29, 2015, a few minor wording changes to the draft amendment are required due to the reduction in the number of units, etc. Given the site specific nature of these applications, the proposed Official Plan amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.

If you have any questions or wish to discuss these comments, please contact me at extension 3430 or Pat Busnello, Manager Development Planning, at extension 3379. Please send a copy of the staff report and notice of the Town's decision on these applications.

Yours truly,

  
Teresa Gray, MCIP RPP  
Planner

Attach: Appendix 1 - Conditions of Draft Approval

cc: Ms. K. Dolch, MCIP, RPP, Manager of Development Approvals, Town of Fort Erie  
Mr. P. Busnello, MCIP, RPP, Manager Development Planning, Niagara Region  
Ms. S. Dunsmore, P. Eng., Development Engineer, Planning & Development Services, Niagara Region  
Mr. D. Deluce, MCIP, RPP, Supervisor, Development Reviews, NPCA

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## **APPENDIX "3"**

### **APPENDIX I**

#### **Required Conditions of Draft Approval for Royal Oak Subdivision, Town of Fort Erie**

1. That the owner submits a written undertaking to the Niagara Region (Development Services Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
2. That the owner submits a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Fort Erie.
3. That prior to approval of the final plan or any on-site grading, the owners submit to the Niagara Region (Development Services Division) for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, June 1991:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.

**Note:** The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Region's behalf and submit comments to the Niagara Region (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional staff. A technical review fee is applicable.
4. That the Subdivision Agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sedimentation control measures required in accordance with Condition 3.
5. That prior to final approval for registration of this plan, the owner shall submit the design drawings with calculations for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Environmental Compliance Approval directly from the Toronto Ministry of Environment office.

**Note:** Any specialized systems and/or stormwater management requires direct application to the MOE office in Toronto. Please note that any additional approvals required from any other agency (NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.
6. That the owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy C3.C17, *Collection of Material By Way of Entry on Private Property* and by-laws relating to the curbside collection of waste



## **APPENDIX "3"**

for the development. The owner shall provide a temporary cul-de-sac with a minimum curb radius of 12.8 metres at the end of Street 'A' until such time that the through-street connection is provided and this requirement shall also be included in the subdivision agreement.

7. That the owner submits an archaeological assessment of the subject lands prepared by a licensed archaeologist to the Ministry of Tourism, Culture and Sport for review and approval with a copy provided to the Niagara Region Planning and Development Services Department and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport through the Niagara Region Planning and Development Services Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

### **Clearance of Conditions**

**Prior to granting final plan approval, the Town of Fort Erie must be in receipt of written confirmation from the following agencies that their respective requirements have been met satisfactorily:**

**Regional Municipality of Niagara for conditions 1 to 7**

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to Regional Planning and Development Services for verification that the appropriate clauses have been included. **Note:** It is also recommended that a copy of the draft agreement also be provided to Niagara Region in order to allow for the incorporation of any necessary revisions prior to execution.



## Community & Development Services

September 30, 2016

To: Matt Kernahan, Senior Development Planner

From: Keegan Gennings, Chief Building Official

**Re: Official Plan and Zoning By-law Amendment – Royal Oak Subdivision**

A review of the official plan amendment and rezoning application for Royal Oak Subdivision has been completed and the following comments are noted:

- 1) The road, entrances and emergency access route must comply with the Ontario Building Code requirements which include a 12m centerline radius and ability to support the vehicles.
- 2) Traffic control measures should be included in the construction of the emergency access route. The method of controlling access will be subject to approval by the Town's fire department.

If you have any questions, don't hesitate to contact me.

Yours truly,

Keegan Gennings, CBCO  
Chief Building Official