

# REVISED PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT

For

Frank DeCorso

Re

Parts 1 to 6, Plan 59R6721

Roll No: 270302001098907

429 Windmill Point Road North

South Side of Nigh Road East of Windmill Point Road North

Town of Fort Erie, Region of Niagara



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## TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>PURPOSE, LOCATION, &amp; DESCRIPTION .....</b>  | <b>6</b>  |
| Surrounding Land Uses.....   | 8         |
| <b>POLICY REVIEW SUMMARY .....</b>   | <b>9</b>  |
| Planning Act.....  | 10        |
| Provincial Policy Statement .....  | 10        |
| Rural Land.....  | 11        |
| Natural Heritage .....   | 11        |
| Growth Plan.....   | 12        |
| Official Plans .....   | 13        |
| Safe Access (FEOP Policy 13.7III.(d)I and (FEOP Policy 13.7III.(d)ii) .....  | 20        |
| Lot Size.....  | 20        |
| Zoning By-law .....  | 20        |
| <b>EVALUATION SUMMARY .....</b>  | <b>20</b> |
| <b>DETAILED POLICY REVIEW .....</b>  | <b>21</b> |
| Natural Heritage Features (FEOP Policy 13.7III.(c)) .....  | 22        |
| Safe Access (FEOP Policy 13.7III.(d)i. and(FEOP Policy 13.7III.(d)ii.) .....   | 22        |
| Archaeological Assessment .....  | 25        |
| Need (FEOP Policy 13.7III.(a)) .....   | 25        |
| Existing Development (FEOP Policy 13.7III.(b)) .....   | 25        |
| Adequacy of Roads (FEOP Policy 13.7III.(d)i. and(FEOP Policy 13.7III.(d)ii.) .....   | 28        |
| Adequacy of the Potable Water Supply, Sewage Disposal Facilities, and Other Municipal Services (FEOP Policy 13.7III.(d)iii.) ..... | 28        |
| Compatibility (FEOP Policy 13.7III.(e)) .....  | 28        |
| Effect on Adjoining Properties (FEOP Policy 13.7III.(f)) .....   | 28        |
| Effect on the Financial Position of the Town (FEOP Policy 13.7III.(g)) .....   | 28        |
| Effect In Relation To the Environmental Protection Act (FEOP Policy 13.7III.(h)).....  | 29        |
| <b>OPINION.....</b>  | <b>29</b> |
| <b>RECOMMENDATIONS.....</b>  | <b>30</b> |
| <b>CLOSING .....</b>   | <b>30</b> |
| <b>ANNEX 1 SKETCH.....</b>   | <b>35</b> |
| <b>ANNEX 2 EXCERPTS FROM RELEVANT DOCUMENTS .....</b>  | <b>36</b> |
| <b>THE PLANNING ACT .....</b>  | <b>36</b> |
| Official Plans .....   | 36        |

|   |           |
|---|-----------|
| Zoning .....  | 36        |
| Consent for Severance.....                                | 37        |
| THE PROVINCIAL POLICY STATEMENT .....                     | 38        |
| Preamble .....  | 39        |
| Vision.....   | 39        |
| Policies.....   | 40        |
| THE PROVINCIAL GROWTH PLAN .....                          | 43        |
| Where and How to Grow.....                                | 45        |
| Protecting what is Valuable .....                         | 45        |
| Natural Heritage System .....                             | 46        |
| Agricultural System .....                                 | 49        |
| Cultural Heritage Resources .....                         | 51        |
| THE REGIONAL OFFICIAL PLAN .....                          | 51        |
| Objectives.....   | 56        |
| Policies.....   | 56        |
| Creative Places.....                                      | 62        |
| OFFICIAL PLAN.....  | 63        |
| Residential Goals .....                                   | 63        |
| Rural Area .....  | 64        |
| Natural Heritage .....                                    | 68        |
| Environmental Protection Areas .....                      | 69        |
| Provincially Significant Wetland Areas.....               | 69        |
| Natural Hazards.....                                      | 71        |
| Significant Natural Areas.....                            | 72        |
| Environmental Corridors, Linkages .....                   | 73        |
| Valleylands, Stream Corridors and Fish Habitat Areas..... | 74        |
| Archaeology Resources .....                               | 74        |
| NPCA POLICY.....  | 77        |
| Regulated Areas.....                                      | 77        |
| Flood Hazard.....   | 78        |
| Wetlands.....   | 83        |
| THE ZONING BY-LAW (By-law 129-90) .....                   | 95        |
| <b>ANNEX 3 ARCHAEOLOGICAL ASSESSMENT .....</b>            | <b>98</b> |

**ANNEX 4 PRE-CONSULTATION AGREEMENT .....99**  
**ANNEX 5 DRAFT OFFICIAL PLAN AMENDMENT.....105**

## REVISED PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT

Parts 1 to 6, Plan 59R6721

Roll No: 270302001098907

429 Windmill Point Road North

South Side of Nigh Road East of Windmill Point Road North

Town of Fort Erie, Region of Niagara

### PURPOSE, LOCATION, & DESCRIPTION

The purpose of this Preliminary Planning Policy Justification Report is to review a proposal for complex land use planning development approvals, including Combined Official Plan and Zoning By-law Amendment and Consent to Sever applications on an approximately 4.8 hectare parcel of land in the at the intersection of Nigh Road East and Windmill Point Road North in the Town of Fort Erie to accommodate three (3) lots. The homes will be serviced by public roads and private water supply and sewage disposal systems. The proposal is reviewed against the policies of the: Provincial Policy Statement (PPS); Growth Plan for the Greater Golden Horseshoe (Growth Plan); Region of Niagara Official Plan (ROP); Town of Fort Erie Official Plan (FEOP); and the provisions of the Town of Fort Erie Zoning By-Law (FEZB). The implications of NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, September 2018, are also reviewed regarding safe access.

The Subject Property, located at 429 Windmill Point Road North, on the South Side of Nigh Road East of Windmill Point Road North, is vacant with mostly scrub under brush. The western half of the Subject Property contains ruins of outbuildings and a silo as well as a drainage ditch.

The required Combined Official Plan and Zoning By-law Amendment is to permit the creation of two (2), 1.1 hectare residential building lots with 90 metres frontage for single detached dwellings abutting Nigh Road and the retention of a 2.6 hectare parcel with 125 metres of frontage on Windmill Point Road North. The creation of the new lots will be subject of future applications to the Committee of Adjustment for Consent for Severance. A development concept that would also serve as the future severance sketch is included as in *Annex 1, Sketch*.

The Subject Property is **designated Rural** in the FEOP. The Official Plan policies for lot creation in the Rural designation only permit severances on an infill basis. The proposal to create a total of three (3) lots does not meet the definition of infill. An amendment to the FEOP infill policy is required to permit the creation of the proposed lots. An amendment to the Town's Comprehensive Zoning By-law is required to permit a reduced lot area for all three (3) lots and reduced lot frontage for the two new lots.

On 2018-05-17 the Town of Fort Erie hosted a formal Pre-application Consultation Meeting to discuss the proposed development. Town and agency staff attended. The meeting established that to proceed with the proposed development applications are required for:

- FEOP Amendment, to provide for severances that do not meet the definition of infill severances;
- FEZB Amendment, to permit reduced lot areas and lot frontages; and
- Consent for Severance, with a condition requiring road widening.

The meeting determined following documentation and / justification was required to support the applications:

- Planning Justification Report;
- Conceptual Plan based on a survey;
- Draft Local Official Plan Amendment;
- Archaeological Assessment;
- Environmental Impact Study (EIS) if the lots go through the woodlot or there isn't adequate separation from the **Environmental Conservation Area** at the rear of the Subject Property;
- Due to the **Highly Vulnerable Aquifer** a Hydrogeologic Study and Private Servicing Plans are required if the lot(s) are less than 1.0 hectares;
- Confirmation of safe access on the roadway across the front of the lots;
- Lot lines should that do not bisect floodlines; and
- The requirements for cut and fill should be confirmed.

No archaeological resources were documented during the Stage 2 Archaeological Assessment. **No further archaeological assessment is recommended.**

The proposed lots are all greater than 1.0 hectares. **A Hydrogeologic Study and Private Servicing Plans are not required.**

The proposed new lot lines do not go through the woodlot, do not bisect floodlines, and in addition to the reduced lot area and frontage, the recommended zoning provisions require:

- a 50 metre setback from the *woodland* south of the Subject Property;
- a 30 metre setback from the bank of a normal low flow channel of a watercourse. on the property; and
- that at least 30 per cent of the *total developable area* in the rear yard setback remain or be returned to natural self-sustaining vegetation. **An EIS is not required.**

The Subject Property:

- is **designated Rural Area** with implications related to **Environmental Protection Area, Environmental Conservation Area, and Devonian Formation policies** in the ROP (*Figure 2.4, Regional Plan Schedule A, Regional Structure Excerpt, Figure A2.5, Regional Plan Schedule C, Core Natural Heritage Excerpt in Annex 2, Excerpts from Relevant Documents, and Figure A2.6, Region of Niagara Official Plan Schedule D1 – Potential Resource Areas Stone Excerpt*);
- is **designated Rural, Environmental Protection, and Environmental Conservation** in the FEOP (*Figure A2.7, Official Plan Schedule A, Land Use Plan Excerpt in Annex 2*);
- has FEOP implications related to **Provincially Significant Wetlands, Woodlands over 2 Hectares, Significant Natural Areas, Environmental Corridors**, (*Figure 2.8, Official Plan Schedule C, Natural Heritage Features Excerpt, in Annex 2*) **Natural Hazards including Floodplains, Critical Stream Fish Habitat** (*Figure 2.9, Figure 2.9, Official Plan Schedule C1, Natural Hazards & Fish Habitat Excerpt, in Annex 2*), and **Archaeological Potential / Watercourses** (*Figure 2.10, Town of Fort Erie Official Plan Schedule D, Cultural Heritage Archaeological Zones of Potential Excerpt*); and
- is **zoned “RU – Rural Zone, “H -Hazard Zone”, and has an “EC – Environmental Conservation Overlay Zone”**. (*Figure A2.12, Zoning Map 22 in Annex 2*).

While the proposal to create the new lots does not meet the FEOP definition of infill and an amendment to that policy is required to permit the creation of the proposed lots, the proposed lots are permitted by PPS, Growth Plan and ROP policy and are similar to other lots in the area. The proposed Combined Official Plan and Zoning By-law Amendment application is supportable based on good planning practice.

### Surrounding Land Uses

The subject property is located in the rural area northeast of the Ridgeway-Thunder Bay Neighbourhood. The Subject Property is located on the south side of Nigh Road, about 800 metres east of Centralia Avenue and about 400 metres west of Stonemill Road. The Subject Property abuts existing agricultural and non-agricultural rural residential uses and *natural heritage features* as illustrated on the *Figure 1, Land Use Schematic*.

The development of the Subject Property at over 1.0 hectares per lot is a low density rural residential use compatible with the natural heritage, agricultural, and rural residential use context of the surrounding area. The three (3) dwelling units represent a population of about eight (8) persons and a density of about 1.7 persons per hectare based on the 2.44 persons per household for 2021 in Table 4-1, Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031 in the ROP.



**Figure 1  
Land Use Schematic**

|  |   |   |
|--|---|---|
| <p><b>Use:</b> Natural Heritage &amp; Non-agricultural Residential<br/> <b>Official Plan:</b> Rural, Environmental Protection, &amp; Environmental Conservation<br/> <b>Zone:</b> RU, EP, &amp; EC</p> | <p><b>Use:</b> Natural Heritage &amp; Non-agricultural Residential<br/> <b>Official Plan:</b> Rural, Environmental Protection, &amp; Environmental Conservation<br/> <b>Zone:</b> RU, H, &amp; EC</p> | <p><b>Use:</b> Natural Heritage &amp; Non-agricultural Residential<br/> <b>Official Plan:</b> Rural, Environmental Protection, &amp; Environmental Conservation<br/> <b>Zone:</b> RU, H, &amp; EC</p> |
| <p><b>Use:</b> Non-agricultural Residential<br/> <b>Official Plan:</b> Rural &amp; Environmental Protection<br/> <b>Zone:</b> RU &amp; EP</p>  | <p><b>Subject Property</b></p>  | <p><b>Use:</b> Agriculture<br/> <b>Official Plan:</b> Rural<br/> <b>Zone:</b> RU &amp; H</p>  |
| <p><b>Use:</b> Agriculture<br/> <b>Official Plan:</b> Rural &amp; Environmental Protection<br/> <b>Zone:</b> RU, H &amp; EP</p>  | <p><b>Use:</b> Natural Heritage<br/> <b>Official Plan:</b> Rural &amp; Environmental Conservation<br/> <b>Zone:</b> RU, RU-459 &amp; EC</p>   | <p><b>Use:</b> Agriculture<br/> <b>Official Plan:</b> Rural &amp; Environmental Conservation<br/> <b>Zone:</b> RU</p>   |

**POLICY REVIEW SUMMARY**

Good planning practice directs a plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and FEOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal’s failure. All of the policies may not be and, based on good planning practice, don’t have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Fort Erie is about development. Protecting and preserving resources is important but, land use planning is primarily about promoting and encouraging appropriate development. There are aspects of control to protect valuable and sensitive resources such as significant *cultural* and *natural heritage features*, from negative impacts from nearby uses but, the primary purpose is guiding development.

The philosophy of guiding development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the Citizen's Guide) states the *Act*, among other things, promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The Citizen's Guide further states, the *Act* provides the basis for preparing official plans and planning policies that will guide future development.

The Citizen's Guide states the PPS provides policy direction that will help build strong communities by protecting, among others, *natural heritage features*. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

### Planning Act

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent and is required to create and sell a portion of a property. The Committee of Adjustment of the Town has the authority under the *Planning Act* (Sections 50 and 54) to consent to convey land if it implements the policies of the FEOP.

### Provincial Policy Statement

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A basic principle of policy led land use planning, iterated in the PPS is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, assist decision-maker's understanding how the policies are to be implemented.

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, some policies set out positive directives, such as "*settlement areas* shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "*development* and *site alteration* shall not be permitted." Other policies use enabling or supportive language, such as "should," "promote" and "encourage."

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

individual, autonomous water supply systems owned, operated and managed by the owner may be used.

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

The proposal is for limited residential development compatible with the rural landscape and sustainable by rural service levels. No expansion of infrastructure is required. (FEOP Policy 13.7III.(c))

### Rural Land

**On *Rural Land* permitted and promoted uses include, among others, limited residential development** compatible with the rural landscape and sustainable by rural service levels. *Development* must be appropriate to the planned or available *infrastructure* and avoid unjustified and / or uneconomical expansions. The creation of lots must comply with the *Minimum Distance Separation formulae (MDS)*.

Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, *individual on-site sewage services* and *individual on-site water services* may be used provided, site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Site conditions on the greater than 1.0 hectare lots are assumed to be adequate for *individual on-site sewage services* and *individual on-site water services*. Adequacy can be confirmed as a condition of Consent for Severance approval. (FEOP Policy 13.7III.(c))

### Natural Heritage

The Pre-application Consultation Agreement stated an EIS was required if the lots go through the woodlot.

*Natural heritage features and areas* are to be protected for the long-term. ***Development is not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions and on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.***

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

Development will not take place in a *woodland*. **No EIS is required.** (FEOP Policy 13.7III.(c))

### Growth Plan

Outside settlement areas, official plan and zoning by-law amendments and consent for severances are not permitted in *significant woodlands* that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features*.

Within the Natural Heritage System new *development* is required to demonstrate:

- No negative impacts on *key natural heritage features* or *key hydrologic features or their functions*;
- Connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
- The removal of other natural features is avoided;
- The disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*; and
- At least 30 per cent of the *total developable area* will remain or be returned to natural self-sustaining vegetation.

The Growth Plan's Provincial Natural Heritage System includes natural heritage features and land that serves as linkages between features. They are intended to support a long-term approach to planning for the protection of natural heritage and biodiversity. They are intended to support a long-term approach to planning for the protection of natural heritage and biodiversity. The Growth Plan's policies require a Natural Heritage Evaluation be completed to identify a minimum 30m vegetation protection zone and any additional mitigation measures required to protect the functions of the adjacent features.

To ensure no negative impacts on *key natural heritage features* particularly the *woodlands* south of the Subject Property, it is recommended the rear yard setback be increased from 15 to 50 metres. (FEOP Policy 13.7III.(c))

Since no structures are permitted within 50 metres of the *woodland* south of the Subject Property or in the H Zone on the Subject Property, connectivity between *key natural heritage features* and *key hydrologic features* is maintained. (FEOP Policy 13.7III.(c))

No natural features will be removed. (FEOP Policy 13.7III.(c))

The maximum lot coverage of 10 percent will ensure the area disturbed by buildings and structures will not exceed 25 percent of the *total developable area*. (FEOP Policy 13.7III.(c))

It is recommended that a zoning provision be added to ensure at least 30 percent of the *total developable area* will remain or be returned to natural self-sustaining vegetation. (FEOP Policy 13.7III.(c))

### Official Plans

The Subject Property is **designated Rural Area** with policy implications related to **Environmental Protection Area, Environmental Conservation Area, and Devonian Formation policies** in the ROP. The FEOP designates Subject Property **Rural, and Environmental Protection**, with implications related to **Provincially Significant Wetlands, Woodlands over 2 Hectares, Significant Natural Areas, Environmental Corridors, Natural Hazards including Floodplains, Critical Stream Fish Habitat and Archaeological Potential / Watercourses**.

Similar to the PPS and the Growth Plan, the ROP recognizes selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted as a Strategic Objective. The policy direction is that the predominant use of land in the **Rural Area** will continue to be *agriculture*, but **some non-farm related development is provided for. Non-farm residential uses may be permitted** generally in the Rural Areas **subject to a rezoning or a consent to convey**.

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

Proposals for **rural residential development** must:

- Offer **amenities** such as diverse landscaping and vegetation;
- Try to **retain desirable natural features and vegetation**;
- Be at a **scale and density suitable to the physical characteristics of the site**;

- Have **soil and drainage conditions** suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;
- **Not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils;**
- **not have a *significant* detrimental impact on the larger surrounding ecosystem;**
- Be **suitably distant from**, and protected from, incompatible land uses such as **livestock operations;**
- Have **adequate access**, but locations must not jeopardize the operation of the road system by improper or numerous accesses;
- Normally have a **minimum lot size of about 0.4 hectares and the minimum frontage 46 metres**, but this is variable depending on local conditions or on special design proposals. For residential development consisting of up to three lots the minimum lot size will be one hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate *private water and sewage treatment facilities* for long term operation. Applications for three lots or less should be accompanied by a drainage plan and should be subject to site plan approval.
- Have a **maximum lot size** in the case of a lot, other than an existing lot, where soils of Classes 1, 2, 3 or 4 as defined in the Canada Land Inventory of Soil Capability for Agriculture predominate **not exceeding an area of 0.4 hectares** except to the extent of any additional area deemed necessary to support a well and private sewage disposal system.

The ROP permits some non-farm development, including non-farm residential development in the Rural Area, on individual lots where soil conditions are suitable for the long term operation of a private waste and water systems. The ROP also speaks to the long-term pattern and character of future development when rural residential development is proposed. The ROP policy for rural residential lot creation limits the total number of new lots to three (3) with a minimum lot size of 1.0 hectares. The Subject Property is located on a Highly Vulnerable Aquifer, but, the proposed lots exceed the 1.0 hectare minimum lot size requirement. A hydrogeological study is not necessary.

The proposed residential use on the Subject Property:

- offers amenities such as vegetation while, also retaining desirable natural vegetation (FEOP Policy 13.7III.(c));
- is at a scale and density suitable to the physical characteristics of the site; (FEOP Policy 13.7III.(c))
- is assumed to have acceptable soil and drainage conditions that can be confirmed as conditions of consent for severance; (FEOP Policy 13.7III.(c))
- has suitable locations for buildings and structures that will not be susceptible to flooding; (FEOP Policy 13.7III.(c))
- is not swampy; (FEOP Policy 13.7III.(c))



- does not have organic soils; (FEOP Policy 13.7III.(c))
- does not appear to have a *significant* detrimental impact on the larger surrounding *ecosystem*; (FEOP Policy 13.7III.(c))
- is suitably distant from, and protected from, incompatible land uses such as livestock operations; and (FEOP Policy 13.7III.(c))
- has adequate safe access. (FEOP Policy 13.7III.(c), FEOP Policy 13.7III.(d)I, and (FEOP Policy 13.7III.(d)ii)

The FEOP requires all new buildings for human use or habitation to be located on lots suitable to support a private well and sustainable private sewage disposal system and the cost of providing ancillary services such as storm drainage, snowplowing, road maintenance including paving, garbage and refuse pick-up and school buses, and possible impacts on natural resources located in this area, should be reviewed prior to approval being given to any new *development* in the Rural area.

**Non-agricultural development in Rural Areas must comply with the following criteria:**

- (a) A **minimum lot size of 0.4 hectares** is required;
- (b) **Buildings and other structures subject to damage shall not be located in areas subject to flooding;**
- (c) *Development* shall be at a scale and density suitable to the physical characteristics of the site;
- (d) **Soil and drainage conditions** must be suitable for the proper siting of buildings, the supply of sustainable **private potable water and the long term operation of a sustainable private waste disposal system;**
- (e) Natural drainage systems of the surrounding agricultural lands must not be interfered with or detrimentally affected by the development;
- (f) *Development* must provide **adequate on-site parking and suitable access to a maintained public road** without interfering with the normal flow of traffic;
- (g) *Development* must be **suitably distant from and protected from incompatible land uses;** and
- (h) The Town **may require the owner to enter into a Site Plan Agreement** as a condition of *development* in accordance with the Town's Site Plan Control policies.

Except for the limited rural residential *development* new estate residential development is not be permitted.

To preserve the rural character of the area, the fragmentation of lands designated Rural is generally not permitted. Severances in accordance with the Consent policies of the Agricultural designation will be permitted, as well as the following:

- (a) **The new lot is to be located in an area where it may be considered as an infilling lot:**

- (b) **Infilling lot shall mean the establishment of one new dwelling on a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;**
- (c) **The minimum lot size should be 0.4 hectares with a minimum frontage of 46 metres;**
- (d) **It does not adversely affect the integrity or efficient management of natural heritage resources; and**
- (e) **Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply as determined by the Town or relevant approval agency.**

The proposed residential use on the Subject Property;

- exceeds the minimum lot size of 0.4 hectares (FEOP Policy 13.7III.(c));
- is not located in an area subject to flooding (FEOP Policy 13.7III.(c));
- is at a scale and density suitable to the physical characteristics of the site (FEOP Policy 13.7III.(c));
- is assumed to have soil and drainage conditions suitable for the proper siting of buildings, the supply of sustainable private potable water and the long term operation of a sustainable private waste disposal system that can be confirmed as conditions of consent for severance (FEOP Policy 13.7III.(c) and (FEOP Policy 13.7III.(d)iii);
- Does not interfere with or detrimentally affect by natural drainage systems of the surrounding agricultural lands (FEOP Policy 13.7III.(e));
- provides adequate on-site parking and suitable access to a maintained public road (FEOP Policy 13.7III.(c), (FEOP Policy 13.7III.(d)i, and (FEOP Policy 13.7III.(d)iii); and
- is suitably distant from and protected from incompatible land uses. (FEOP Policy 13.7III.(e))

The proposed residential development on the Subject Property can be considered infilling. It does not adversely affect the integrity or efficient management of natural heritage resources and the new lots are of sufficient size and are assumed to have suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply. (FEOP Policy 13.7III.(c) and (FEOP Policy 13.7III.(d)iii)

The proposed lots do not satisfy the FEOP criteria for infilling based on the distance between such structures or features being 90 metres or less, however in the case of the Subject Property the proposed residential development would make the highest and best use of the land.



The ROP contains an overlay illustrating a **Core Natural Heritage** area identified as an **Environmental Protection Area, Environmental Conservation Area, and Potential Natural Heritage Corridor** (*Figure 2.5: Regional Plan Schedule C, Core Natural Heritage Excerpt in Annex 2*). The ROP Core Natural Heritage Policies permit development within **Environmental Conservation Areas** where it is demonstrated there is no significant impact on the *Core Natural Heritage System* over the long term.

The ROP states development within 120 metres of a *Provincially Significant Wetland*, 50 metres of *Significant Woodlands*, and 15 metres of *Fish Habitat* may require an EIS demonstrating no negative impact on the identified environmental features or their *ecological function*, over the long. An EIS for the proposed development should not be required because it is recommended that the Zoning By-law be amended to require a 30 metre setback from the bank of a normal low flow channel of a watercourse on the property, a 50 metre rear yard setback abutting the woodland south of the Subject Property, and 30 percent of each lot must retain or introduce natural vegetation will ensure the proposed residential use will have no significant negative impact on the *Core Natural Heritage System* component or adjacent lands.

While An EIS has not been completed, mitigation measures to minimize environment impacts which can be implemented through the detailed zoning requirements recommended including increased rear yard setbacks from the *woodland* located south of the Subject Property and the setback from the top of bank of the ditch crossing the Subject property. With the increased setbacks the proposed development is not likely to impact the *ecological function* of the overall *woodland* or *fish habitat*. No residential building or accessory structures are allowed in the Hazard Zone of the Subject Property. (FEOP Policy 13.7III.(c))

The ROP provides *development* and *site alteration* may be permitted without an amendment to the Plan on *adjacent lands* to **Environmental Conservation Areas** and **Environmental Protection Areas** if it has been demonstrated that, over the long term, there will be no *significant negative impact* on the *Core Natural Heritage System* component or *adjacent lands*.

It is assumed the 50 metre rear yard setback and the 30 metre from the bank of a normal low flow channel of a watercourse on the property on the Subject Property are adequate to mitigate any *significant negative impact* on the *Core Natural Heritage System* component or *adjacent lands*. (FEOP Policy 13.7III.(c))

*Development* and *site alteration* may be permitted on *adjacent lands* to **Environmental Conservation Areas, Environmental Protection Areas**, and *Woodland* designations if it has been demonstrated, over the long-term, there will be no *significant negative impact* on the *Core Natural Heritage System* component or *adjacent lands*.

It is assumed that the increased 50 metre setback from the *woodland* located south of the Subject Property, a 30 metre from the bank of a normal low flow channel of a watercourse on the property of the Subject Property, and the requirement that 30 percent of each lot must retain or introduce natural vegetation will ensure the proposed residential use will have no *significant negative impact* on the *Core Natural Heritage System* component or *adjacent lands*. (FEOP Policy 13.7III.(c))

As illustrated on *Figure 2.7, Official Plan Schedule A, Land Use Plan Excerpt*, the Subject Property is **designated Rural and Environmental Protection** in the FEOP and as illustrated on *Figure 2.8, Official Plan Schedule C, Natural Heritage Features Excerpt*, the Subject Property has policy implications related to: **Significant Natural Areas** and **Environmental Corridors**.

**Where a site specific *development* proposal, requiring an Official Plan amendment, a Zoning By-law amendment, or a consent or minor variance, may impact an Environmental Protection Area, certain Environmental Conservation Areas, or Fish Habitat the proponent will be required to prepare an EIS.**

Where *development* or *site alteration* is approved in accordance with the policies of this Plan the applicant must submit a **Tree Saving Plan** maintaining or enhancing the remaining natural features and ecological functions.

**Where *development* is approved in, or adjacent to, a natural feature, new lots must not extend into either the area to be retained in a natural state or the buffer zone.** The land to be retained in a natural state and the adjacent buffer zone are to be maintained as a single block and zoned to protect their natural features and *ecological functions*. Additional methods of protecting these lands such as conservation easements will be considered.

The FEOPs intent is that land designated as Environmental Protection will be protected from incompatible *development* by not permitting *development* to occur within such designated areas. An EIS will be required for *development* on land adjacent to Environmental Protection Areas.

The Town requires an EIS for new development proposals on lands adjacent to these *wetland* areas. *Development* is not to be permitted unless it demonstrated there will be no negative impacts to the *wetlands* features and their *ecological functions*.

*Development* within or adjacent to **Significant Natural Areas** is only to be permitted if an EIS demonstrates the *development* will not result in degradation threatening the health or integrity of the natural features or *ecological functions* for which the area is identified.

**Development is not be permitted in Fish Habitat or adjacent lands except in accordance with provincial and federal requirements and where there is no net loss of productive capacity. The proponent is required to prepare an EIS to the satisfaction of the Department of Fisheries and Oceans or its delegate. A naturally vegetated buffer area, of at least 30 metres in width from the stable top of bank will be required adjacent to Critical Fish Habitat.**

The proposed *development*:

- it is assumed *significant* detrimental impact on the larger surrounding *ecosystem* can be adequately mitigated by:
  - the 50 metre rear yard setback and the 30 metre setback from the bank of a normal low flow channel of a watercourse on the property proposed provide a significant buffer mitigating impact on the *ecological function* of the *wetland* and *woodland*;
  - the 30 per cent of the *total developable area* remaining in or be returned to *natural self-sustaining vegetation* is assumed to maintain the *ecological function* of the *woodlands* in keeping with the policy direction of the Growth Plan; (FEOP Policy 13.7III.(c))
- will not have residential building or accessory structures in the Hazard Zone of the Subject Property; (FEOP Policy 13.7III.(c))
- does not extend the proposed lots or uses into the *woodland*; (FEOP Policy 13.7III.(c))
- does not occur in the Environmental Protection Area designation; (FEOP Policy 13.7III.(c)) and
- is separated and prohibited in the *wetlands* by the Hazard Zone on the Subject Property and the *wetlands* to the north are separated and buffered from the proposed *development* by Nigh Road and the 15 metre minimum front yard setback. (FEOP Policy 13.7III.(c))

An EIS is not required based on the direction of the Pre-application Consultation Agreement.

As illustrated in *Figure A2.6, Region of Niagara Official Plan Schedule D1 – Potential Resource Areas Stone Excerpt, in Annex 2*, the Subject Property is within a selected bedrock resource area. Development and activities that would preclude or hinder the establishment of new or expanded operations should be prevented. The proposed lots are in an existing rural residential area and the establishment of a resource extraction operation would be hindered by the existing single detached dwellings and natural heritage features surrounding the Subject Property. The Consent for Severance of the lots and establishment of a single detached dwellings will not have any impact on existing mineral resource extraction operations or the expansion of existing ones.

### Safe Access (FEOP Policy 13.7III.(d)i and (FEOP Policy 13.7III.(d)ii)

The Pre-application Consultation Agreement stated the roadway across the lots required safe access.

As confirmed by the surveyor, the surveyed elevations of the roadway where access will be provided are all either above or within 0.6 metres of the flood depth elevation. **Safe access available.**

### Lot Size

The pre-application consultation agreement stated a Hydrogeologic Study and Private Servicing Plans were required if the lot(s) are less than one (1) hectare.

All lots are greater than one (1.0) hectares. **A Hydrogeologic Study and Private Servicing Plans are not required.**

### Zoning By-law

The Subject Property is zoned "RU – Rural", and "H – Hazard".

The following special provisions are recommended for the site specific RU Zone - a minimum:

- 90 metre lot frontage;
- 1.0 hectare lot area;
- 50 metre naturally vegetated rear yard for the severed parcels
- A 30 metre setback from the bank of a normal low flow channel of a watercourse on the property; and
- 30 per cent of the *total developable area* of the lot located in the rear yard will remain or be returned to natural self-sustaining vegetation.

The zoning provisions proposed will provide a high quality development incorporating mitigation of potential environmental impacts. (FEOP Policy 13.7III.(e) and (FEOP Policy 13.7III.(f))

### EVALUATION SUMMARY

Rural areas provide for residential opportunities where potential impacts can be avoided or satisfactorily mitigated. Efficient development and optimizing the use of land and public investment in *infrastructure* is a strong theme throughout the PPS, ROP, and FEOP. The Town encourages efficient development compatible with the existing neighbourhood context.

The proposal is located in a rural area of the Town of Fort Erie. There are adequate municipal services in place to service the proposal. The Subject Parcel is underutilized. The proposal is an example of the type of context sensitive intensification that is encouraged. The proposal complies with all applicable land use polices and, is good land use planning. (FEOP Policy 13.7III.(c))

The Combined Official Plan and Zoning By-law Amendments proposed are consistent with the PPS provisions for limited residential development compatible with the rural landscape, sustainable on private services, and having significant impact upon agricultural uses, natural heritage features, archaeological resources, or aggregate resources. (FEOP Policy 13.7III.(c)) and (FEOP Policy 13.7III.(e))

The proposal provided for by the Combined Official Plan and Zoning By-law Amendments is consistent with the Growth Plan. The proposal is for a limited residential use compatible with the rural landscape, sustainable on private services, and will having no significant impact on agricultural uses, natural heritage features, archaeological resources, or aggregate resources. (FEOP Policy 13.7III.(c))

The proposed development is not considered to be the creation of “multiple lots” since the proposal is for two (2) new residential lots and the PPS defines “multiple” lots as being the creation of more than three (3) new lots.

The proposed Zoning By-law Amendment is consistent with Regional objectives and policies for the Rural Area as it constitutes limited, non-agricultural development compatible with the rural landscape, not negatively impacting natural resources or agricultural activities, and sustainable on a private systems.

## DETAILED POLICY REVIEW

Good planning practice directs:

- That a plan and its policies are not written in stone.  
Policies such as those of the PPS, ROP, and FEOP reviewed here, are to be used to try to reach a goal. They are not a set of threshold measures where the inability to meet every policy results in a proposal’s failure. All of the policies of a plan may not be and, based on good planning practice, don’t have to be satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.
- Consideration of all of the relevant policies.  
As an example, only reviewing and evaluating the implications of the PPS’s Agriculture policies does not provide a full planning analysis of a proposal. The PPS polices on: Settlement Areas, Rural Areas, Employment, and Long Term Economic Prosperity must also be considered. While the Agriculture policies may be most relevant, the others cannot be ignored. All of the policies together must be considered in any recommendation.

### Natural Heritage Features (FEOP Policy 13.7III.(c))

The Pre-application Consultation Agreement stated an EIS was required if the proposed lots go through the woodlot. As illustrated in [Annex 1, Sketch, Figure 2, NPCA ELC Community Class](#), [Figure A2.1, Natural Heritage System Excerpt](#) and [Figure A2.2, MNRF Woodland Mapping Excerpt](#), the proposed lots do not go through the woodlot.

As illustrated in the following images all of the proposed retained parcel was farmed in the 1930s. When field crops were no longer planted and harvested sometime prior to 2000 natural regeneration began and continues. On the proposed retained parcel the natural regeneration doesn't appear to have been as complete as on the proposed severed parcels.

### **An EIS is not required.**

### Safe Access (FEOP Policy 13.7III.(d)i. and(FEOP Policy 13.7III.(d)ii.)

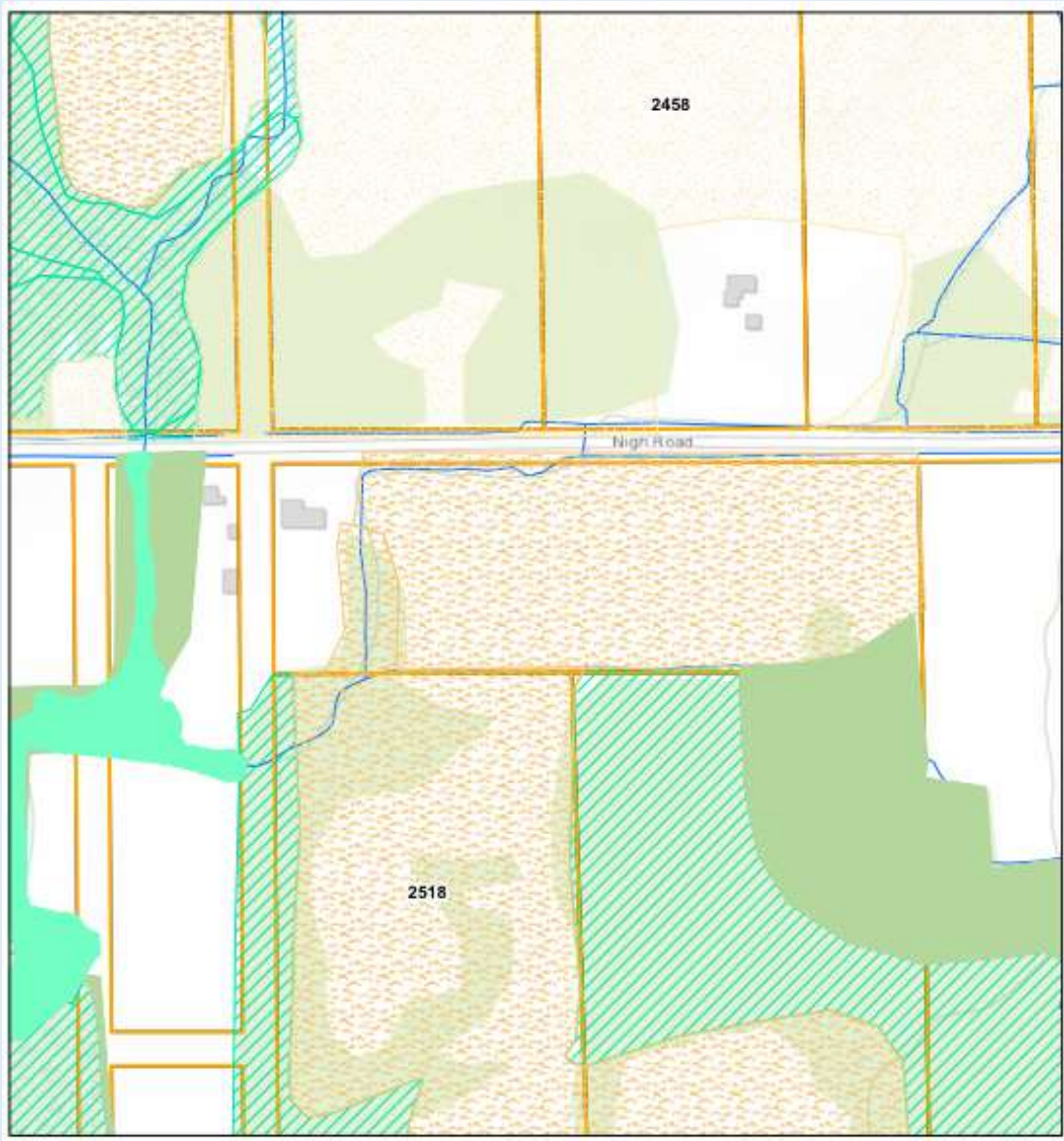
The Pre-application consultation agreement stated the roadway across the lots required safe access. The NPCA provides for driveways primarily used for vehicular traffic are permitted provided the flood depths under the regulatory flood event do not exceed 0.3 metres and no adverse flood impacts result from the proposed work. As illustrated on [Figure 3, NPCA Floodplain Cross Sections](#), the floodline elevations on Nigh Road vary from 179.36 metres to 179.40 metres in the area where access to the two new parcels would be required. As illustrated on [Figure 4, Surveyed Elevations](#), and confirmed by the surveyor, the surveyed elevations highlighted in yellow are all either above or within 0.6 metres of the flood depth elevation.

A new access to the Retained Parcel was installed by the Town about six (6) years ago.

### **Safe access is provided.**

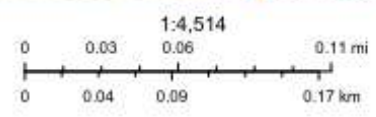


**Figure 2**  
**NPCA ELC Community Class**



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- NPCA Member Municipalities
- Meadow
- Meadow
- Meadow
- Thicket
- Forest
- Assessment Parcels
- Swamp
- Swamp
- Swamp
- Marsh

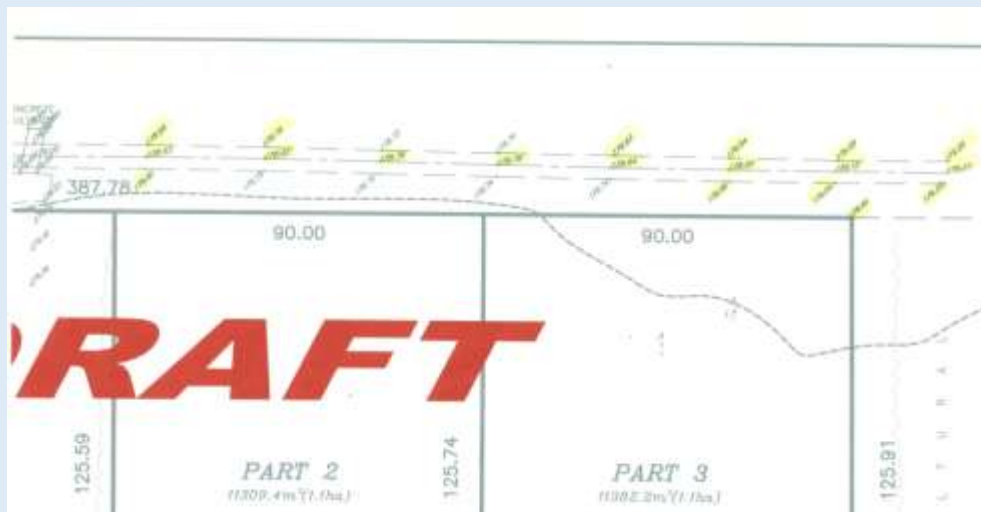


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**Figure 3**  
**NPCA FLOODPLAIN CROSS SECTIONS**



**Figure 4**  
**SURVEYED ELEVATIONS**





## Archaeological Assessment

Detritus Consulting Ltd. conducted a Stage 1-2 archaeological assessment in advance of the proposed severance of the vacant lot. The Study Area measures 2.63 hectares (ha). At the time of the assessment, the majority of the lot comprised overgrown grass and weeds with trees throughout. Additionally, the western retained half of the subject property contains the former ruins of outbuildings and a silo as well as an unnamed tributary of Thunder Bay Creek.

Following advice provided by the Town of Fort Erie, only the portion of the property that is proposed for severance required archaeological assessment. This reduced Study Area measures approximately 2.6 hectares and comprised entirely of overgrown grass, weeds with trees throughout in the eastern half of the property.

The Stage 1 background research indicated that the entire Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment. No archaeological resources were documented during the Stage 2 assessment and no further archaeological assessment of the Study Area is recommended.

The proposal is therefore consistent with policies of the Town's Official Plan.

## Need (FEOP Policy 13.7III.(a))

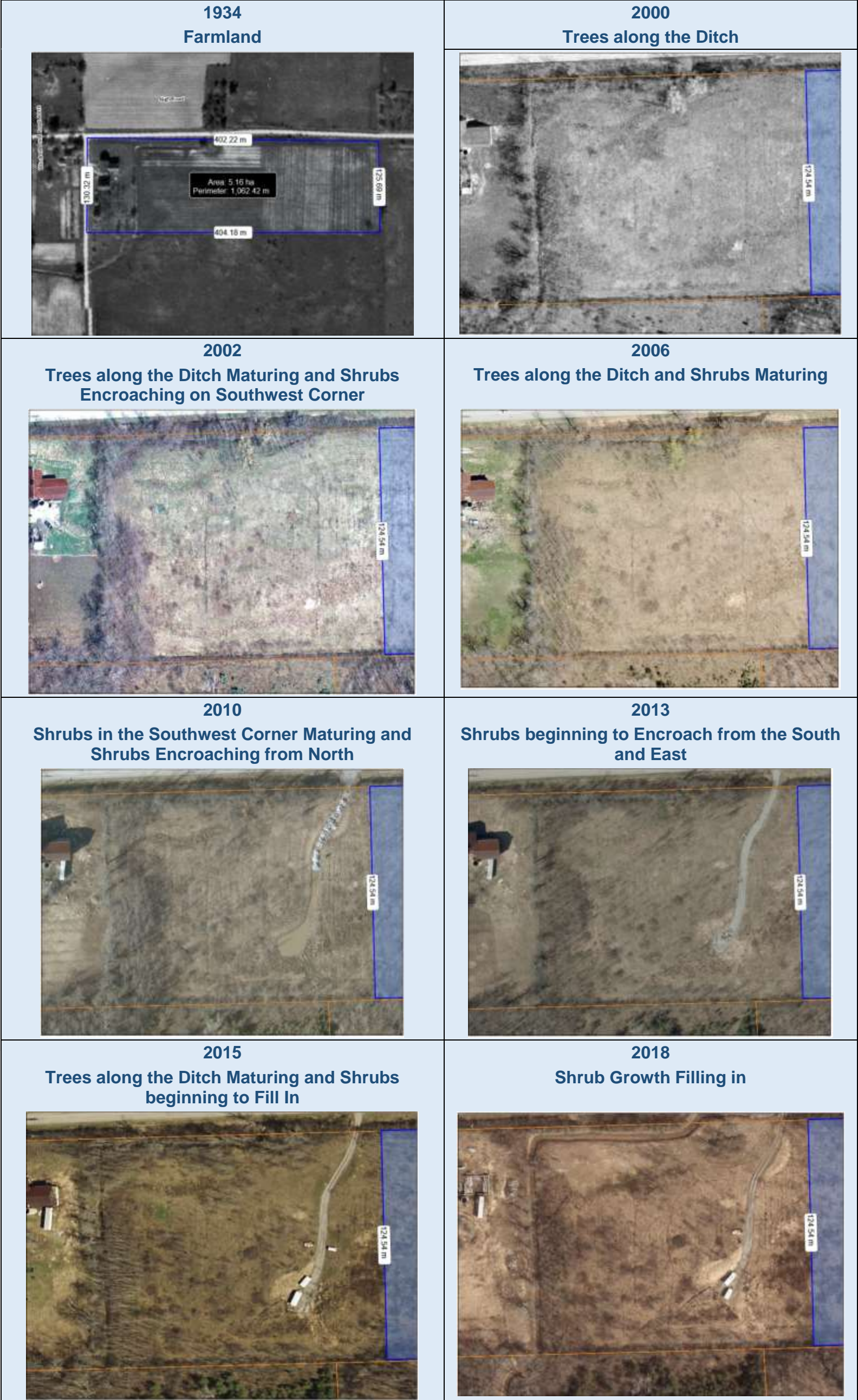
The Subject Property is designated Rural in the FEOP providing for residential uses. The Combined Official Plan and Zoning By-law Amendment application proposes to create two (2) new building lots and retain the rest of the land. The Subject Property is not farmed and the proposed Consent for Severance would enable the sale of the proposed lots and their residential use. The three (3) lots are needed to accommodate the demand for construction of single detached dwelling on a rural lots in Fort Erie.

## Existing Development (FEOP Policy 13.7III.(b))

The Subject Property is vacant. Rural residential development is located:

- to the northwest, west of Centralia Avenue, in Oakhill Forest
- to the southeast, east of Stonemill Road, in Buffalo Height, and west of Stonemill Road near its intersection of Dominion Road, and ;
- with frontage on Nigh and Dominion Road.

**FIGURE 5  
RETAINED LOT CRCHRONOLOGICAL CHANGE IN TREE COVER**





**Current Vegetation  
Mature Trees Only along the Ditch**



#### Adequacy of Roads (FEOP Policy 13.7III.(d)i. and(FEOP Policy 13.7III.(d)ii.)

The Subject Property fronts on Nigh Road, a paved and maintained municipal road, and Windmill Point Road North, a shore gravel road with immediate access to Nigh Road. The proposed lots are not anticipated generate significant traffic volumes and there are no sight line issues.

If the Consent for Severance applications are approved, it is anticipated a condition requiring road widenings to be conveyed to the Town will be part of the approval. The FEOP designates Nigh Road from Rosehill Road to Highway No. 3 as a Collector Road with a required road allowance width of 23.0 metres. The current road allowance is 20.1 metres. The required road widening will be 1.45 metres.

#### Adequacy of the Potable Water Supply, Sewage Disposal Facilities, and Other Municipal Services (FEOP Policy 13.7III.(d)iii.)

The proposed dwellings can be adequately serviced with private water systems. The retained 2.6 hectare lot and the two (2) new 1.1 hectare lots are consistent with the Ministry of the Environment procedural guideline D-5-4 for individual on-site sewage systems. It is assumed the severed and retained lots are adequately sized to accommodate the private sewage systems. The adequacy of lot sizes for residential use will be confirmed through the requirement for a septic system design to be submitted for each lot at the Consent for Severance stage.

#### Compatibility (FEOP Policy 13.7III.(e))

The retained parcel 2.6 hectare parcel and the severed 1.1 hectare parcels will be adequately separated from adjacent uses. Adjacent uses include rural residential uses and natural heritage features which are compatible with the proposed use of the Subject Property.

#### Effect on Adjoining Properties (FEOP Policy 13.7III.(f))

There is no evidence to suggest that the introduction of two additional lots into the area will depreciate adjoining properties.

#### Effect on the Financial Position of the Town (FEOP Policy 13.7III.(g))

The proposed redesignation and rezoning of the Subject property will not negatively affect the financial position of the Town as all the works associated with the proposed development are the responsibility of the developer. The proposed residential use will provide the municipality with additional tax base and development charges.

Effect In Relation To the Environmental Protection Act (FEOP Policy  
13.7III.(h))

None.

## OPINION

The proposed **Official Plan Amendment** conforms with the provisions of the *Planning Act*, PPS, Growth Plan, and the ROP because it:

- provides for limited residential development;
- is compatible with the rural landscape and sustainable by rural service levels;
- adequately mitigates potential detrimental impact on the larger surrounding ecosystem;
- is suitably distant from incompatible land uses such as livestock operations; and
- has adequate safe access.

The proposed residential development on the Subject Property can be considered infilling. It does not adversely affect the integrity or efficient management of natural heritage resources and the new lots are of sufficient size and are assumed to have suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply.

The proposed lots do not satisfy the FEOP criteria for infilling based on the distance between such structures or features being 90 metres or less, however in the case of the Subject Property the proposed residential development would make the highest and best use of the land.

### **The Official Plan Amendment is good planning.**

The Subject Property is zoned Rural RU Zone. The RU Zone permits single detached dwellings on lots with a minimum area of 6.0 ha and a minimum frontage of 90 metres. The proposed rezoning will change the zoning from a Rural Zone to a site specific Rural Zone to permit the proposed minimum lot size of 1.0 hectares and 90 metres frontage for the retained and new parcels. The rezoning will also put in place requirements for a 50 metre rear yard setback, a 30 metre setback from the bank of a normal low flow channel of a watercourse on the property.

The proposed **Zoning By-law Amendment** conforms with the provisions of the *Planning Act*, PPS, Growth Plan, ROP, and the OP as proposed to be amended because:

- The proposed increased zoning setback requirements from the rear lot line and the top of bank of the ditch mitigate potential negative environmental impacts.
- The Natural Vegetation Coverage and the Naturally Vegetated Fish Habitat Buffer requirements mitigate potential impacts:
  - on *key natural heritage features* or *key hydrologic features* or *their functions*;
  - on connectivity between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other maintaining the movement of native plants and animals across the landscape; and
  - minimizes potential removal of natural features.
- The frontage reduction is a minor change from what is currently permitted and permits sensitive infilling and efficient use of existing infrastructure. Consistent with acceptable design standards. No negative impact is anticipated.
- Adequate space is assumed to be available on site for dwellings, amenity areas and private services. Adequacy can be a condition of consent for severance. No negative impact is anticipated.

**The Zoning By-law Amendment is good planning.**

The proposed **Severance** conforms with the provisions of the *Planning Act*, PPS, Growth Plan, ROP, and the OP as proposed to be amended because the new lot lines do not bisect the floodlines or go through the woodlot.

**The Severance is good planning.**

**RECOMMENDATIONS**

That the Official Plan and Zoning By-law Amendments and Consent for Severance applications be approved with standard conditions and that the Subject Property be rezoned from the RU Zone to a special RU Rural Zone with the provisions in the following table.

**CLOSING**

This Report is intended solely for Frank DeCorso, (the “Client”). The Report provides professional land use planning opinion focusing on assisting in the possible submission of complex development applications, including Official Plan and Zoning By-law Amendments and a Consent for Severance, to obtain necessary *Planning Act* approvals for a proposed residential development on the Subject Property, which consists of Parts 1 to 6, Plan 59R6721, Roll No: 270302001098907, 429 Windmill Point Road North, south side of Nigh Road, east of Windmill Point Road North, in the Town of Fort Erie. This Report is

prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers). This Report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the Report shall be at the Client's and the recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the Report. No portion of this Report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

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

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

*Steven Rivers*

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2020-01-09

| <b>Regulation</b>                 | <b>Rural Zone Requirements</b> | <b>Proposed Retained Parcel Requirements</b> | <b>Proposed Severed Parcels Requirements</b> | <b>Comment</b>   |
|-----------------------------------|--------------------------------|--|--|--|
| <b>Minimum Lot Frontage</b>       | 95 metres                      | No change                                    | 90 metres                                    | The frontage reduction is a minor change from what is currently permitted and permits sensitive infilling and efficient use of existing infrastructure. Consistent with acceptable design standards. No negative impact is anticipated |
| <b>Minimum Lot Area</b>           | 6 hectares                     | 2.6 hectares                                 | 1.1 hectares                                 | Adequate space is available on all three parcels for dwellings, amenity areas and private services. Adequacy can be a condition of consent for severance. No negative impact is anticipated  |
| <b>Maximum Lot Coverage</b>       | 10 percent                     | No change                                    | No change                                    | No change  |
| <b>Minimum Front Yard</b>         | 15 metres for dwellings        | No change                                    | No change                                    | No change  |
| <b>Minimum Interior Side Yard</b> | 7.5 metres for dwellings       | No change                                    | No change                                    | No change  |
| <b>Minimum Exterior Side Yard</b> | 15 metres for dwellings        | No change                                    | No change                                    | No change  |



|                                    |                         |   |   |   |
|------------------------------------|-------------------------|---|---|---|
| <b>Minimum Rear Yard</b>           | 15 metres for dwellings | 30 metres   | 50 metres   | Mitigates potential environmental impacts on the <i>woodland</i> south of the Subject Property by the new dwelling on the Severed Parcels. The Retained Parcel is still in a disturbed state and has not regenerated to natural vegetation as fast as the Severed Parcels. The Retained Parcel setback permits the residence in the owners preferred location while still providing a buffer for the woodland to the south  |
| <b>Minimum Floor Area/Dwelling</b> | 100 square metres       | No change   | No change   | No change   |
| <b>Maximum Building Height</b>     | 2.5 storeys / 10 metres | No change   | No change   | No change   |
| <b>Natural Vegetation Coverage</b> |                         | 30 per cent of the <i>total developable area</i> of the lot located in the rear yard will remain or be returned to natural self-sustaining vegetation | 30 per cent of the <i>total developable area</i> of the lot located in the rear yard will remain or be returned to natural self-sustaining vegetation | Mitigates potential impacts: <ul style="list-style-type: none"> <li>• on <i>key natural heritage features</i> or <i>key hydrologic features</i> or <i>their functions</i>;</li> <li>• on connectivity between <i>key natural heritage features</i> and <i>key hydrologic features</i> located within 240 metres of each other maintaining the movement of native plants and animals across the landscape; and</li> <li>• minimizes potential removal of natural features</li> </ul> |

|   |  |  |  |  |
|---|--|--|--|--|
| <p><b>Naturally Vegetated Fish Habitat Buffer</b></p> |  | <p>30 metres from the bank of a normal low flow channel of a watercourse on the property</p> | <p>30 metres from the bank of a normal low flow channel of a watercourse on the property</p> | <p>Mitigates potential impacts:</p> <ul style="list-style-type: none"> <li>• on <i>key natural heritage features</i> or <i>key hydrologic features</i> or <i>their functions</i>;</li> <li>• on connectivity between <i>key natural heritage features</i> and <i>key hydrologic features</i> located within 240 metres of each other maintaining the movement of native plants and animals across the landscape;</li> <li>• on fish habitat; and</li> <li>• minimizes potential removal of natural features</li> </ul> |
|---|--|--|--|--|



## ANNEX 2 EXCERPTS FROM RELEVANT DOCUMENTS

### THE PLANNING ACT

One of the purposes of the *Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interest include the: protection of natural areas, features and functions (sect 1(a)); protection of the agricultural resources (sect. 2(b)); orderly development of safe and healthy communities (sect. 2(h)); provision of employment opportunities (sect. 2(k); and; location of growth and development (sect. 2(k)) among others.

### Official Plans

Section 16 of the *Planning Act* states an official plan shall contain, goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it. It may also contain a description of the measures and procedures to attain the plan's objectives and a description of the measures and procedures for informing and obtaining the views of the public on a proposed amendment to either an official or zoning by-law.

Section 21 of the *Act* states City Council may initiate an amendment to Official Plan. Section 24 states that where an official plan is in effect, no by-law shall be passed that does not conform the official plan. Section 2 of the *Planning Act* states Council shall have regard to matters of provincial interest such as the:

- orderly development of safe and healthy communities;
- adequate provision of employment opportunities; and
- Appropriate location of growth and development.

Section 5 states decisions of Council shall be consistent with the policy statements issued by the Minister and with the provincial plans that are in effect.

### Zoning

Section 34 of the *Planning Act* states a zoning by-law may be passed by Council for a number of purposes including prohibiting the use of land, except for such purposes set out in the by-law and except if the land was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. That section goes on to state that any by-law passed under this section or a predecessor of this section may be amended to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed. If a person applies for an amendment to a by-law passed under this section or a predecessor of this section he or she shall provide the prescribed information and material to Council.

## Consent for Severance

**A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent and is required to create and sell a portion of a property. The Committee of Adjustment of the Town has the authority under the *Planning Act* (Sections 50 and 54) to consent to convey land if it implements the policies of the OP.**

The *Planning Act* specifies factors which must be taken into account. Under Section 50.1(24) **consideration must be given to**, among other matters, to the **health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality** and to:

- (a) the effect of development of the proposed severance on **matters of provincial interest** as referred to in section 2;
- (b) whether the proposed severance is **premature or in the public interest**;
- (c) whether the severance **conforms to the official plan** and adjacent plans of subdivision or severances, if any;
- (d) the **suitability of the land** for the purposes for which it is to be severed;
- (e) the number, width, location and proposed grades and elevations of **highways**, and the adequacy of them, and the highways linking the highways in the proposed severance with the established highway system in the vicinity and the adequacy of them;
- (f) the **dimensions and shapes** of the proposed lots;
- (g) the **restrictions** or proposed restrictions, if any, on the land proposed to be severed or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of **natural resources and flood control**;
- (i) the adequacy of **utilities and municipal services**;
- (j) the adequacy of **school sites**;
- (k) the area of land, if any, within the proposed severance that, exclusive of highways, is to be **conveyed or dedicated for public purposes**;
- (l) the extent to which the severance's design optimizes the available supply, means of supplying, efficient use and **conservation of energy**; and
- (m) the interrelationship between the **design** of the proposed severance **and site plan control matters** relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act . . . .

Section 50.1(25) give the Committee of Adjustment authority to impose such conditions to the approval of a consent that in the opinion of the Committee are reasonable, including a requirement:

- (a) that **land be dedicated or other requirements met for park** or other public recreational purposes under section 51.1;
- (b) that such **highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated** as the approval authority considers necessary;

- (c) that such land be dedicated for **commuter parking lots, transit stations and related infrastructure** for the use of the general public using highways, as the approval authority considers necessary;
- (d) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be **dedicated to provide for the widening of the highway** to such width as the approval authority considers necessary; and
- (e) That the owner of the land proposed to be severed enter into one or more **agreements** with a municipality.

Section 50.1(26) agreements to be imposed as a condition to the approval of a consent and the agreements may be registered against the land to which it applies and that the municipality or the committee may enforce the provisions of the agreement against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

## THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2014 (PPS) came into effect April 30, 2014 and applies to this application. It includes the following definitions:

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process; b) works subject to the Drainage Act; or c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2.

## Preamble

The Preamble to the PPS says it provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.“

A basic principle of policy led land use planning iterated in the PPS is that **when more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.**

**Another important aspect of policy led land use planning is the terms used in the policies.** As succinctly outlined in the PPS, Some policies set out positive directives, such as settlement areas shall be the focus of growth and development. Other policies set out limitations and prohibitions, such as *development* and site alteration shall not be permitted. Other policies use enabling or supportive language, such as should, “promote and encourage.

The PPS says the policies represent minimum standards and planning authorities and decision-makers may go beyond these minimum standards to address matters of importance unless doing so would conflict with any policy of the Provincial Policy Statement.

Guidance material, such as the Guidelines on Permitted Uses in Ontario’s *Prime agricultural areas*, and technical criteria may be issued to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.

## Vision

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while **supporting the viability of rural areas**. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to **accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources** and areas which may pose a risk to public health and safety.

**Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities and minimize the undesirable effects of development, including impacts on air, water and other resources.**



## Policies

The PPS policies for Building Strong Healthy Communities say “Ontario's long-term prosperity, environmental health and social well-being depend on **wisely managing change and promoting efficient land use and development patterns**. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.” **Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.** (Policy 1.1.1a)

*Rural areas* are important to the economic success of the Province and our quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's *rural areas* have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

Healthy, integrated and viable *rural areas* should be supported by:

- building upon **rural character**, and leveraging **rural amenities and assets**;
- promoting **regeneration**, including the *redevelopment* of *brownfield sites*;
- accommodating an appropriate **range and mix of housing in rural settlement areas**;
- encouraging the **conservation and redevelopment of existing rural housing stock on rural lands**;
- **using rural infrastructure and public service facilities efficiently**;
- promoting **diversification of the economic base and employment opportunities** through goods and services, including value-added products and the **sustainable management or use of resources**;
- providing opportunities for **sustainable and diversified tourism**, including **leveraging historical, cultural, and natural assets**;
- **conserving biodiversity** and considering the ecological benefits provided by nature; and
- providing **opportunities for economic activities in prime agricultural areas**, in accordance with policy 2.3. (Policy 1.1.4.1)

In *rural areas*, **rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.** (Policy 1.1.4.2)



When directing development in rural *settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to **rural characteristics, the scale of development and the provision of appropriate service levels**. (Policy 1.1.4.3)

When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. (Policy 1.1.5.1)

**On *rural lands* located in municipalities, permitted uses are:**

- the management or use of resources;
- resource-based recreational uses (including recreational dwellings);
- **limited residential development;**
- home occupations and home industries;
- cemeteries; and
- other rural land uses. (Policy 1.1.5.2)

**Recreational, tourism and other economic opportunities should be promoted.** (Policy 1.1.5.3)

**Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.** (Policy 1.1.5.4)

*Development* shall be **appropriate to the *infrastructure* which is planned or available**, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*. (Policy 1.1.5.5)

Opportunities should be retained to locate new or expanding land uses that require **separation from other uses**. (Policy 1.1.5.6)

Opportunities to **support a diversified rural economy** should be promoted by **protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses**. (Policy 1.1.5.7)

***Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected** in accordance with provincial standards. (Policy 1.1.5.8)

New land uses, including **the creation of lots**, and new or expanding livestock facilities, shall **comply with the *MDS formulae***. (Policy 1.1.5.9)

Policies with respect to *infrastructure* are in Section 1.6.6 and specifically Section 1.6.6.4 states “Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, ***individual on-site sewage services* and *Individual on-site water services* may be used** provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these services may only be used for infilling and minor rounding out of existing development.

Policies with respect to natural heritage are in Section 2.1 and specifically Section 2.1.1 with respect to Wise Use and Management of Resources, Natural Heritage states natural features and areas shall be protected for the long term.

Section 2.1.2 states the **diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained**, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

***Development and site alteration* shall not be permitted in:**

- ***significant wetlands*** in Ecoregions 5E, 6E and 7E1; and
- ***significant coastal wetlands***. (Policy 2.1.4)

***Development and site alteration* shall not be permitted in:**

- ***significant wetlands*** in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- ***significant woodlands*** in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- ***significant valleylands*** in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- ***significant wildlife habitat***;
- ***significant areas of natural and scientific interest***; and
- ***coastal wetlands*** in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. (Policy 2.1.5)

**Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and development and activities in these resources or on *adjacent lands* which would preclude or hinder the **establishment of new operations or access to the resources shall only be permitted if:****

- **resource use would not be feasible**; or
- the proposed land use or development serves a greater long-term public interest; and
- issues of public health, public safety and environmental impact are addressed. (Policy 2.4.2.2)

**Significant built heritage resources and significant cultural heritage landscapes shall be conserved** (Policy 2.6.1). *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been conserved. (Policy 2.6.2) Planning authorities shall not permit *development and site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved* (Policy 2.6.3). Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources (Policy 2.6.5).

## THE PROVINCIAL GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) is a 25-year plan to [among other things]:

- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions; and
- Enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the *agri-food network*. The policies of the Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. The Growth Plan uses the definition from the PPS for *Prime agricultural areas* and development and has several definitions not in the PPS including:

**Agri-food network** - Within the *Agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and *infrastructure*; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities. (Greenbelt Plan)

**Agricultural impact assessment** - A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the *Agricultural system* and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts. (Greenbelt Plan)

**Agricultural system** - The system mapped and issued by the Province in accordance with this Plan, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of *prime agricultural areas*, including specialty crop areas, and rural lands that

together create a continuous productive land base for agriculture; 2. An *agri-food network* which includes *infrastructure*, services, and assets important to the viability of the agri-food sector. (Greenbelt Plan)

**Key Hydrologic Areas** - *Significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas* that are necessary for the ecological and hydrologic integrity of a *watershed*.

**Key natural heritage features** - *Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.*

**Highly Vulnerable Aquifer** - Aquifers, including lands above the aquifers, on which external sources have or are likely to have a *significant* adverse effect. (Greenbelt Plan)

**Natural heritage system** - The system mapped and issued by the Province in accordance with this Plan, comprised of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include *key natural heritage features*, key hydrologic features, federal and provincial parks and conservation reserves, other *natural heritage features and areas*, lands that have been restored or have the potential to be restored to a natural state, associated areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue. (Based on PPS, 2014 and modified for this Plan)

**Natural Self-Sustaining Vegetation** - Vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending. (Greenbelt Plan)

**Negative impact** - a) In regard to water, degradation to the quality or quantity of surface or groundwater, key hydrologic features or vulnerable areas and their related *hydrologic functions* due to single, multiple or successive development or *site alteration* activities; b) In regard to *fish habitat*, any permanent alteration to or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and c) In regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive development or *site alteration* activities. (Based on the PPS, 2014 and modified for this Plan)

**New multiple lots or units for residential development** means the creation of more than three units or lots through either plan of subdivision, consent, or plan of condominium.

**Private Communal Water and Wastewater Systems** – Private communal water systems are *drinking-water systems* that are not municipal water systems and that serve six or more lots or private residences, and Private communal wastewater systems are *sewage works* that serve six or more lots or private residences and are not owned or operated by a municipality.

**Total Developable Area** - The total area of the property less the area occupied by *key natural heritage features* [wetlands and *significant woodlands*], *key hydrologic features* and any related *vegetation protection zone*. (Greenbelt Plan)

**Vegetation Protection Zone** - A vegetated *buffer* area surrounding a *key natural heritage feature* or *key hydrologic feature*. (Greenbelt Plan)

### Where and How to Grow

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy and prosperous rural communities are also vital to the economic success of the *Greater Golden Horseshoe (GGH)* and contribute to the quality of life. The Growth Plan recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the *GGH*. **Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in rural areas. Healthy rural communities are important to the vitality and well-being of the larger region.** (Section 2.1)

### Protecting what is Valuable

The Context for Protecting what is Valuable, states the *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources. These valuable assets must be wisely protected and managed as part of planning for future growth. The Growth Plan also provides for the identification and protection of a *Natural heritage system* for the *GGH* outside of the *Greenbelt Area* and *settlement areas*, and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The Context for Protecting what is Valuable, also states the *GGH* is home to some of Canada's most important and productive farmland, which is a finite, non-renewable resource. The region's fertile soil, favourable climate, and access to water make it *significant* on both a national and international scale. This Plan provides for the identification and protection of the *Agricultural system* in the *GGH*. The *Agricultural system* includes a continuous and productive land base, comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*, as well as a complementary *agri-food network* that together enable the agri-food sector to thrive. Protecting the *Agricultural*

system will support the viability of the agricultural sector as the region grows. (Section 4.1)

### Natural Heritage System

The Province will map a *Natural heritage system* (Figure A2.1, Natural Heritage System Excerpt and A2.2, MNRF Woodland Mapping Excerpt) for the *GGH* to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. (Policy 4.2.2.1)

**Figure A2.1**  
**NATURAL HERITAGE SYSTEM EXCERPT**





**Figure A2.2**  
**MNRF WOODLAND MAPPING EXCERPT**



Municipalities will incorporate the *Natural heritage system* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4. (Policy 4.2.2.2)

Within the *natural heritage system* **new development** or **site alteration** will **demonstrate** that:

- there are **no negative impacts on key natural heritage features or key hydrologic features or their functions**;
- **connectivity** along the system and between *key natural heritage features* and *key hydrologic* features located within 240 metres of each other **will be maintained** or, where possible, enhanced for the movement of native plants and animals across the landscape;
- **The removal of other natural features** not identified as *key natural heritage features* and *key hydrologic features* **is avoided**, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;

- except for uses described in and governed by the policies in subsection 4.2.8, **the disturbed area**, including any buildings and structures, **will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area***;
- with respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
- **At least 30 per cent of the *Total Developable Area* will remain** or be returned to ***natural self-sustaining vegetation***, except where specified in accordance with the policies in subsection 4.2.8. (Policy 4.2.2.3)

Provincial mapping of *the Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, **the policies in this Plan that refer to *the Natural Heritage System for the Growth Plan* will apply outside settlement areas to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017.** (Policy 4.2.2.4)

Upper- and single-tier municipalities may refine provincial mapping of *the Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may, only occur through a municipal comprehensive review. (Policy 4.2.2.5)

Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:

- will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
- May continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS. (Policy 4.2.2.6)

**Outside of settlement areas, development or site alteration is not permitted in [wetlands and significant woodlands] that are part of the *Natural Heritage System for the Growth Plan* or in key hydrologic features**, except for small-scale structures for *recreational* uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*. (Policy 4.2.3.1g)

**Outside of settlement areas, proposals for large-scale development proceeding by way of plan of subdivision, vacant land plan of condominium, or site plan may be permitted within a key hydrologic area where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:**

- the identification of planning, design, and construction practices and techniques;

- meeting other criteria and direction set out in the applicable watershed planning or subwatershed plans; and
- **Meeting any applicable provincial standards, guidelines, and procedures.** (Policy 4.2.3.2)

**Outside *settlement areas*, a proposal for new *development* or *site alteration* within 120 metres of a [*wetland* or *significant woodland*] within the *natural heritage system for the Growth Plan* or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:**

- is of sufficient width to protect the ***key natural heritage feature* or *key hydrologic feature*** and its functions from the impacts of the proposed change;
- is established to **achieve and be maintained as *natural self-sustaining vegetation***; and
- For ***key hydrologic features*, *fish habitat*, and *significant woodlands***, is no less than 30 metres measured from the outside boundary of the ***key natural heritage feature* or *key hydrologic feature***. (Policy 4.2.4.1)

***Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1.** (Policy 4.2.4.3)

### Agricultural System

An *Agricultural System* for the *GGH* has been identified by the Province. (Policy 4.2.6.1) *Prime agricultural areas* will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture. (Policy 4.2.6.2) Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural system*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an *agricultural impact assessment*. (Policy 4.2.6.3)

**The geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be maintained and enhanced.** (Policy 4.2.6.4) The retention of existing lots of record for *agricultural uses* is encouraged, and the use of these lots for non-agricultural uses is discouraged. (Policy 4.2.6.5) Integrated planning for growth management, including goods movement and transportation planning, will consider opportunities to support and enhance the *agricultural system*. (Policy 4.2.6.6)

Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, ***prime agricultural areas* identified in upper- and single-tier official**

**Figure A2.3**  
**AGRICULTURAL LAND BASE FOR THE GREATER GOLDEN HORSESHOE EXCERPT**



plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan (Policy 4.2.6.8) Upper- and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial

mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*. (Policy 4.2.6.9)

By definition, the agricultural land base includes *rural lands*. **The *rural lands* policies in the PPS, Growth Plan and Greenbelt Plan apply and allow for a wider range of uses than in *prime agricultural areas*. This includes cemeteries, fairgrounds, campgrounds and recreation sites. *Rural lands* provide opportunities to locate rural, non-agricultural uses where appropriate, outside of *prime agricultural areas*.**

**Identification of *rural lands* within the agricultural land base is left to municipal discretion, as long as the *agricultural system* purpose and outcomes are met.**

As a best practice, official plan policy for *rural lands* would specify that all areas in agricultural production (e.g., as shown in AAFC's crop inventory maps) and areas that support elements of the *agri-food network* (as per *Agricultural system* Portal mapping) would be defined as being part of the *Agricultural system*. (Section 3.2.1.3 in Implementation Procedures for the *Agricultural system* in Ontario's Greater Golden Horseshoe (2018))

### Cultural Heritage Resources

*Cultural heritage resources* will be *conserved* in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*. (Policy 4.2.7.1)

Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of *cultural heritage resources*. (Policy 4.2.7.2)

Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making. (Policy 4.2.7.3)

### THE REGIONAL OFFICIAL PLAN

In speaking to the contents of official plan the *Planning Act* says an official plan shall contain, goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization. (Section 16.(1)(a)) and may contain, a description of the measures and procedures proposed to attain the objectives". (Section 16.2(a))

The Niagara Region Official Plan (ROP) is the long-range, community planning document used to guide the physical, economic and social development of the Regional Municipality of Niagara. Generally, it contains objectives, policies and mapping implementing the Region's approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing *infrastructure*. It implements the Niagara Region Growth Management Strategy (Niagara 2031) and its content aligns



with the Provincial Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement and the Greenbelt Plan

The ROP defines the following:

**Agricultural Areas** means those areas outside of the Urban Areas Boundaries suitable for agriculture and approximately shown on the Agricultural Land Base Map contained in this Policy Plan as Good Tender Fruit, Good Grape or Good General Agriculture.

**Agricultural uses** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. *Agricultural uses* include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing, and packaging)

**Buffer** means a naturally vegetated protective zone adjacent to a natural area serving to cushion and protect the natural area from the impacts of human activities on adjacent lands.

**Ecological Functions** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions.

**Ecological Integrity**, which includes hydrologic integrity, means the condition of ecosystems in which: (1) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity; (2) natural ecological processes are intact and self-sustaining, and (3) the ecosystems evolve naturally.

**Ecological Restoration** means the return of a species, population or *Ecosystem* to its state prior to disturbance.

**Ecosystem** means a dynamic complex of plants, animals and micro-organisms and their non-living environment interacting as a functional unit. The term ecosystem can describe small scale units, such as drops of water, as well as large scale units, such as the biosphere.

**Endangered Species** means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Wildlife in Canada (COSEWIC), as updated and amended from time to time.



**Ground water** means any water that exists beneath the land surface, but more commonly water existing in fully saturated soils and geologic formations.

**Ground water features** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Habitat of endangered and threatened species** means land that,

- is an area where individuals of an endangered species or a *threatened species* live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
- Has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**Municipal comprehensive review** means an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of this Plan.

**Natural heritage corridors** mean natural and open space linkages between Core Natural Areas. They include naturally vegetated stream corridors, valleylands, shorelines, woodlands; *wetlands*; and other natural vegetation communities.

**Natural self-sustaining vegetation** means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.

**Prime agricultural area** means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Classes 4-7 soils; and additional areas where there is local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land** means land that includes specialty crop areas and/or Canada land Inventory Classes 1, 2 and 3 soils, in this order of priority for protection.

**Redevelopment** means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Rural areas** means those areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule of this Official Plan as Rural.

**Significant** means, in regard to:

- wetlands and Areas of Natural and Scientific Interest, an area identified as significant by the Ministry of Natural Resources using evaluation procedures established by the Ministry, as amended from time to time.
- the habitat of threatened and endangered species, the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance, survival and/or recovery of the naturally occurring or reintroduced populations of endangered or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species for all or any part(s) of its life cycle.
- other natural heritage features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality, diversity, ecological health and integrity of the Core Natural Heritage System.
- A change in the spatial extent of a Core Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as Fish Habitat.
- Cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a person/ people.

**Significant negative impact** means in regard to:

- The Core Natural Heritage System, degradation that threatens the health and integrity of the natural features or ecological functions of the Core Natural Heritage System Component due to single, multiple or successive development or site alteration activities.
- Earth Science Areas of Natural and Scientific Interest (ANSIs), degradation that, due to single, multiple or successive development or site alteration activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

**Site alteration** means the removal of topsoil and activities such as filling, grading and excavation that would change the landform, grade of the land and natural vegetative characteristics of the land, but does not include the reconstruction, repair or maintenance of a drain approved under the Drainage Act.

**Species of concern** means any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperiled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time.

**Surface water features** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Sustainable private services** means a sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the Ontario Building Code Act, and/or applicable Provincial requirements, and a water supply system designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the local municipality, that are located on the same property as the buildings to which the sewage disposal system and water supply provide service.

**Threatened species** means any species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as Threatened by the Committee on the Status of Wildlife in Canada (COSEWIC) as updated from time to time.

**Valleyland** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vegetation protection zone** means a vegetated buffer area surrounding a natural heritage feature or hydrologic feature within which only those land uses permitted within the feature itself are permitted.

**Wetlands** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants.

The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit *wetland* characteristics are not considered to be *wetlands* for the purposes of this definition.

**Wildlife habitat** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodland** means a treed area that provides environmental and economic benefits to both the private landowner and the general public such as erosion prevention, hydrologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities and the sustainable harvest of woodland

products. It does not include a cultivated fruit or nut orchard or a plantation used for the purpose of producing Christmas trees.

**Agricultural uses may continue in the Rural, Village and Hamlet Areas. However, some opportunities for *development*, including residential, commercial, industrial, and recreation uses compatible with the rural environment also are provided.** (Section 5)

## Objectives

A Strategic Objective to the ROP is to recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) A choice of housing and employment locations. b) Development and efficient use of lands within the existing urban boundaries first. c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) Minimization of conflicts between incompatible land uses. (ROP SO 2.1)

Similar to the PPS, the ROP recognizes:

- Diversified opportunities for employment locations;
  - The efficient use of land; minimization of conflict between incompatible uses;
  - Selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted;
  - Attraction of more employment;
  - Minimizing the introduction of incompatible land uses within the agricultural areas; and
  - Preservation of agricultural lands
- as Strategic Objectives.

## Policies

As illustrated on *Figure 2.4, Regional Official Plan Schedule A, Regional Structure Excerpt*, the Niagara Regional Official Plan (ROP) designates the Subject Property **Rural Area**. The predominant use of land in the **Rural Area** will continue to be *agriculture*, but **some non-farm related development will be permitted** (Policy 5.C.1). **Non-farm residential uses may be permitted** generally in the *Rural Areas* **subject to a rezoning or a consent to convey**. Local official plan policies for non-agricultural development shall provide direction on the following issues:

- the future **pattern and character of development**,
- the extent of **protection for agricultural activities**,
- types of and **compatibility among uses** either permitted generally or by local official plan designation,
- the extent of **protection to natural resources**,
- **compatibility with adjoining agricultural areas**, and
- **Access and servicing** requirements. (Policy 5.C.2)

**Figure 2.4**  
**Regional Plan Schedule A**  
**REGIONAL STRUCTURE EXCERPT**



*Development* in the Rural Area will be permitted only when the **individual lot and its soil conditions are suitable** for the satisfactory long-term operation of a *private sewage disposal system*, in accordance with the requirements of the Ministry of the Environment and the Ministry of Municipal Affairs and Housing. (Policy 5.C.3) and only when the **water supply meets the requirements** of the Ministry of the Environment or its agents and the Medical Officer of Health. (Policy 5.C.4)

The Region **will permit some non-farm residential development in the *Rural Area*** but that such development is **limited to 3 lots or less.** (Policy 5.C.6.1)

**The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance, possible road paving, garbage and refuse pickup if necessary, the operation of additional school buses, etc., should be reviewed** when considering approval of any non-farm residential development in the *Rural Area*. (Policy 5.C.6.3)

Proposals for rural **residential development** in the *Rural Area* must meet the following **criteria**,

- The proposed *development* should offer **amenities** such as diverse landscaping and vegetation.
- The proposal should be designed, insofar as is possible, to **retain desirable natural features and vegetation**, if any, and, in addition, may make provision for the enhancement of the site.
- The *development* should be at a **scale and density suitable to the physical characteristics of the site.**
- **Soil and drainage conditions** are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal.
- The site should **not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils.**
- *Development* will **not have a significant detrimental impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage.**
- Proposed *developments* must be **suitably distant from**, and protected from, incompatible land uses such as existing pits and quarries, possible mineral resource areas recognized in this Plan, **livestock operations**, . . . major transportation facilities . . . which may result in adverse environmental effects. The *MDS Formulae* of the Agricultural Code of Practice must be used to determine the separation distance of a proposed *development* from an existing livestock operation.
- Proposed *developments* must have **adequate access**, but locations must not jeopardize the operation of the road system by improper or numerous accesses.
- **Minimum lot size shall normally be about 0.4 hectares (1 acre) and the minimum frontage 46 metres (150 feet)**, but this is variable depending on local conditions or on special design proposals. For residential development consisting of up to three lots the minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate *private water and sewage treatment facilities* for long term operation. Applications for three lots or less should be accompanied by a drainage plan and should be subject to site plan approval.
- **Maximum lot size** in the case of a lot, other than an existing lot, where soils of Classes 1, 2, 3 or 4 as defined in the Canada Land Inventory of Soil Capability for Agriculture predominate **shall not exceed an area of 0.4 hectares (1 acre)** except to the extent



of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment. (Policy 5.C.6.6)

The preamble to Section 6A states: “**Policies for mineral resources are intended to ensure that these natural resources are available for future use and that their management is compatible with the natural and human environment.**”

A small amount of natural gas is produced from the southern portion of the Niagara Region and offshore Lake Erie. Natural gas is also stored underground in this Region to help provide for peak wintertime usage.

As illustrated on *Figure A2.5, Regional Plan Schedule “C”, Core Natural Heritage Excerpt*, the Subject Property is south of and separated from **Environmental Protection and Environmental Conservation Areas** by Nigh Road. A small part of the eastern end of the Subject Property is **designated Environmental Protection Area**. Environmental Conservation Areas include *significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.* (Policy 7.B.1.4)

*Development and site alteration shall not have significant adverse impacts on Ground water quality or quantity.* In areas where *development and site alteration* could significantly affect *Ground water* quality or quantity the Region shall require further review of potential impacts. (Policy 7.A.2.9)

***Development may be permitted without an amendment to this Plan on adjacent lands to Environmental Conservation Areas if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands*** and the proposed *development or site alteration* is not prohibited by other Policies in this Plan. (Policy 7.B.1.11b)

Where *development or site alteration* is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an EIS prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The Region shall encourage the local municipalities, the Conservation Authority and other appropriate public and private conservation organizations to assume ownership of these lands. (Policy 7.B.1.18)

As illustrated on *Figure A2.6, Region of Niagara Official Plan Schedule D1 – Potential Resource Areas Stone Excerpt*, the Subject Parcel is **designated Devonian Formation**. Other **uses within possible aggregate areas will be restricted, insofar as possible,**

**Figure A2.5**  
**Regional Plan Schedule C**  
**CORE NATURAL HERITAGE EXCERPT**



**Figure 2.6**  
**Regional Plan Schedule D1**  
**POTENTIAL RESOURCE AREAS STONE EXCERPT**



to existing uses plus *agricultural*, open space, and forestry uses which do not involve *significant* new building. The intent is to limit the establishment of uses or activities whose presence would either prevent or conflict with the possible *development* of a pit or quarry extraction operation (Policy 6.C.3).

Only those uses permitted under Chapter 5.B, Policies for Agriculture, should be considered for areas adjacent to either licensed pits and quarries or possible *aggregate areas* which are outside the urban areas boundaries. Also, in areas adjacent to or in known deposits of *mineral aggregate resources*, *development* and activities which would preclude or hinder the establishment of new operations or the expansion of existing operations or access to the resources shall only be permitted if:

- a) **Resource use would not be feasible**; or
- b) The proposed land use or development serves a greater long-term public interest; and
- c) Issues of public health, public safety and environmental impact are addressed (Policy 6.C.4).

Where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area, a Regional official Plan amendment is required (Policy 6.C.13).

Proposals for *development* will be carefully reviewed by both the local municipality and the Region to ensure that the *development* is orderly and well planned, that **adequate services such as school bussing and fire protection** can be provided, that the added *development will not interfere with the operation of the arterial road system* and that **existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated** (Policy 5.D.7).

*Development* must be on lots having an **adequate water supply and suitable for private waste disposal systems** in accordance with the requirements of the Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Hamlets should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation (Policy 5.D.8).

### Creative Places

The story of Niagara region can be found in thousands of places and spaces that represent its historical and contemporary identity. The Region recognizes these assets are a physical representation of Niagara's unique characteristics. These places and spaces should be recognized for the critical role they play in creating a sense of place and improving quality of life for residents and visitors.

An Objective of the ROP, among other is to support the identification and conservation of significant built heritage resources, significant cultural heritage landscapes and archaeological resources and areas of archaeological potential. (Objective 10.C.1.1)

*Significant built heritage resources and cultural heritage landscapes* shall be conserved using the provisions of the Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremations Act and the Municipal Act. (Policy 10.C.2.1.1)

**Where *development, site alteration* and / or a public works project is proposed on or adjacent to a significant built heritage resource(s) or cultural heritage landscapes, a heritage impact assessment will be required.** The findings of the assessment shall include recommendations for design alternatives and satisfactory measures to mitigate any negative impacts on identified significant heritage resources. (Policy 10.C.2.1.5)

The local municipalities shall adopt official plan policies to conserve significant cultural heritage resources and ensure that *development and site alteration* on adjacent lands to protected properties will conserve the *heritage attributes* of the protected heritage property. (Policy 10.C.2.1.7)

**Where an Archaeological Management Plan has not been completed the Region and local municipalities will require applicants to submit an archaeological assessment,** should it be determined that the site meets the provincial and federal criteria for determining areas of archaeological potential. Archaeological assessment reports prepared by licensed consultant archaeologists based on clear, reasonable and attainable standards and guidelines as set out by the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological license under the **Ontario Heritage Act**. (Policy 10.C.2.1.11)

*Development and site alteration* shall only be permitted on lands containing *archaeological resources* or areas of archaeological potential if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site. Where significant *archaeological resources* must be preserved on site, only *development and site alteration* which maintain the heritage integrity of the site will be permitted. (Policy 10.C.2.1.13)

## OFFICIAL PLAN

### Residential Goals

To accommodate population growth and future housing needs by providing for a full range of housing choices in terms of type, tenure and price available to accommodate persons with diverse social and economic characteristics, and needs. (Residential Goal 2.3.5(a));



To facilitate the efficient use of community and engineering services and to ensure that development does not create an undue financial hardship on the municipality. (Residential Goal 2.3.5(b))

As illustrated on *Figure 2.7, Official Plan Schedule A, Land Use Plan Excerpt*, the Subject Property is **designated Rural and Environmental Protection** in the FEOP and as illustrated on *Figure 2.8, Official Plan Schedule C, Natural Heritage Features Excerpt*, the Subject Property has policy implications related to: **Significant Natural Areas and Environmental Corridors**.

#### Rural Area

**Municipal sewers or water supply will not be provided** in the Rural area. All new buildings for human use or habitation shall be located on lots suitable to support a private well and sustainable private sewage disposal system according to the appropriate authority's requirements. (Policy 4.6.2I)

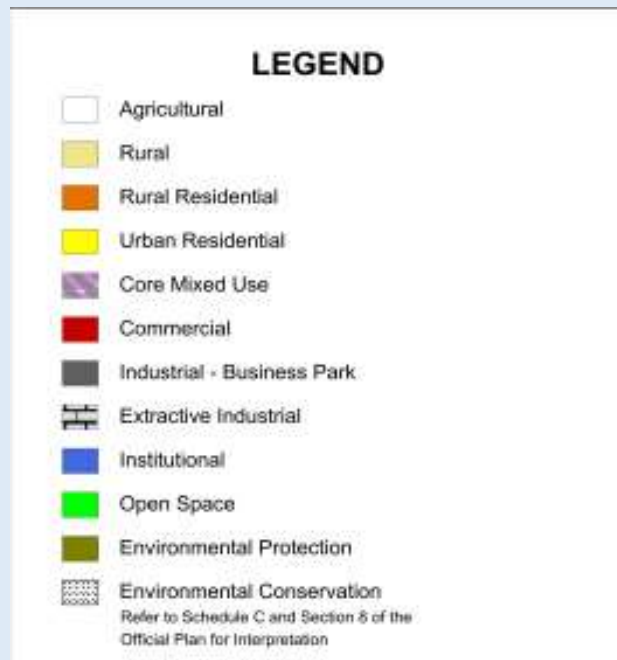
**The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance including paving, garbage and refuse pick-up and school buses, and possible impacts on natural resources located in this area, should be reviewed** prior to approval being given to any new *development* in the Rural area. (Policy 4.6.2III)

In addition to other policies of this subsection, **non-agricultural development in Rural Areas shall comply with the following criteria:**

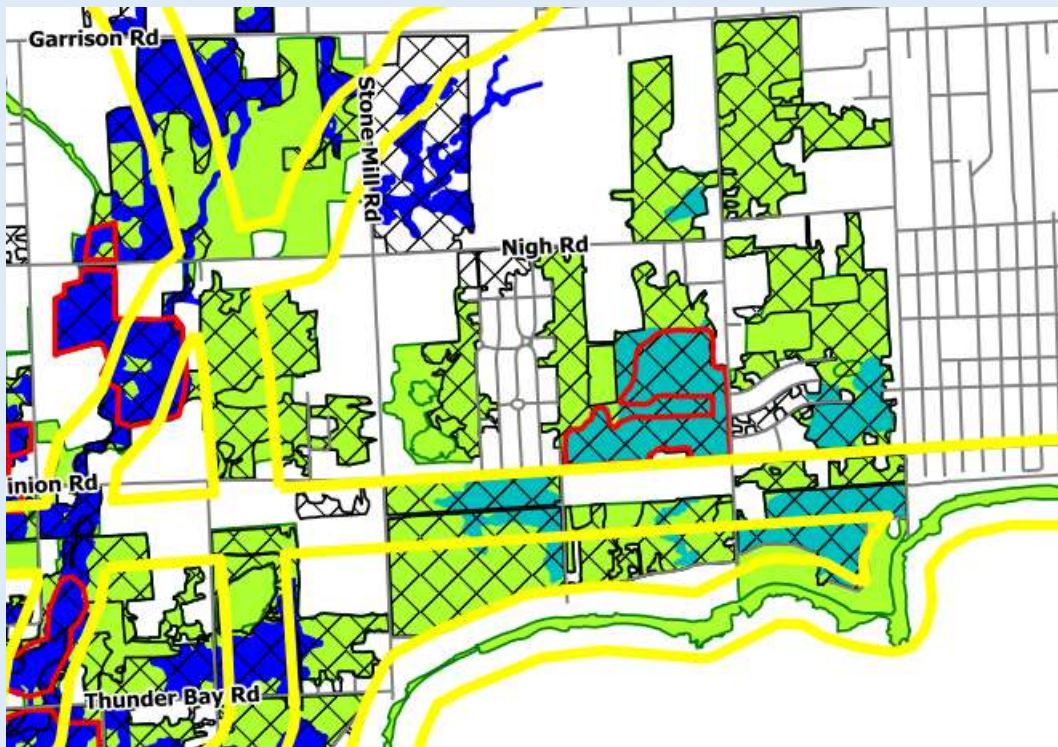
- (a) A **minimum lot size of 0.4 hectares** is required. A smaller lot size may be considered when local conditions or special design features, or any additional area deemed necessary to accommodate an unusual siting problem or to support a sustainable well and sustainable private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Town. Residential development permitted under this Section shall comply with Policies 4.4 and 4.6.3, whichever is applicable;
- (b) *Development* shall be designed to be consistent with Section 8 of this Plan;
- (c) **Buildings and other structures subject to damage shall not be located in Natural Constraint areas that are subject to flooding** or erosion, or have unstable slopes, swampy conditions, or organic or unstable soils;
- (d) *Development* shall be at a scale and density suitable to the physical characteristics of the site. Additional studies may be required to support the suitability of the site for development;
- (e) **Soil and drainage conditions** shall be suitable for the proper siting of buildings, the supply of sustainable **private potable water and the long term operation of a sustainable private waste disposal system**;
- (f) Natural drainage systems of the surrounding agricultural lands shall not be interfered with or detrimentally affected by the development;



**Figure 2.7**  
**Official Plan Schedule A**  
**LAND USE PLAN EXCERPT**



**Figure 2.8**  
**Town of Fort Erie Official Plan Schedule C**  
**NATURAL HERITAGE FEATURES EXCERPT**



- (g) *Development* shall provide **adequate on-site parking and suitable access to a maintained public road** without interfering with the normal flow of traffic;
- (h) *Development* shall be **suitably distant from and protected from incompatible land uses** such as intensive animal operations, industrial uses, solid waste disposal sites, and pits or quarries in accordance with the Minimum Distance Separation Formula and Section 10 of this Plan. No variance shall be granted that will jeopardize adjacent livestock operations; and
- (i) The Town **may require the owner to enter into a Site Plan Agreement** as a condition of *development* in accordance with the Town's Site Plan Control policies. (Policy 4.6.2IV)

Except for the limited rural residential *development* permitted by the severance policies of this Section, residential development is to be directed into the urban area where it can be serviced in an efficient manner for the long term and where natural features and resources in the rural area can be conserved. Therefore, new estate residential development shall not be permitted. (Policy 4.6.2V)

In order to preserve the rural character of the area, the fragmentation of lands designated Rural is generally not permitted. Severances in accordance with the Consent policies of the Agricultural designation will be permitted, as well as the following: **The new lot is to be located in an area where it may be considered as an infilling lot:**

- (a) **Infilling lot shall mean the establishment of one new dwelling on a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;**
- (b) **The minimum lot size should be 0.4 hectares with a minimum frontage of 46 metres;**
- (c) **It does not adversely affect the integrity or efficient management of natural heritage resources;** and
- (d) **Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply** as determined by the Town or relevant approval agency. (Policy 4.6.3II)

Given the intent of this Plan to preserve and to encourage the growth of a viable agricultural industry, particularly for farming, forestry and the conservation of plant and wildlife, the severance of land will be permitted subject to the policies of this Section. (Policy 4.5.3I)

## Natural Heritage

The Town shall support efforts to achieve the following targets through **voluntary land owner stewardship and restoration**: 30% of the land area in the Region in forest cover or wetland, with at least 15% of each subwatershed in wetland; and the use of 30 metre wide naturally vegetated buffers along 70% of the length of the first to third order stream corridors as per the policies of this Plan. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage. (Policy 8.1IV)

**Tree By-laws will be administered to complement the Natural Heritage policies** of this Plan by ensuring tree cutting or removal prior to the approval of applications through the planning process, only takes place in accordance with the Town and / or Regional By-laws. (Policy 8.1.IV)

**Where a site specific *development / redevelopment* proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision, a consent, minor variance, a site plan control agreement, or an approval under a site alteration by-law may impact an Environmental Protection Area or certain Environmental Conservation Areas identified on Schedule “A” or Fish Habitat identified on Schedule “C1” and as outlined in greater detail by the policies of this Plan, the proponent will be required to prepare an EIS.** The EIS shall be submitted with the application. (Policy 8.1X)

Where *development* or *site alteration* is approved in accordance with the policies of this Plan the applicant shall submit a **Tree Saving Plan** maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the administrable Tree Conservation By-laws and related EIS and its implementation monitored by a member of the Ontario Professional Forestry Association or consultant who prepared the EIS. (Policy 8.1XX)

**Where *development* or *site alteration* is approved in, or adjacent to, a natural feature new lots thus created shall not extend into either the area to be retained in a natural state or the buffer zone** identified through an EIS. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and *ecological functions*. The transfer of these lands to the Town, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. It should not be assumed that these lands will be accepted by the Town as parkland dedication however. Additional methods of protecting these lands such as conservation easements will be considered. (Policy 8.1XXII)



### Environmental Protection Areas

Areas designated as Environmental Protection on Schedule “A” include Provincially Significant Wetland Areas, Areas of Natural and Scientific Interest, the Habitat of, Threatened, and Endangered Species, Species of Special Concern and Natural Hazard areas as identified on Schedules “C” and “C1”. **It is the intent that lands designated as Environmental Protection will be protected from incompatible *development* by not permitting *development* or *site alterations* to occur within such designated areas.** (Policy 8.2I)

Uses that will be permitted within Environmental Protection Areas include: conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreational pursuits deemed to be appropriate by the Ministry of Natural Resources or other uses permitted by the *Natural Hazards* policies of this Plan. (Policy 8.2II)

The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act. (Policy 8.2III)

**Environmental Impact Studies (EIS) will be required for *development* or *site alteration* on lands adjacent to Environmental Protection Areas in accordance with the more detailed policies of this Section.** The Regional Municipality of Niagara will be the agency responsible for approving an EIS on lands adjacent to Environmental Protection Areas in consultation with the Town, Niagara Peninsula Conservation Authority, and Ministry of Natural Resources, if necessary. *Development* on lands adjacent to a Natural Hazard Area may also require the approval of the Niagara Peninsula Conservation Authority. (Policy 8.2IV)

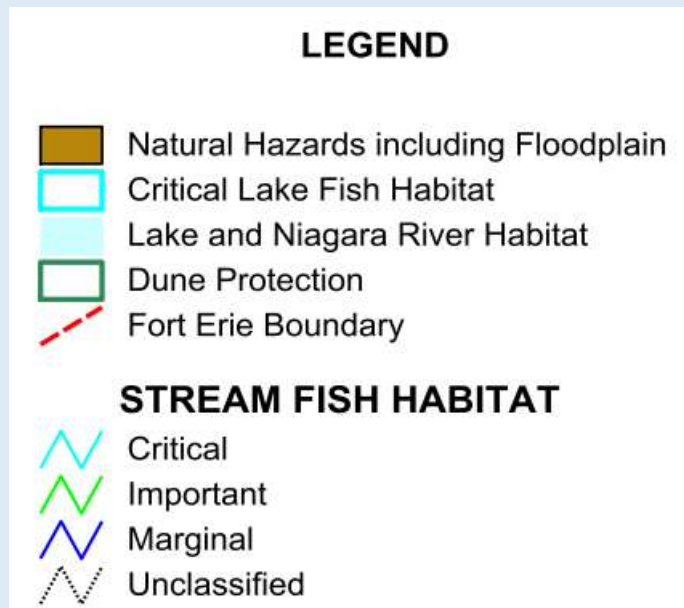
**Existing agricultural uses are permitted to continue in Environmental Protection Areas.** However, **new agricultural buildings and structures, as well as large scale expansions of existing buildings are not permitted.** *Development* and *site alteration* may be further restricted by other more detailed policies in this Section. (Policy 8.2V)

### Provincially Significant Wetland Areas

**In all instances the Town will require an EIS for new development proposals on lands adjacent to these wetland areas, as per Appendix ‘C’.** ***Development* and *site alteration* shall not be permitted unless it has been demonstrated that there will be no negative impacts to the wetlands features and their ecological functions.** (Policy 8.2.1II)

As illustrated on [Figure 2.9, Official Plan Schedule C1, Natural Hazards & Fish Habitat Excerpt](#), the Subject Property has policy implications related to: **Natural Hazards including Floodplain, Critical Fish Habitat, and Critical Fish Habitat Stream**

**Figure 2.9**  
**Town of Fort Erie Official Plan Schedule C1**  
**NATURAL HAZARDS & FISH HABITAT EXCERPT**





## Natural Hazards

The *Natural Hazards* section provides policies dealing with Hazardous Lands, which are property or lands that could be unsafe for the *development* due to naturally occurring processes. Natural Hazards may include flooding hazards, *erosion hazards* or *dynamic beach hazards* (which include Dune Protection areas). There are *Natural hazards* associated with Lake Erie shoreline as well as river and stream systems. *Natural Hazards* also include Hazardous Sites, which are property or lands that could be unsafe for *development* or *site alteration* due to naturally occurring hazards, such as unstable soils or unstable bedrock.

The *Natural Hazards* for river and stream systems consist of the furthest landward limit of the flood hazard or erosion hazard limits. The one hundred year flood is used to define the flooding hazard within the Town of Fort Erie. The *Natural Hazards* associated with the Lake Erie shoreline represent the furthest landward limit of the flooding hazard, erosion hazard, *wave uprush* or *dynamic beach hazard* limit. (Policy 8.2.4I)

The boundary of Natural Hazard designations reflect the definitions of the various hazards identified in this Section and based on information provided by or prepared for the Niagara Peninsula Conservation Authority, such as floodplain mapping and Lake Erie Shoreline Management Plan respectively. The Niagara Peninsula Conservation Authority (NPCA) can provide technical information to assist in the delineation of *Natural Hazards* in the field by a surveyor working on behalf of the applicant or landowner. (Policy 8.2.4II)

**The 1 in 100 year flood shall be used as the approved standard to define the flooding hazard for rivers and streams** in the Town of Fort Erie. Where no floodplain mapping is available and the NPCA has a flooding concern respecting a *development* application, the landowner will be required to determine the limits of the 1 in 100 year flood. (Policy 8.2.4III)

The main **permitted uses in all areas shown on Schedule “C1” as Natural Hazard Areas, and designated on Schedule “A” as Environmental Protection may include passive non-structural conservation and resource management uses including flood and erosion control works, as well as minor additions, enlargements and reconstruction to existing uses**, may be permitted in those portions of *Natural Hazards* areas (floodplains). It should be ensured that the **effects and risks to public safety are minor so as to be mitigated** in accordance with provincial standards as determined by the demonstration and **achievement of: floodproofing standards, protection works standards, and access standards; safe access during times of flooding erosion or other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts, particularly water quality impacts will result. All *development* and *site alteration* must comply with the**

**applicable regulations of the Niagara Peninsula Conservation Authority.** (Policy 8.2.4IV)

**Natural Hazards areas shall be zoned in a separate classification** in the Zoning By-law. The boundaries of the lands delineated on Schedules “C” and “C1” as Natural Hazard areas shall be used as guidelines for the zone boundaries in the Zoning By-law. When more detailed mapping becomes available it shall be incorporated by amendment into this Plan and / or the Zoning By-law, after consultation with the Niagara Peninsula Conservation Authority, Regional Municipality of Niagara and the Ministry of Natural Resources. Notwithstanding the Environmental Protection Designation, an appropriate zoning category will be applied to, or maintained for, existing development outside the 1 in 100 year floodplain or backshore flooding areas that recognizes the existing and approved use of the lands. (Policy 8.2.4VII)

Where new *development* is proposed on a site, part of which is identified as Natural Hazard Area by Schedules “C and C1”, such lands shall not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town. Where an open watercourse is involved, adequate space shall be provided for maintenance and other similar operations. (Policy 8.2.4VIII)

Where any land identified as Natural Hazard Areas by Schedules “C and C1”, is privately owned, it is not implied that such land is free and open to the general public or that the land will be purchased by a public agency. (Policy 8.2.4VIII)

Should *development* be proposed on lands appropriate for *development* outside of the Natural Hazard area, the **lands within the Natural Hazard area shall be dedicated to the Town** including any water lots. (Policy 8.2.4IX)

The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act. (Policy 8.2.4XIII)

### Significant Natural Areas

The Town of Fort Erie has completed a Natural Areas Inventory that identifies *Significant Natural Areas (SNA's)*, Corridors, and Linkages that should be considered for protection. These Natural Areas include, but are not limited to Significant *Woodlands*, Thickets, Meadowlands, Significant *Wildlife Habitat Areas*, and Environmentally Sensitive Areas and Environmental Corridors and Linkages. *Significant Natural Areas* are considered to have a higher ecological significance than other Natural Areas designated as Environmental Conservation in that they meet three or more criteria of the Town's Natural

Areas Inventory, as outlined in Appendix 'D', for assessing the significance of the natural feature.

All *Significant Natural Areas* identified on Schedule "C" are approximate and may be redefined through a Neighbourhood Plan, Draft Plan of Subdivision, or Site Plan in conjunction with an EIS. (Policy 8.3.1I)

***Development or site alteration* within or adjacent to *Significant Natural Areas (SNA'S)* shall only be permitted if an EIS demonstrates that the *development or site alteration* will not result in degradation that threatens the health or integrity of the natural features or *ecological functions* for which the area is identified as significant in the Town's Natural Areas Inventory or that are identified as significant through the EIS. The Town's Natural Areas Inventory identifies the key features and functions of SNA's. (Policy 8.3.1II)**

The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act. (Policy 8.3.1III)

#### Environmental Corridors, Linkages

**The Town encourages the connection of Natural Heritage Features within the Municipality and adjacent to its boundaries using environmental corridors, and ecological linkages, where feasible.** (Policy 8.3.4I)

**The Town will promote the ecological rehabilitation of environmental corridors, linkages, and corridor areas as they become identified.** (Policy 8.3.4I)

Corridor Areas are encouraged to regenerate to more natural conditions with the eventual aim of their reclassification to *Significant Natural Areas*. In this regard, the Town will encourage the implementation of **voluntary Conservation Easements or Stewardship Agreements** with the owners of lands shown as Corridor Areas on Schedule "C" (Policy 8.3.4III)

**Where an environmental corridor or linkage area has been identified** on Schedule "C", or through further study, and in instances where a *development* proposal may impact upon it, **an EIS** as outlined in Policies 8.1.1.XII, 8.1.1.XIII and 8.1.1.XIV of this Section **may be required.** (Policy 8.3.4IV)

**The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.** (Policy 8.3.4VIII)

### Valleylands, Stream Corridors and Fish Habitat Areas

Many stream corridors, as well as larger water courses and water bodies contain important *Fish Habitat*. Schedule “C1” identifies the location of Critical *Fish Habitat*, as well as other *Fish Habitat*. (Policy 8.3.5IV)

**Development and site alteration shall not be permitted in Fish Habitat or adjacent lands except in accordance with provincial and federal requirements and where there is no net loss of productive capacity. The proponent shall be required to prepare an EIS to the satisfaction of the Department of Fisheries and Oceans or its delegate. (Policy 8.3.5V)**

**A naturally vegetated buffer area, of at least 30 metres in width from the stable top of bank will be required adjacent to Critical *Fish Habitat*. A minimum 15 metre vegetative buffer from the stable top of bank will be required adjacent to Important or Marginal *Fish Habitat*. A narrower buffer may be considered where the EIS has demonstrated that there will be no harmful alteration or destruction to *Fish Habitat*. For critical *Fish Habitat* a minimum 15 metre setback shall be required unless the development represents an expansion to an existing use.**

**Where development is proposed adjacent to a Municipal Drain, a buffer zone a minimum of 15 metres in width will be required for maintenance purposes and the functioning of the drain. A narrower buffer may be considered if determined appropriate by the Town and the Niagara Peninsula Conservation Authority. (Policy 8.3.5VI)**

The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act. (Policy 8.3.5VII)

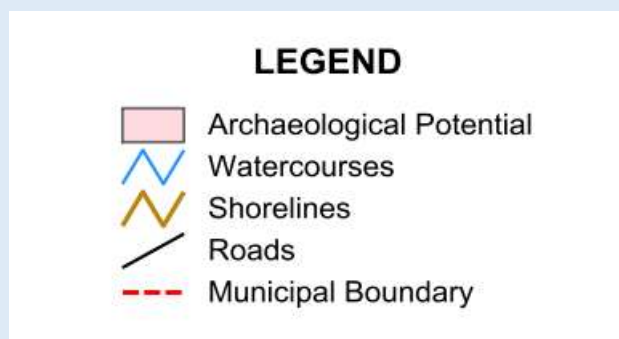
### Archaeology Resources

As illustrated on Figure 2.10, *Official Plan Schedule D, Cultural Heritage Archaeological Zones of Potential Excerpt*, the **Subject Property is in an area of Archaeological Potential.**

*Archaeological resources* include artifacts and archaeological sites, as well as marine archaeological sites. The identification and evaluation of such resources are based on archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

As a condition of the *development* of land within the Town of Fort Erie, the Regional Municipality of Niagara as the delegated authority in consultation with the Municipal Museum and Cultural Heritage Committee **may require that an archaeological**

**Figure 2.10**  
**Town of Fort Erie Official Plan Schedule D**  
**CULTURAL HERITAGE ARCHAEOLOGICAL ZONES OF POTENTIAL EXCERPT**



**resource assessment be undertaken**, for the purposes of determining whether prehistoric or historic *archaeological resources* exist on site and determining an appropriate course of action should these resources be found, should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule “D”



or Zone of Sensitivity as shown on Schedule “D1” to this Official Plan or where an archaeological site has been previously registered on the property. (Policy 11.4I)

**An archaeological assessment will be required for lands located outside an urban area boundary.** Where the entire property will not be developed consideration may be given on a site-specific basis by the Ministry of Tourism and Culture in consultation with the Region and the Town to exempt the areas that will not be developed from requiring an archaeological assessment. (Policy 11.4II)

Proponents will be encouraged to complete the necessary assessment and / or site mitigations prior to submitting their planning application. Where this is not possible the following Archaeological Condition will be included as part of any approval:

- (a) The proponent shall carry out an archaeological assessment and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant *archaeological resources* found;
- (b) No demolition, grading or other soil disturbances shall take place on the subject property prior to the Town, the approval authority being the Regional Municipality of Niagara and the Ministry of Tourism and Culture confirming that all *archaeological resources* concerns have met licensing and resource conservation requirements; and
- (c) Where significant *archaeological resources* must be preserved on site, only *development* and *site alteration*, which maintains the heritage integrity of the site may be permitted. (Policy 11.4III)

The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism and Culture under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant site found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances. (Policy 11.4IV)

When adopted as Council policy the proponent agrees to adhere to the procedures of the “Contingency Plan for the Protection of *Archaeological Resources* in Urgent Situations”. (Policy 11.4V)

**Small-scale applications such as minor variance, land severance or minor zoning amendment, will be reviewed and an archaeological assessment may be required** by the Town in consultation with the Regional Municipality of Niagara as the delegated authority. **Where a new building lot is created on land that is presently vacant an archaeological assessment may be required if:**

- (a) **The application is situated within the zone of archaeological potential** as indicated on Schedule ‘D’, or:
- (b) The application contains or will directly affect a federal, provincial, or municipal historic landmark, monument, site or designated property. (Policy 11.4VI)



An amendment to Schedule “A” is required to permit the establishment of areas for uses other than those included in the Land Use Plan, Schedule “A”. (Policy 13.7I)

Changes to the Urban Area Boundaries, Rural or Agricultural Designation will require the approval of the Regional Municipality of Niagara and will require an amendment to the Regional Policy Plan. (Policy 13.7II)

In considering an amendment to the Land Use Plan, Schedule “A” that would designate additional areas for a particular use or change the designated use of a particular area, or an amendment to the implementing Zoning By-law that would zone additional areas for a particular use or change the zoning of a particular area, the Council shall have due regard to the following criteria which are in addition to the policies and criteria specified elsewhere in this Plan:

- The need for the proposed use;
- The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;
- 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 location of the area under consideration with respect to:
  - the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
  - the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
  - 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 Public Health Department and any other appropriate authority deemed advisable.
- The compatibility of the proposed use with uses in adjoining areas;
- The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;
- The potential effect of the proposed use on the financial position of the municipality; and
- The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act. (Policy 13.7III)

## NPCA POLICY

### Regulated Areas

Through section 28 of the Conservation Authorities Act and Ontario Regulation 155/06 the NPCA has the authority to regulate and approve development within its Regulated Areas. The NPCA’s regulated areas are comprised of the following:

- a) Lands adjacent to or close to the shoreline of the Great Lakes-St. Lawrence River System that may be affected by flooding, erosion or dynamic beaches;
- b) River or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse;
- c) hazardous lands;
- d) wetlands; and,
- e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres (394 feet) of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres (98 feet) of wetlands less than 2 hectares in size.

As illustrated on [Figure 2.11, NPCA Regulated Floodplain and Wetland Allowance](#), the **NPCA's Regulated Floodplain and Wetland policies apply to Subject Property.**

### Flood Hazard

The objectives of the flood hazard policies are to:

- a) Prevent loss of life;
- b) Minimize property damage and social disruption;
- c) Reduce the potential for incurring public costs associated with the impacts of flooding hazards;
- d) Manage existing risks and reduce the potential for future risks;
- e) Promote the conservation of land and a co-ordinated approach to the management of water.

**Permitted uses within the flood hazard shall be consistent with the objectives of the Conservation Authorities Act and subject to the Regulation 155/06 (sections 2 and 3). The following are permitted uses within the flood plain:**

- a) Agriculture uses that do not require permanent, closed structures or any major alteration of the landscape;
- b) Additions or extensions, including new structures which are minor in scale, to existing primary agricultural operations which are not likely to incur flood damages, impede flows, reduce flood storage, or cause pollution to a watercourse as a result of a flooding event;
- c) Reconstruction or minor additions to the existing structures and accessory structures outlined in Policies 4.2.4-4.2.6;
- d) Flood, erosion and sediment control measures;



**l) Other uses not likely to incur or create damage from floodwaters. (Policy 4.2.2)**

**The following uses are prohibited within the flood hazard:**

- a) Sensitive uses, such as hospitals, nursing homes, day-cares/pre-schools and schools;
- b) Emergency services facilities;
- c) Uses associated with the disposal, treatment, manufacturing/processing or storage of hazardous substances;
- d) **Any other use or development deemed to be inappropriate based on the objectives stated in 4.2.1. (Policy 4.2.3)**

**Any building or structure which is located in the flood plain and has been destroyed for reasons other than flooding may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the flood plain, as determined by the Conservation Authority. All of the following criteria must be achieved through the reconstruction proposal:**

- a) **The existing flood depths do not exceed 0.8 metres, the velocity does not exceed 1.7 metres/second and the product of depth and velocity is not greater than 0.4 square metres/second under a Regulatory Flood event (based on Ministry of Natural Resources and Forestry Policy and Water Survey of Canada "Hydrometric Field Manual (1981)");**
- b) **All openings in the ground floor of the building are to be located above the regulatory flood elevation;**
- c) **Vehicular and pedestrian ingress/egress is not to be flooded to a depth greater than 0.3 metres (1 foot) under the Regulatory Flood event;**
- d) **Other landowners, upstream and downstream of the proposal, will not be adversely affected by the Reconstruction;**
- e) **There is no increase in the number of dwelling units; and,**
- f) **The replacement structure does not exceed the size of the original ground floor area or, where expansions are proposed, the proposal complies with Policy 4.2.5. (Policy 4.2.4)**

Additions to existing buildings may be permitted provided that:

- a) They are of a peripheral nature (such as decks, patios, open porches) and they are properly anchored to prevent flotation, are not subject to major damage by flooding and flood flows and flood water storage are not impeded; or,
- b) Any addition to the ground floor area of an existing building shall not exceed 46.5 square metres (500 square feet);
- c) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second and the product of depth and velocity is not greater than 0.4 square metres/second under a Regulatory Flood event (based on Ministry of Natural Resources Policy and Water Survey of Canada "Hydrometric Field Manual (1981)");

- d) All openings in the ground floor of the building are to be located above the regulatory flood elevation;
- e) Vehicular and pedestrian Ingress/egress is not to be flooded to a depth greater than 0.3 metres (1 foot) under the Regulatory Flood event;
- f) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition; and,
- g) There is no increase in the number of dwelling units. (Policy 4.2.5)

Non-habitable accessory structures which are less than 10 metres square do not require a work permit from the NPCA. Non-habitable accessory structures which are greater than 10 metres square, such as garages, tool sheds, gazebos and decks are permitted within the flood hazard provided that the following are met:

- a) There is no reasonable alternative location outside of the flood hazard on the site;
- b) The works will not result in adverse upstream or downstream flood impacts; and,
- c) For swimming pools, adequate hydrostatic pressure relief is incorporated in the design and excavated material is removed from the flood hazard. (Policy 4.2.6)

**Parking lots, driveways and private roads which are primarily used for vehicular traffic are permitted provided that:**

- a) **The flood depths under the regulatory flood event do not exceed 0.3 metres (1 foot), based on the technical criteria development the PPS Natural Hazards Training Manual;** and,
- b) **No adverse flood impacts result from the proposed work.**

**In some instances, it may be appropriate to allow for fill placement beyond 50m<sup>3</sup> (1,766 cubic feet) to improve safe access and egress for existing development located in the floodplain.** (Policy 4.2.7)

Where the storage of raw materials is subject to a municipal approval, the storage of raw material and equipment storage is permitted, provided that:

- a) They are properly anchored to prevent flotation;
- b) They are not subject to major damage by flooding;
- c) They are not of a polluting nature; and,
- d) Flood flows or flood water storage are not impeded. (Policy 4.2.8)

Where replacement of an existing watercourse crossing is proposed, NPCA staff will encourage the municipality to have the crossing upgraded (where appropriate) in order to provide full access and egress under regulatory storm conditions. (Policy 4.2.9)

Fencing generally does not require a work permit. However, there may be instances where a work permit may be required for example; if a fence is proposed to cross a watercourse or forms a solid barrier that would impede conveyance of flood flows.

Fencing may be permitted in flooding hazards provided no fill placement/removal is required. Staff will work with the applicant to review other options in order to avoid fencing within the flood hazard. The placement of fill or changing of grades within a regulated area would be subject to formal approval under Ontario Regulation 155/06 as per other policies in this document. (Policy 4.2.10)

**Septic systems shall not be located within the flooding hazard.** Where an existing septic system is already located in the flooding hazard and is being replaced, the proponent shall locate the replacement system outside of the flood hazard, where feasible. The feasibility of relocation shall be assessed on a case by case basis, recognizing that existing dwellings will require a new septic system from time to time and the intent of this policy is explore reasonable alternatives which do not cause undue hardship on homeowners. Where there is no reasonable or practical alternative for relocating a septic system outside of the flood hazard, then a replacement system may be permitted subject to any approvals required for other regulatory agencies. (Policy 4.2.11)

As permitted in the policies of this document, **floodproofing is required for proposed development which may be impacted by flood hazards**, upon consideration of:

- a) the depth and velocity of flood waters;
- b) the duration of the flood;
- c) the rate of rise/fall of the flood waters; and,
- d) the type of flood warning system in place. (Policy 4.2.12)

Cut and fill is a technique that is used to minimize flood storage losses resulting from the placement of fill within a flood plain that results in a quantifiable adverse hydraulic impact. This is achieved by removing a volume of earth at the appropriate elevation and location to offset any increase in flood level due to filling areas within the flood plain. The suitability of cut and fill operations is extremely site-specific. It should be recognized that, in conducting a cut and fill, additional flood-free lands are not obtained. A cut and fill will only serve to transfer floodwaters from one area to another as a result of the manipulation of the land's contours. In reviewing applications that will require cut and fill, the following policies will be applicable. (Policy 4.2.13)

**Any proposals that will require cut and fill operations within the jurisdiction of the Authority and within the flooding hazard limit must be in accordance with the following policies and guidelines and must be to the satisfaction of the Authority.**

- a) There are **no negative impacts on the ecological or hydrological function of wetlands, valleylands, or significant features as a result of the cut and fill proposal.**
- b) **The amount of earth removed (cut) must be equal to or greater than the volume of fill proposed for placement within the flood plain.**



- c) Cut and fill must be balanced in 0.3 m (1 foot) increments. An excess of cut volume may be permitted at any given increment; however, inadequate cut volume will not be permitted at any given increment.
- d) **No adverse impacts on the hydraulic conveyance capabilities of the watercourse** will be permitted.
- e) **Depending on the location of the proposed works, a hydraulic/geotechnical evaluation may be required** in order to ensure the long-term stability of the works.
- f) **A cut and fill plan must be submitted** demonstrating consistency with the policies of this document. (Policy 4.2.13.1)

At a minimum, all plans and calculations for cut and fill operations shall be prepared by a qualified engineer or surveyor and are required to contain the following criteria:

- a) Detailed calculations for incremental and total cut and fill volumes;
- b) Cross-sectional plots to scale showing existing and proposed flood lines and ground elevations;
- c) Detailed contour/topographic plan to scale showing existing conditions (including grades) and all proposed works and elevations;
- d) Adequate erosion and sediment control measures will be implemented on-site, both during and after construction, and must be in accordance with the policies of this document;
- e) A hydraulic analysis may be required as deemed necessary by the Authority (i.e. HEC-RAS modelling); and,
- f) A geotechnical analysis may be required as deemed necessary by the Authority. (Policy 4.2.13.2)

Notwithstanding the above policies, the NPCA recognizes that in some cases the need for balanced cut and fill may not be required due to the unique attributes of a given site. Where an applicant is able to demonstrate through a hydraulic study that there will be no impacts or negligible impacts on the loss of flood storage, the NPCA may grant a permit to place fill in the floodplain. (Policy 4.2.13.3)

**The NPCA will not support lot creation in flood hazards. Lot additions and boundary adjustments may be supported where it has been demonstrated that there is sufficient room outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities.** (Policy 4.2.15)

### Wetlands

Wetlands are “lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet land being

used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition” (PPS, 2014). The Conservation Authorities Act provides a similar definition of wetlands: means land that:

- a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface;
- b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse;
- c) has hydric soils, the formation of which has been caused by the presence of abundant water; and,
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause c) or d). Regardless of the language used to precisely define the term, wetlands are widely recognized as an important part of the ecosystem. Wetlands are among the most productive and biologically diverse habitats in the world. They play a multi-dimensional role in the hydrologic cycle acting as a source for flood attenuation, groundwater recharge and the improvement of water quality. Wetlands are an incredible source of biodiversity, offering a multitude of habitats for plants, birds, reptiles, amphibians, fish and other species. They also provide opportunities for recreation and have potential to play a significant role in climate change adaptation and mitigation strategies (see Figure 8.1). (Policy 8.1.1)

The policy framework within this Document recognizes several classes of wetlands:

- a) Provincially significant wetlands;
- b) Non-Provincially significant wetlands; and,
- c) Unevaluated wetlands. (Policy 8.1.2)

The majority of identified wetlands within the NPCA’s watershed are classified as Provincially Significant Wetlands (PSWs). PSWs are wetlands which have been identified by the Province of Ontario using evaluation methodology established by the Province. PSWs are determined by a science-based ranking system known as the Ontario Wetland Evaluation System (OWES). This methodology features a standardized method of assessing wetland functions and societal values, which enables the Province to rank wetlands relative to one another. This information is provided to Conservation Authorities and municipalities to support decision-making. A wetland that has been evaluated using the criteria outlined in the OWES is known as an evaluated wetland. Refer to the OWES manual for additional details on the criteria for classifying wetlands. (Policy 8.1.2.1)

The term non-provincially significant wetland is used to describe any evaluated wetland which does not meet the score to be considered Provincially Significant. (Policy 8.1.2.2)

Some wetlands within the watershed have not been evaluated and delineated under the OWES. In those instances, the following policies apply:

- a) Prior to development or site alteration on a property with an unevaluated wetland, a wetland evaluation shall be required prior to completion of an EIS if required, or the approval process, and approved by the MNR.
- b) Exceptions to (a) may be considered in cases where an appropriate natural buffer (as determined by the NPCA) is proposed between the NPCA staked wetland boundary and all site alteration and development (including grading), or small scale non-permanent development (such as small backyard sheds not requiring planning approval) which in the opinion of NPCA will have no negative impact on the ecological and hydrologic function of the wetland. These cases will only be considered for small-scale development through the work permit process, or through some minor variances where an appropriate buffer is maintained.
- c) Areas identified through natural areas inventories, EIS's or similar as Ecological Land Classification MAM, MAS, MAX, SWD, SWT, SWX, SAS, SAF, OAO, OAW, or other potential wetland indicator classifications shall identify the area as a potential unevaluated wetland subject to these policies. (Policy 8.1.2.3)

Wetland boundaries are often found in areas of gradual ecological change, where changes in soil moisture results in transitions from upland to wetland plant species. The wetland boundary is established where 50% of the plant community consists of upland plant species (i.e. the percentage of area covered by upland plant species, not to the number of different upland plant species). Topography and soil data also provides guidance for where the wetland boundary should be drawn. Wetland boundary mapping is typically generalized from aerial imagery and other secondary source materials. Field visits by qualified biologists are required to accurately define the wetland boundary for development purposes. In cases where vegetation cannot be used for interpretation, such as instances where vegetation has recently been removed, soil sampling will be used to help determine boundaries. (Policy 8.1.3.1)

**The areas adjacent to wetlands where development could impact the hydrologic function of the wetland are referred to as areas of interference. The areas of interference are considered to be a regulated area under the Ontario Regulation 155/06. The area of interference differs, depending on the classification of the wetland:**

- a) **For Provincially Significant Wetlands or wetlands greater than 2 hectares, the area of interference can be up to 120 metres (394 feet) from the boundary of the wetland.**
- b) **For wetlands less than 2 hectares the area of interference is 30 metres (98 feet).** (Policy 8.1.3.2)

**Depending on the nature of the proposed development, the NPCA may request that the applicant undertake an EIS to evaluate the potential impacts on a wetland. Chapter 12 provides additional direction for undertaking an EIS. (Policy 8.1.4)**

**Depending on the nature of the proposed development, the NPCA may request that the applicant undertake a hydrological study to confirm potential impacts on the hydrologic function the wetland. Refer to Chapter 12 for additional details. (Policy 8.1.5)**

The objectives of the wetland policies are to:

- a) Promote the conservation of land through the protection of wetlands;
- b) Maintain and where appropriate, enhance wetland ecological and hydrological functions and features;
- c) Promote the maintenance, restoration and enhancement of wetlands; and,
- d) Provide a policy framework which aligns with Provincial standards for wetland protection, including guidance for decision-making related to the interference of wetlands.

**Unless otherwise stated in this Document, no development and / or site alteration shall be permitted within a wetland. (Policy 8.2.2.1)**

Replacement structures may be permitted within a wetland subject to the following:

- a) No alternative location outside of the wetland exists;
- b) The structure is restored to its original form (i.e. same dimensions or smaller, square footage, and building footprint location); and,
- c) Where applicable, floodproofing measures will be required. (Policy 8.2.2.2)

Accessory structures and building additions are not permitted within wetlands. (Policy 8.2.231)

Ponds will generally not be permitted within any wetland. Ponds will only be permitted if it can be demonstrated through the appropriate studies (as determined by the NPCA), that the proposed pond will not have any impact to the existing hydrological function or hydrological regime of the wetland and improve the overall ecological function of the wetland and adjacent lands. As identified in the OWES, ponds constructed for agricultural purposes are not considered to be wetlands. (Policy 8.2.2.4)

Conservation and restoration projects may be permitted where it has been demonstrated to the satisfaction of the NPCA that the proposed works will enhance the overall ecological and hydrological function of the wetland. Depending on the nature of the proposed works,

the NPCA may require an EIS to demonstrate how the hydrological and ecological features/functions will be protected, created, restored and/or enhanced. (Policy 8.2.2.5)

Ideally, passive recreational uses should be located on adjacent lands. However, it is acknowledged that in some circumstances it may be appropriate for passive recreational uses to be located within a wetland. Passive recreational development intended to promote the conservation of land, such as wilderness trails, boardwalks and lookouts may be permitted within wetlands, subject to the following:

- a) The risk to public safety from natural hazards, including flooding, erosion and shoreline hazards is not increased;
- b) The area of construction disturbance is minimized;
- c) The existing topography is maintained;
- d) Trails are established using organic, pervious surfaces, or using boardwalks which will not impact natural vegetation;
- e) The removal of trees is avoided and/or minimized;
- f) A re-vegetation plan is approved and there is no net loss of natural vegetation; and,
- g) The overall ecological and hydrological functions of the wetland are maintained.

An EIS may be required to establish any passive recreational use within a wetland. (Policy 8.2.2.6)

At the time of drafting the policies of this Document, the Province of Ontario was undertaking a review of its wetland policy framework. The NPCA will continue to monitor the provincial policy framework for wetlands and update the policies of this section based on guidance provided by the Province. Note that NPCA's existing policy framework for wetlands includes policy guidance for the reconfiguration of non-provincially significant wetlands (see Policy 8.2.2.8 for details). (Policy 8.2.2.7)

Where no reasonable alternative exists to locate a proposed development, site alteration or other activity outside of a non-provincially significant wetland (or adjacent land), the NPCA may require that an area of wetland be created to offset the disturbance that is greater than (in area and function) the area of wetland and adjacent land being disturbed. Any required wetland creation should be located in proximity to the area disturbed (at a minimum within the same watershed) or in an area to be determined by the Authority. All wetlands created under this policy will be added to the NPCA regulated area and identified on appropriate screening maps. The Authority may permit the reconfiguration of wetland boundaries provided:

- a) The wetland has been evaluated in accordance with OWES Protocol and approved by the MNRF;
- b) The wetland (as evaluated in (a) above) is not a Provincially Significant Wetland under the OWES Protocol to the satisfaction of the MNRF;



- c) The reconfigured wetland and proposed development will not have a negative impact on any species of concern, significant habitat types or species at risk;
- d) The reconfigured wetland and proposed development will not have a negative impact on the hydrological or ecological function of the wetland;
- e) A restoration plan for the reconfigured wetland is provided for review and approval;
- f) A multi-year monitoring program is required (minimum five years) to ensure the long-term establishment of the reconfigured wetland;
- g) A security deposit in an amount approved by the NPCA to establish the reconfigured wetland and ensure its establishment;
- h) An EIS is provided for review and approval to demonstrate conformity with Section 8.2.2.8;
- i) The applicant is required to enter into a restoration agreement with the NPCA that will be registered on the title of the property containing the reconfigured wetland that will provide the necessary details to implement Section 8.2.2.8; and
- j) Additional information, such as an EIS, hydrologic study, restoration plan and or other studies as required depending on site-specific characteristics. (Policy 8.2.2.8)

**Unless otherwise stated in this Document, no development and site alteration shall be permitted within 30 metres (98 feet) of a wetland. (Policy 8.2.3.1)**

**Notwithstanding Policy 8.2.3.1, the following uses may be permitted within 30 metres (98 feet) of a wetland:**

- a) Infrastructure in accordance with policy 8.2.4;
- b) Conservation and restoration projects in accordance with policy 8.2.2.5
- c) Passive recreational uses in accordance with policy 8.2.2.6;
- d) Replacement structures, accessory structures and minor additions in accordance with policy 8.2.3.3;
- e) **Other forms of development and site alteration which do not adversely impact the ecological and hydrological function of the wetland, and where the proposed development meets the five tests under the Conservation Authorities Act and is evaluated in accordance with policy 8.2.3.3. (Policy 8.2.3.2)**

**Where development and site alteration under Policy 8.2.3.2 is proposed, reductions in the 30 metre requirement will be considered based on the following:**

- a) **The nature of the proposed development t/ site alteration;**
- b) **The proximity to the wetland of existing structures;**
- c) **Adjacent land use;**
- d) **The condition of the 30 metre Regulated area;**
- e) **The extent of existing natural buffer;**
- f) **Restoration of buffer functions;**
- g) **Other ecological or hydrological function considerations specific to the site;**
- h) **That no development or site alteration be permitted within 5 metres of a wetland;**

- i) **A determination of whether an EIS or Hydrological Study will be required. Such studies will be reviewed by NPCA staff to ensure that there will be no negative impact on the hydrologic and ecological functions of the wetland as a result of the proposed development and/or site alteration;**
- j) **For septic systems, please refer to Policy 8.2.3.5; and,**
- k) **The availability of alternative locations outside of the 30 metre buffer. (Policy 8.2.3.3)**

**Lot creation (unless for legal or technical reasons) should not be permitted within 30 metres (98 feet) of a wetland. However, lot creation may be permitted between 30 metres and 15 metres (49 feet) of a wetland where items the policies of 8.2.3.3 are addressed. Lot creation within 15 metres of a wetland shall not be permitted except where the lot to be created is for a surplus farm dwelling or other existing building and the lot lines are based on existing site disturbances. (Policy 8.2.3.4)**

Proposed New Development within 30 metres of a Wetland - Where no new development exists within 30m (98 feet) of any wetland:

- a) **For new residential development, no new septic systems are permitted within 30m of any wetland.**
- b) For replacement septic systems where residential development is already established, septic systems shall not be permitted within 30 metres of any wetland, except where no alternative location outside of 30 metres exists in proximity to the residence. In this case the replacement septic system shall be placed as far from the wetland as possible.
- c) For major development (as determined by the NPCA) including, but not limited to; plans of subdivision; extensions of draft approval for existing plans; and, major commercial, industrial, or institutional uses, no new development is permitted within 30m of a PSW. Reductions will only be considered based on a site specific evaluation by NPCA staff to determine whether a reduction is warranted, depending on scale, nature and proximity of the proposed development, the following may be taken into consideration:
  - I. The nature of the proposed development/site alteration;
  - II. The proximity to the wetland;
  - III. Adjacent land use;
  - IV. The condition of the 30 metre Regulated area;
  - V. The extent of existing natural buffer;
  - VI. Restoration of buffer functions;
  - VII. Presence of existing roads;
  - VIII. Removal of invasive species;
  - IX. Presence of sensitive ecological features; and,
  - X. Other ecological or hydrological function considerations specific to the site; and,
  - XI. Other items as required. (Policy 8.2.3.5)

**In general, development may be permitted between 30 metres (98 feet) and 120 metres (394 feet) of Provincially Significant Wetlands where there are no negative impacts on the ecological or hydrological function of the wetland.** The NPCA reserves the right to regulate development within 30 metres and 120 metres of a Provincially Significant Wetland on a site by site basis, where the nature of the proposed development merits consideration of the five tests under the Conservation Authorities Act and / or there exists potential interference with the ecological or hydrological function of the wetland. **An EIS may be required where development is proposed between 30 and 120 metres of a Provincially Significant Wetland.** (Policy 8.2.3.6)

Any development or site alteration deemed by the NPCA to require a work permit may require an EIS or similar study and/or a hydrological assessment, prepared by qualified professionals, that identifies whether the proposed development and/or site alteration will cause a negative hydrologic or ecological impact to the wetland features/ functions. (Policy 8.2.3.7)

**The Authority will recommend that municipalities seek the dedication of wetlands to a public agency to protect the wetland and its features when applications for a plan of subdivision are reviewed.** (Policy 8.2.5)

The NPCA may require enhanced stormwater controls where development is proposed to outlet into a wetland. (Policy 8.2.6)

A watercourse is an identifiable depression in the ground in which a flow of water regularly or continuously occurs (Conservation Authorities Act). Watercourses are complex, multi-functional, living systems. They transport water, sediment and energy. They are ecosystems, providing habitat for fish, amphibians, invertebrates, birds, plants and other species. Watercourses provide drinking water for communities, wildlife and livestock. Watercourses are also highly valued socio-economic resources, offering recreational opportunities, food, hydro generation, land drainage and educational experiences.

The health of a watercourse, including the quality of the water and the adjacent lands can be influenced by a range of factors, including channel morphology, sediment characteristics and the nature of the riparian vegetation both on the overbank and the bed of the watercourse. Changes to any of these elements can have significant impacts on other parts of the watercourse. For example, a loss in riparian vegetation along the bank can facilitate increased pollutant loads resulting from higher volumes of run-off, which in turn can impact water quality and also result in higher flood levels downstream. Impacts on water quality could have consequences on fish and other species living in the watercourse, as well as those who rely on the watercourse for resource purposes. (Policy 9.1.1)

An EIS and/or hydrological study may be required to confirm the location and limits of a watercourse, as well as any potential impacts of the proposed development on the hydrological and ecological features and functions. An EIS may also be required to confirm the extent of any natural buffers (refer to policy 9.2.5 for additional details) or for morphological assessments or any impacts on established natural buffers. (Policy 9.1.2)

The objectives of the watercourse policies are to:

- a) Protect and improve the health of watercourses within the watershed;
- b) Protect and enhance hydrologic features and ecological functions within the watershed;
- c) Provide policy direction for development which may impact watercourses within the NPCA watershed; and,
- d) Promote the conservation and restoration of watercourses.

**In general, interference with a watercourse shall not be permitted, except in accordance with the policies of this Document. All proposed development shall meet the five tests under the Conservation Authorities Act.** (Policy 9.2.2)

The NPCA may allow the alteration of a watercourse for the following works:

- a) Channel realignments and vegetation alteration/spot removal of sediment accumulation;
- b) Full or partial diversions;
- c) Retaining wall;
- d) Revetments;
- e) Bridges;
- f) Culverts;
- g) Docks;
- h) Pipeline crossings;
- i) Erosion control measures; and,
- j) Storm sewer outlets. (Policy 9.2.3.1)

The following matters shall be addressed when proposing a watercourse alteration:

- a) The need for the watercourse alteration has been demonstrated to the satisfaction of the NPCA;
- b) The proposed works are in accordance with NPCA standards;
- c) The proposed watercourse alternation does not increase flood plain elevations, flood frequency, erosion rates or erosion frequency along either side of the watercourse, upstream and/or downstream of the proposed works;
- d) The works are designed to ensure that the storage capacity of the flood plain is maintained;
- e) The works will not adversely affect the ecological and hydrological function of the watercourse and riparian zone;

- f) Adequate erosion protection measures are utilized when required;
- g) Sediment control measures are incorporated during the construction phase to the satisfaction of the NPCA; or,
- h) They are considered minor works as defined in this Document. (Policy 9.2.3.2)

**Where development and site alteration is proposed adjacent to a watercourse, the NPCA shall require the establishment of a natural buffer of between 15 metres (49 feet) and 10 metres (33 feet) based on the following:**

- a) A 15 metre natural buffer for watercourses containing permanent flow, cool water or coldwater systems or specialized aquatic or riparian habitat (such as but not limited to fish spawning areas, habitat of species at risk or species of concern, forested riparian areas or Type 1 Critical Fish Habitat);
- b) A 10 metre natural buffer for watercourses containing intermittent flow, warmwater systems or general/impacts aquatic or riparian habitat, or Type 2 Important Fish Habitat or Type 3 Marginal Fish Habitat;
- c) Other considerations which may impact pollution or the conservation of land. Development setbacks associated with flooding (4), erosion (6) and dynamic beaches (5) are addressed in their respective chapters and may also apply depending on site specific characteristics. (Policy 9.2.5.1)

**Notwithstanding policy 9.2.5.1, reductions of these buffer requirements will only be considered in special circumstances based on a site specific evaluation by NPCA staff to determine whether a reduction is warranted, which will include consideration of:**

- a) The nature of the proposed development / site alteration;
- b) Adjacent land use;
- c) The condition of the lands within the riparian area;
- d) The extent of existing natural buffer;
- e) Restoration of watercourse/riparian function;
- f) Proximity to the watercourse of any existing structures;
- g) Other ecological function considerations specific to the site; and,
- h) A determination of whether an EIS will be required to support a reduction in the buffer.

**Notwithstanding the above, no development or site alteration be permitted within 5 metres of a watercourse. (Policy 9.2.5.2))**

The objectives of the following municipal drain policies are to:

- a) Ensure that maintenance of existing municipal drains is undertaken in conformity with the Conservation Authorities Act and provincial standards, and that, where applicable, the five tests under the Act are met;
- b) Provide guidance for evaluating the impacts of new municipal drains;

- c) Promote coordination and collaboration with municipal partners and provincial agencies.

Standard compliance elements are required for the following activities, as outlined in the Province's most up to date standards for municipal drain maintenance. Provided these works do not occur within a wetland or wetland boundary, a work permit will not be required by the NPCA:

- a) Brushing bank slope;
- b) Brushing top of bank;
- c) Debris removal and beaver dam removal;
- d) Spot clean-out;
- e) Culvert replacement;
- f) Bank repair or stabilization and pipe outlet repair;
- g) Dyke maintenance and repair;
- h) Water control structure maintenance and repair;
- i) Pump station maintenance and repair;
- j) Bottom only cleanout (outside of regulated wetland limits);
- k) Bottom cleanout plus one bank slope (outside of regulated wetland limits); and,
- l) Full cleanout (outside of regulated wetland limits). (Policy 11.2.3)

Any proposed maintenance within a wetland or wetland boundary shall be submitted to the NPCA for review and may require a work permit. (Policy 11.2.4)

As per the Drainage Act, any works (physical or adjustment of the assessment schedule) proposed on a municipal drain shall be submitted to the conservation authority for review. New drains or extensions/alterations to the original engineers report may require a work permit from the NPCA depending on location and any potential impacts under the five tests of the Conservation Authorities Act. Any proposed construction not deemed maintenance within a wetland or wetland boundary, shall not be permitted. Important morphological features or ecological functions of the watercourse may need to be incorporated into the design of the drain. (Policy 11.2.5)

The NPCA is responsible for commenting and reviewing Planning Act applications. In fulfilling this function, the NPCA provides comments based on:

- a) The NPCA's regulatory role, identifying the need for any permits under the Conservation Authorities Act;
- b) Delegated responsibilities from the Province to the NPCA for reviewing and commenting on any natural hazard planning issues associated with a given application;
- c) Municipal planning advisory services where the NPCA has an arrangement with its watershed municipalities to provide advice and technical expertise related to natural hazards and natural heritage matters;



- d) The NPCA's role as a watershed agency, providing comments to municipalities on the implications of development proposals from a watershed perspective, typically pertaining to matters of natural heritage planning, natural hazard planning and water resources management; and,
- e) From time to time, the NPCA will also provide comments from a landowner's perspective, either as a proponent or adjacent landowner. (Policy 12.2.1.1)

When reviewing Planning Act applications, the NPCA will:

- a) Provide comments on particular aspects of the application based on the particular role/function noted in policy 12.2.1.1;
- b) Identify the need for and review (as required) any associated technical reports; and,
- c) Provide recommendations for conditions of approval, as required. (Policy 12.2.1.2)

The objectives of the NPCA's municipal plan review process are as follows:

- a) To minimize the potential for loss of life, property damage and social disruption and to create a safer and healthier environment for everyone who lives in the watershed;
- b) To reduce the need for public and private expenditures for emergency operations, evacuation, and restoration of properties which may be impacted by flooding and erosion;
- c) To increase public awareness about the potential risks to development as a result of the physical conditions associated with hazardous areas;
- d) To use an ecosystem planning approach for identifying the environmental implications of Development applications in order to maintain, protect, preserve and enhance natural heritage resources and natural resources;
- e) To screen development applications and proposals to identify where a watershed interest may be impacted;
- f) To specify conditions of approval which satisfy the afore-noted objectives;
- g) To serve as an information centre for inquiries from landowners, potential landowners, lawyers, municipalities, and community groups interested in environmental legislation, approvals and stewardship;
- h) To advise and inform potential applicants (and/or their consultants) to consult with NPCA Staff prior to submitting their Development proposals in order to identify potential concerns that could result in delays to the planning process, as well as for the need to prepare and submit technical reports and supporting information required to undertake the review and approval of applications;
- i) To provide responses to site-specific inquiries in a timely manner through the continued expansion of data bases (e.g. natural heritage data bases and inventories) and other information management systems; and
- j) To continue to liaise with other agencies, county/regional and municipal governments and departments, consultants, developers and watershed residents to ensure continued co-operation in achieving effective management of natural resources. (Policy 12.2.1.4)

When reviewing complete applications under the Planning Act, the NPCA will communicate and coordinate with municipal planning on an application-by-application basis in accordance with the applicable MOU. (Policy 12.2.2.1)

#### THE ZONING BY-LAW (By-law 129-90)

As illustrated on *Figure A2.12, Schedule "A" - Map 22 to Schedule A to the Town of Fort Erie Zoning By-law (By-law 129-90)*, the property is zoned "RU – Rural Zone", and "H – Hazard Zone" and has an "Environmental Conservation Overlay".

The Rural (RU) Zone permits:

- Agricultural uses including greenhouses and medical marihuana grow and production facilities
- Agriculturally related use
- Farm Product Market
- Parks, conservation clubs
- Veterinary clinic and kennels
- Pet Day Care Establishments
- **One single detached dwelling on one lot, and one accessory apartment dwelling (on lots with a Minimum Lot Frontage of 95 metres and a minimum lot area of 6 hectares**
- Home occupations
- Conservation of plant and wildlife
- Uses, buildings and structures accessory thereto.

The Hazard (H) Zone permits;

- Agricultural uses except dwelling units, livestock operations or poultry operations and medical marihuana grow and production facilities
- Conservation and management of plant and wildlife
- Control structures to prevent flooding and/or erosion by water or wind
- Accessory buildings and structures associated with an existing use subject to approval from the Niagara Peninsula Conservation Authority
- Uses permitted under the Niagara Parks Act, R.S.O. 1990 and amendments thereto in any successor legislation, or for Niagara Parks Commission purposes, only on lands under the jurisdiction of The Niagara Parks Commission

The relevant Regulations are outlined on the following Table.

| <b>REGULATION</b>                            | <b>RU REQUIRED</b>       |
|--|--------------------------|
| Minimum Lot Frontage                         | 95 metres                |
| Minimum Lot Area                             | 6 hectares               |
| Maximum Lot Coverage                         | 10 percent               |
| Minimum Front Yard                           | 15 metres for dwellings  |
| Minimum Interior Side Yard (for Infill lots) | 7.5 metres for dwellings |
| Minimum Exterior Side Yard                   | 15 metres for dwellings  |
| Minimum Rear Yard                            | 15 metres for dwellings  |
| Maximum Height of Building                   | 2.5 storeys / 10 metres  |
| Minimum Floor Area for Dwelling              | 100 square metres        |



**ANNEX 3  
ARCHAEOLOGICAL ASSESSMENT**

**UNDER A SEPARATE COVER**

**ANNEX 4  
PRE-CONSULTATION AGREEMENT**

*Frank DiCorso*

- Survey
- OPA
- Zoning Amend.
- Stevedores  
↳ Planning Just.
- Hydro?



**APPENDIX 3  
PRE-CONSULTATION AGREEMENT**

**Important:** This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings must be submitted in paper and digital (i.e. PDF or Autocad) form.

**Meeting Attendance:**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Town Planning       | <input checked="" type="checkbox"/> Regional Planning | <input type="checkbox"/> Niagara Parks Commission |
| <input checked="" type="checkbox"/> Town Infrastructure | <input type="checkbox"/> Regional Public Works        | <input checked="" type="checkbox"/> NPCA          |

Other \_\_\_\_\_

**Application type:**

|   |   |
|---|---|
| <input type="checkbox"/> Regional Policy Plan Amendment     | <input type="checkbox"/> Vacant Land    |
| <input checked="" type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Common Element |
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Conversion     |
| <input type="checkbox"/> Plan of Subdivision                | <input type="checkbox"/> Other _____    |
| <input type="checkbox"/> Plan of Condominium                |   |
| <input type="checkbox"/> Site Plan                          |   |
| <input checked="" type="checkbox"/> Consent Application     |   |

Pre-Consultation Submission Date: 2018/05/17

Pre-Consultation Meeting Date: 2018/05/24

Site Location/Address: SS Nigh, East of Windmill Point Road

Site Legal Description: Parts 1 to 6, Plan 59R6721

Approximate Land Area (metric): 12.5 acres

**Owner Contact Information:**

Name of Owner: Frank DiCorso

Phone Number: 905.329.5772 Email: \_\_\_\_\_

Principal Contact: Frank DiCorso

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_



**Local Municipal Contact:** Matt Kernahan

Phone Number: 905 871 1600 x 2507 Email: mkernahan@forterie.ca

**Brief description of proposed development:**

Combined Official Plan and Zoning By-law Amendment to permit severances that do not meet definition of infill severances.

**1. Existing Regional Official Plan Designation**

Check all applicable:

Brownfield  Greenfield  Built-up  N. Escarpment  Greenbelt  Local CIP Area

Development Charges:  Regional By-law 62-2012  Local By-law 43-2014

Copy of Current Development Charges Provided?  Yes  No

Copy of Current Incentive Programs Provided?  Yes  No

If Yes, what are they?

**2. Conformity with Regional Official Plan Land Use Designations and Policies**

Yes  No  Unknown

a. If "no", what is the nature of the amendment needed?

**3. Existing Official Plan Designation:** Rural and Environmental Protection

Conformity with the Town's Official Plan Land Use Designation?  Yes  No

If "no", what is the nature of the amendment needed?

Site specific amendment required due to inconsistency with Rural severance policies.

**4. Existing Zoning:** Rural and Hazard

Conformity with the Town's Zoning By-law?  Yes  No

If "No" what is the proposed zoning? Change to site specific Rural for lot area and frontage.

**5. Is a Site Plan required?**

Yes  No

**6. Servicing:**

Water  Yes  No Size: \_\_\_\_\_  
Sanitary  Yes  No Size: \_\_\_\_\_  
Storm  Yes  No Size: \_\_\_\_\_  
Private Well/Cistern  Yes  No  
Private Septic  Yes  No

**7. Parks, Open Space and Recreation Master Plan**

Park needed in the subject area?  Yes  No  
Preferred Park Location Identified?  Yes  No  
Bicycle Path Required?  Yes  No

**8. Smart Growth Design**

On-site parking is in side or rear yard  Yes  No  
OR On-site parking is underground  Yes  No  
If garage faces street, it is behind front face of dwelling  Yes  No  
Is the parking area visible from the street?  Yes  No  
Built or cultural heritage resources present on site?  Yes  No

**9. Additional Agencies to be contacted:**

Hydro  Pipelines  NPC  
 Other \_\_\_\_\_

**10. Additional Concerns/Issues:**

1. Cash in lieu of parkland dedication, \$500/lot for street trees, master lot grading plan and 1.45 m road widening will be required as conditions of consent.

**11. Is a site walk required as a second part of the pre-consultation meeting?**

Yes  No If "yes" the site walk is scheduled for (date) \_\_\_\_\_

**12. Has Site Plan Engineering Standards been provided?**

Yes  No  
 Yes  No

**13. Have estimated time lines been provided?**

90 days.

**Submission Requirements:**

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

| Local | Region | NPCA | Reports, Studies, Plans<br>(See Notes for additional details) | No. of Copies |       | Notes                                 |
|-------|--------|------|---|---------------|-------|---------------------------------------|
|       |        |      |   | Digital       | Paper |                                       |
| ■     |        |      | Planning Justification Report                                 | 1             | 5     | Completed by RPP.                     |
| ■     |        |      | Conceptual Site Plan, Subdivision Plan                        | 1             | 10    | Based on a survey                     |
|       |        |      | Draft Regional Policy Plan Amendment                          |               |       |                                       |
| ■     |        |      | Draft Local Official Plan Amendment                           |               |       |                                       |
|       |        |      | Land Use/Market Needs*  |               |       |                                       |
|       |        |      | Urban Design/Landscape Plans                                  |               |       |                                       |
| ■     |        |      | Archaeological Assessment                                     | 1             | 5     |                                       |
|       |        |      | Cultural Heritage Impact Assessment*                          |               |       |                                       |
| ■     |        |      | Environmental Impact Study                                    |               |       | Only if lot line goes through woodlot |
|       |        |      | Environmental Planning Study/ Sub-Watershed Study             |               |       |                                       |
|       |        |      | Tree Inventory Preservation Plan                              |               |       |                                       |
|       |        |      | Floodplain and Hazard Lands Boundary Plan                     |               |       |                                       |
|       |        |      | Geotechnical  |               |       |                                       |
|       |        |      | Environmental Site Assessment                                 |               |       |                                       |
|       |        |      | Air Quality/Noise & Vibration Study*                          |               |       |                                       |
|       |        |      | Agricultural Impact Assessment                                |               |       |                                       |
|       |        |      | Farm Operation and Ownership                                  |               |       |                                       |
|       |        |      | Minimum Distance Separation I & II                            |               |       |                                       |
|       |        |      | Mineral Aggregate Resources                                   |               |       |                                       |
|       |        |      | Municipal Servicing Study                                     |               |       |                                       |
|       |        |      | Phasing Plan  |               |       |                                       |
|       |        |      | Sensitive Land Use Report                                     |               |       |                                       |
|       |        |      | Slope Stability Report  |               |       |                                       |
|       |        |      | Stormwater Management Plan                                    |               |       |                                       |
|       |        |      | Transportation Impact Study/Parking Impact Analysis           |               |       |                                       |
| ■     |        |      | Hydrogeological Study and Private Servicing Plans*            |               |       | Only if lots are <1 ha                |
|       |        |      | Soil report   |               |       |                                       |
|       |        |      | Financial Impact Assessment*                                  |               |       |                                       |
|       |        |      | Shadow Analysis   |               |       |                                       |

| Local | Region | NPCA | Reports, Studies, Plans<br>(See Notes for additional details) | No. of Copies |       | Notes |
|-------|--------|------|---|---------------|-------|-------|
|       |        |      |   | Digital       | Paper |       |
|       |        |      | Shoreline Study/Dynamic Beach                                 |               |       |       |
|       |        |      | Risk Management Study   |               |       |       |
|       |        |      | Gas Well Study/Gas Migration Study                            |               |       |       |
|       |        |      | Wind Study*   |               |       |       |
|       |        |      | Other*  |               |       |       |

**Note:** A description of the rationale for the required studies is included as Schedule 1 to this form.

**Additional Comments** (Items disputed requiring further dialogue)

Regional comments:

- Rural in Region's OP
- Local road, private services
- Up to 3 lots permitted with 46m frontage.
- Highly Vulnerable Aquifer + lots proposed are under 1ha ~ Hydro G will be required.
- Adequate separation from ECA features (woodlot) at rear of property must be maintained in order to avoid EIS ~ lot containing woodlot should be labeled "retained".
- \$400 septic review per lot (x3) + \$840 consent per new lot (x2)-\$1250 zoning
- \$5000 OPA

NPCA Comments:

Prior to submitting application:

1. Confirm elevation of roadway across frontage of all lots to confirm safe access available.
2. Confirm elevation of property to ensure proposed lot lines do not bisect flood line.
3. Confirm whether cut/fill balance and associated permit are required.

**Agency Fees:**

| Application                                 | Fort Erie                | Region of Niagara | Niagara Peninsula Conservation Authority | Other |
|---|--------------------------|-------------------|--|-------|
| Regional Policy Plan Amendment              |                          |                   |  |       |
| Combined Official Plan/<br>Zoning Amendment | \$8482 (less precon fee) | \$6250            | \$1845                                   |       |
| Zoning By-law Amendment                     |                          |                   |  |       |
| Draft Plan of Subdivision                   |                          |                   |  |       |
| Draft Plan of Condominium                   |                          |                   |  |       |
| Consent                                     | 3@\$1315                 | \$840(x2)+\$400x3 | \$570x2                                  |       |
| Removal of Part Lot Control                 |                          |                   |  |       |
| Amendment to Subdivision Agreement          |                          |                   |  |       |
| <b>TOTAL</b>                                | <b>\$12427</b>           | <b>\$9130</b>     | <b>\$2885</b>                            |       |

**Fee Notes:**

- a) Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- b) Additional fees may be required at a later date based on the fee schedule by-law.
- c) Separate cheques shall be made payable and submitted to each appropriate agency.

**ANNEX 5  
DRAFT OFFICIAL PLAN AMENDMENT**

**AMENDMENT NO. \_\_\_\_\_  
TO THE  
OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWN OF FORT ERIE**



## **CONTENTS**

### **PART “A” – THE PREAMBLE**

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

### **PART “B” – THE AMENDMENT**

Introductory Statement

Details of the Amendment

- Schedule “A” - Land Use Plan

### **PART “C” – THE APPENDICES**

- Appendix 1 - Notice of Public Information Process
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

**PART “A” – THE PREAMBLE**  
**SECTION 1**  
**TITLE AND COMPONENTS**

This document, when approved in accordance with Section 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. \_\_\_\_ to the Official Plan adopted by By-law No. \_\_\_\_ of the Town of 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. \_\_\_\_ to the Official Plan adopt by By-law No. \_\_\_\_ for the Town of 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 amend the infilling policy in Section 4.6.3 (a) of the Town’s Official Plan as it applies to the lands shown in Schedule A and limit the development of the lands shown on Schedule “A” to permit a maximum of three dwelling units or lots in accordance with the Growth Plan for the Greater Golden Horseshoe.

**SECTION 3**

**LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located 429 Windmill Point Road North, south of Nigh Road, east of Windmill Point Road. The property is approximately 5 hectares in size.

## 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:**

The subject lands are designated Rural in the Town’s Official Plan and residential dwellings are permitted. The proposal is to create two new building lots and retain the balance of the vacant property. The owner of the property does not farm the property and wishes to sell the lands to enable the construction of two new single detached dwellings. The two new lots are needed to accommodate the needs of those people wishing to construct a single detached dwelling on a rural lot in Fort Erie.

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

The subject land are vacant with the ruins of previous agricultural structures. Surrounding Official Plan designations, zoning, and uses are illustrated in the following table:

|  |   |   |
|--|---|---|
| Use: Natural Heritage & Non-agricultural Residential<br>Official Plan: Rural, Environmental Protection, & Environmental Conservation<br>Zone: RU, EP, & EC | Use: Natural Heritage & Non-agricultural Residential<br>Official Plan: Rural, Environmental Protection, & Environmental Conservation<br>Zone: RU, H, & EC | Use: Natural Heritage & Non-agricultural Residential<br>Official Plan: Rural, Environmental Protection, & Environmental Conservation<br>Zone: RU, H, & EC |
| Use: Non-agricultural Residential<br>Official Plan: Rural & Environmental Protection<br>Zone: RU & EP  | Subject Property  | Use: Agriculture<br>Official Plan: Rural<br>Zone: RU & H  |
| Use: Agriculture<br>Official Plan: Rural & Environmental Protection<br>Zone: RU, H & EP  | Use: Natural Heritage<br>Official Plan: Rural & Environmental Conservation<br>Zone: RU, RU-459 & EC   | Use: Agriculture<br>Official Plan: Rural & Environmental Conservation<br>Zone: RU   |

- 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 existing vacant 4.8 hectare lot is more than adequate to accommodate the three (3) proposed dwellings, accessory structures, and septic systems. One proposed lot will be 2.6 hectares and the remaining two proposed lots will be 1.1 hectare in size which is consistent with the MOE procedural guideline D-5-4 for individual on-site sewage systems.

- 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 property fronts on Nigh Road which is a paved and maintained municipal road. The proposed development will not generate any significant traffic volumes. The existing and confirmed that the severed and retained lots are adequately sized to accommodate the private sewage systems and will ensure the adequacy of lot sizes for future lots through the requirement for a septic system design to be submitted for each lot at the consent stage.

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

The vacant retained parcel is 2.6 hectares in size is well separated from abutting uses. The proposed lots will both be 1.1 hectares in size and will be well separated from adjacent uses. Adjacent uses consist of rural residential uses and natural heritage features which are compatible with the existing and proposed uses of the subject property.

- 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 introduction of two additional lots into the area will depreciate adjoining properties.

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

The proposed redesignation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with additional tax base and development charges.

**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 INTERPREATION**

The relevant policies of the Official Plan adopted by By-law No. \_\_\_\_\_ of the Town of 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. \_\_\_ to the Official Plan adopted by By-law \_\_\_\_\_ for the Town of Fort Erie Planning Area. The Official Plan adopted by By-law \_\_\_\_\_ for the Town of Fort Erie Planning Area and is hereby amended as follows:

1. Section 4.6.3 CONSENTS TO SEVER, subsection II (a) (b) shall not apply to the lands shown on Schedule “A” attached hereto and development shall be limited to three dwelling units or lots having a minimum lot area of 1 hectare. No further development shall be permitted without an amendment to this Plan.

## **PART “C” – THE APPENDICES**

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