

Planning Justification Report

Spring Creek Estates

Fort Erie, ON

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PREFACE

Upper Canada Consultants respectfully submits this Planning Justification Report on behalf of 5008923 Ontario Inc. pertaining to Applications for Draft Plan of Subdivision and a Combined Official Plan and Zoning By-law Amendment for lands on the west side of Black Creek Road, south of Baker Road in the Town of Fort Erie, within the Regional Municipality of Niagara.

The owner is applying for a Plan of Subdivision containing fifty-four (54) residential lots for single detached dwellings, eight (8) blocks for sixteen (16) semi-detached dwellings, thirteen (13) blocks for fifty-nine (59) street townhouse dwellings, one (1) block for sixteen (16) block (condominium) townhouse dwellings and one (1) block for up to eighty (80) apartment dwellings on the property. In addition to the residential lots, there is a block for a stormwater management facility that will contain a wet pond and associated maintenance area.

This Planning Justification Report provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Policy Statement (2020), and conform to the Growth Plan for the Greater Golden Horseshoe (2019), Niagara Region Official Plan (as amended) and the Town of Fort Erie Official Plan (as amended).

This Report should be read in conjunction with the following reports and materials:

- Draft Plan of Subdivision prepared by Upper Canada Consultants
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Preliminary Functional Servicing Report and Stormwater Management Report prepared by Upper Canada Consultants
- Environmental Noise Feasibility Study prepared by Valcoustics
- Traffic Impact Study prepared by R.V. Anderson and Associates
- Archaeological Assessments prepared by Detritus Consulting
- Natural Heritage Constraints Memo prepared by Ecological and Environmental Solutions

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The applications pertain to the two parcels of land known legally as Part of Lot 19 and 22, Broken Front Concession at Southeast Angle, Geographic Township of Willoughby, County of Welland, now in the Town of Fort Erie, Regional Municipality of Niagara.

The subject lands are municipally addressed as 0-17482 Black Creek Road and 0-17484 Black Creek Road and are assigned the Assessment Roll Numbers 270304005524600 and 270304005524625.

The subject property is 8.7 hectares in area and is located within the Douglastown-Black Creek neighbourhood in the Town of Fort Erie, as shown in **Figure 1**, below. The property has frontage along Black Creek Road along its east side. Surrounding land uses include the Queen Elizabeth Way to the south, a church, community centre and vacant commercial lands to the north. The commercial lands to the north are also owned by the applicant. Black Creek Road and single detached dwellings are located to the east. Netherby Road and agricultural lands located in the City of Niagara Falls are located to the west.

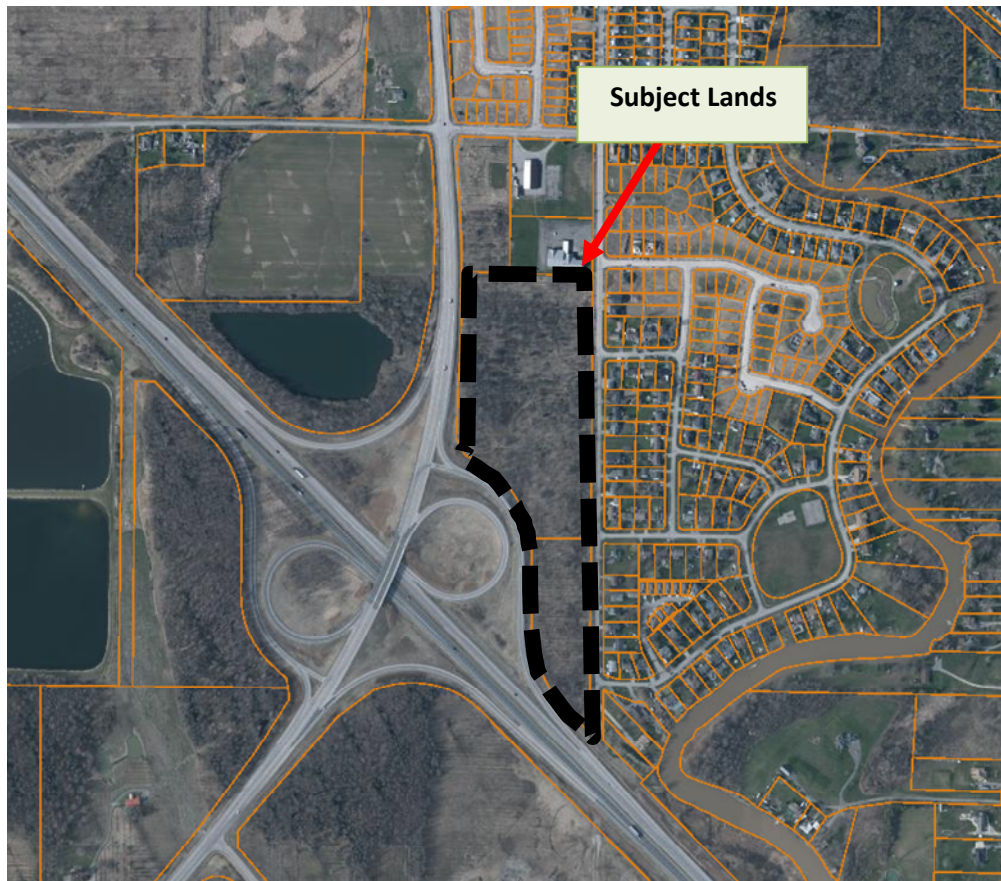


Figure 1 - Subject Lands – Spring Creek Estates, Fort Erie

Existing Conditions

The property is currently vacant of buildings and woody vegetation. There is a small number of trees present along the perimeter of the property. Vegetation present on the property is classified as a Goldenrod Forb Meadow with silty clay soil. A review of published information and a site visit with the Region of Niagara confirms that there are no natural heritage features or watercourses present on the site. There is currently no formalized access to the property from the Black Creek Road but a number of informal accesses have been constructed by past recreational users.

Site Photographs

Images in **Figure 2** were taken on November 29, 2021.



Figure 2 - Site Photos

(1: Looking southeast from the northern property line, 2: Looking northwest from Black Creek Road, 3: Looking northeast from the south of the site, 4: Looking northwest from the south of the site, 5: Adjacent Development, 6: The River Trail)

THE PROPOSED DEVELOPMENT

Residential Development

The application proposes to create fifty-four (54) residential lots for single detached dwellings, eight (8) blocks for sixteen (16) semi-detached dwellings, thirteen (13) blocks for fifty-nine 59 street townhouse dwellings, one (1) block for sixteen (16) block (condominium) townhouse dwellings and one (1) block for up to eighty (80) apartment dwellings on the property on the west side of Black Creek Road. The Draft Plan of Subdivision is included as **Appendix I** to this report. Access to the apartment and block townhouses will be from Black Creek Road. The single detached, semi-detached and street townhouses will all front on one of three new public roadways internal to the subject lands that will connect to Black Creek Road.

Single detached lots within the subdivision generally have lot frontages ranging between 12.0 metres and 14 metres, with some larger irregular corner lots having larger lot frontages. Semi-detached lots have frontages ranging from 19 meters to 21 meters. The lot geometry of the single detached and semi-detached lots proposed all meet the applicable Residential Multiple 1 (RM1) Zoning regulations.

Street townhouses within the development generally have frontages of 6.1 meters for interior units and 7.6 m for end units which is a standard form for two-storey street townhouses. A number of irregular units located on the curves of the roadway have slightly larger frontages on the end units. Site specific regulations for minimum lot sizes for townhouses are requested to permit the standard lot frontage and depth of street townhouse lots proposed.

The development concepts for the Block Townhouse Block and the Apartment Block are conceptual at this time. Preliminary site concepts for these blocks have been developed by UCC to demonstrate how they might be developed. The townhouse block contains 16 units and the apartment block contains up to 80 units conceptually. As a means of adding variety to the housing stock, the development concept for the apartment block includes stacked townhouses which are generally considered an alternative form of apartment dwelling which is new to the community. This form of housing provides an opportunity for residents to experience the benefits of apartment living while still maintaining an independent access to outside. Site specific zoning is requested to permit the type of development contemplated for these blocks.

Stormwater Management Block

A Stormwater Management Block has been included in the Plan of Subdivision to accommodate the stormwater management infrastructure required to handle flows from the subject property as well as the existing overland flows received from lands to the east of the subject site. The stormwater management block will include a wet pond and associated access and maintenance

areas. A new storm sewer will be constructed within the River Trail road allowance and will outlet to Black Creek from the road allowance between 3390 and 3396 River Trail.

Additional Lands of the Owner

The owners of the Spring Creek Estates Subdivision also own the commercially designated site at the corner of Netherby Road and Baker Road immediately north of the subject site. The owners are not proposing to develop the commercial site at this time as development plans have not been finalized.

REQUIRED APPLICATIONS

A pre-consultation meeting occurred for the proposed development on a number of occasions with the most recent instance occurring on August 12, 2021.

As outlined by the review agencies (Town of Fort Erie, Niagara Region and Ministry of Transportation), complete application submission requirements for Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment include:

- Planning Justification Report
- Environmental Noise Feasibility Study
- Traffic Impact Study
- Functional Servicing Report
- Stormwater Management Plan
- Archaeological Assessment
- Natural Heritage Constraints Memo

Please see **Appendix IV** for a copy of the Pre-consultation Agreement.

Draft Plan of Subdivision

The Spring Creek Estates Draft Plan of Subdivision has been designed in the spirit of the Douglastown-Black Creek Land use designations which were applied to the subject properties when the secondary plan was approved in 2016. In particular, provision has been made for the development of a mix of apartment dwellings in the area designated site specifically for apartment dwellings in the secondary plan. The area where the apartment units are proposed has been modified slightly compared to the Secondary Plan land use schedule to efficiently accommodate the geometry of apartment buildings 4 storeys in height and the anticipated required parking for the number of units proposed.

The center part of the site has been designed to permit a mix of townhouse dwellings, semi-detached dwellings and single detached dwellings throughout the plan rather than exclusively single detached dwellings. All dwellings will front on public roads with connections to Black Creek Road. Design considerations include making provision for the required MTO setback, typical lot depths, standard Town of Fort Erie ROW requirements, minimum lot frontages permitted in the RM1 Zone and providing a mix of dwellings throughout the subdivision rather than segregating them.

Site design is also guided by the location and size of the stormwater management block. The location of the SWM block is guided by site topography, outlet location and SWM planning for the neighbourhood. The size of the block is larger than the conceptual area shown in the

secondary plan due to engineering design considerations so the stormwater management block and residential portion of the plan have been modified accordingly.

A copy of the Draft Plan of Subdivision is provided as **Appendix I** to this report.

Official Plan Amendment

The Douglastown-Black Creek Secondary Plan assigned very prescriptive land use designations and policies to the subject lands based on a conceptual land use concept developed by the Town. The owner has now undertaken stormwater management planning and noise studies that have refined the development concept in the spirit of the secondary plan. The development concept has also been modernized to provide a mix of dwelling types throughout rather than a segregation of land uses. The purpose of the proposed Official Plan Amendment is to align the land use designations with the proposed Draft Plan of Subdivision to permit the development of the site in recognition actual site conditions, constraints and more modern design principles.

The Draft Official Plan Amendment is included as **Appendix II** to this report.

Zoning By-law Amendment

A Zoning By-law Amendment has been submitted to align the Zoning with the proposed Official Plan designations and permit the implementation of the Plan of Subdivision. The proposed zoning will:

- Rezone the portion of the subdivision where Apartments (including stacked townhouses) and Block Townhouse Dwellings are proposed to a site specific Residential Multiple 2 to permit a mix of these uses with site specific provisions.
- Rezone the balance of the residential portion of the site to a site-specific Residential Multiple 1 Zone to permit a mix of single detached, semi-detached and townhouse dwellings with modern site specific provisions for street townhouses.
- The Residential Multiple 1 Zone will also permit the Stormwater Management Pond and associated uses.

The Draft Zoning By-law Amendment is included as **Appendix III** to this report.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation (see **Appendix III**) and in addition to this Planning Justification Report, the studies and reports listed below have been submitted with the Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment applications. A brief overview of their conclusions and recommendations are provided below. Please refer directly to the reports and studies for more detailed information.

Environmental Noise Feasibility Study (Valcoustics Canada Ltd.)

The Environmental Noise Feasibility Study assessed the impacts of adjacent noise sources on the proposed development and determined the appropriate mitigation measures in accordance with MECP guidelines. Two main types of noises were assessed, namely traffic noise (originating from the QEW, Netherby Road, Black Creek Road and Baker Road) and stationary noise sources (originating from the Faith Reformed Church and the Black Creek Community Association). The report outlines the following noise mitigation measures:

- Noise mitigating architectural design elements, and construction materials and methods;
- Mandatory air-conditioning for Blocks 53-62 and Lots 1-14; and the provision for added air conditioning for Blocks 63-65 and 70, Lots 15-18, 31-38, 41-54 and Block 75.
- Sound barriers
 - Up to 2.8m high behind Blocks 55-56
 - Up to 2.4m high behind Blocks 53-54
 - Up to 2.6m high behind Blocks 57-64 and Lots 1-14.
- Warning clauses registered on Title.

Traffic Impact Study (R.V. Anderson Associates Limited)

Two Traffic Impact Briefs have been submitted with the applications.

One Brief was prepared at the request of the Town and analyzes the appropriate traffic control measures for the proposed intersections as well as the potential for sightline concerns at the intersection of Street 'A' and Street 'C'. The following findings are outlined in Section 9 of the Brief:

- The proposed residential development is estimated to generate approximately 111 trips during the a.m. peak hour (27 inbound and 84 outbound) and approximately 138 trips during the p.m. peak hour (86 inbound and 52 outbound);

- All-way stop control is not warranted at the intersection of Lawrence Avenue at Black Creek Road upon build-out of the subject development based on the OTM All-Way Stop Control Warrant;
- It is expected the available intersection sight distance (for Street “C” traffic) at the future intersection of Street “A” and Street “C” will not meet the recommended minimum sight distance per Transportation Association of Canada (TAC) guidelines. It is recommended that this intersection be configured as an all-way stop to address this deficiency;
- All proposed driveways and intersections on Black Creek Road exceed the minimum TAC spacing guidelines.

The second Brief was prepared at the request of the MTO and analyzes the long-term impacts of the proposed development on the Netherby Road-QEW offramp. The report concludes that the existing road network has sufficient capacity to accommodate anticipated traffic flows over the long-term with no impacts to the Netherby Road-QEW offramp.

Functional Servicing Report / Stormwater Management Plan (Upper Canada Consultants)

The Functional Servicing Report outlines how the proposed development will be serviced with water, sanitary and stormwater infrastructure. As confirmed in the Functional Servicing Report, existing services are readily available and have sufficient capacity to accommodate the development.

The development will be serviced with a new looped watermain connected to the existing 250mm watermain in Black Creek Road at each of the proposed intersections. Sanitary flows from the southern portion of the development will be conveyed to the 250mm sanitary sewer in Westbrook Avenue, and flows from the remainder of the site will be directed 250mm sanitary sewer in Lawrence Avenue. Stormwater flows will be conveyed SWM pond in the southern portion of the site where they will be stored and treated to an enhanced protection level before being conveyed to Black Creek.

Archaeological Assessments (Detritus Consulting)

The entire site has been subject to a Stage 1-2 Archeological Assessment. The northern portion of the site was assessed in 2017 and the southern portion of the site was assessed in 2021. The northern portion of the site has been cleared of archaeological potential. The October 13, 2017 report has been entered into the Ministry of Heritage, Sport, Tourism and Culture Industries’ (MHSTC) (formerly the Ministry of Tourism Culture and Sport) Archeological Registry. The October 18, 2021 report has been submitted to the MHTCS for clearance. A Stage 3 assessment

of the southern property is required and it is anticipated that the Region will request a condition of draft plan approval to address this requirement.

Natural Heritage Constraints Memo (Ecological and Environmental Solutions)

A preliminary assessment of the site was conducted to determine whether the property contained any protected environmental features. The assessment concludes that the property does not support any natural heritage features including woodlands, wetlands or wildlife habitat.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the Town of Fort Erie are subject to the Ontario *Planning Act* (R.S.O. 1990), 2020 Provincial Policy Statement and the 2019 Growth Plan for the Greater Golden Horseshoe. An assessment of how the submitted applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be adhered to when making applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*

- m) the co-ordination of planning activities of public bodies;*
- n) the resolution of planning conflicts involving public and private interests;*
- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

With regard to these matters, the applications specifically implement items (a), (f), (h), (j), (p) and (q).

Although the property does not contain any mapped natural heritage features, the property was identified by the Region through an April 27, 2020 site visit and review of aerial imagery, as having the potential to contain natural heritage features including Significant Woodland, wetland (significant or otherwise), Significant Wildlife Habitat and Habitat of Endangered or Threatened Species. A Constraints Analysis was undertaken by Ecological Environmental Services to evaluate the potential heritage features. The Constraints Analysis found that the current site conditions do not support any of the aforementioned natural heritage features and that best management practices before and during construction are the appropriate method to ensure protection of natural features and areas.

The proposed development will be provided with new water and sanitary connections as well as new municipal roadways. A Functional Servicing Report has been prepared which confirms the adequacy of the water and sanitary infrastructure and traffic studies have been undertaken which confirm the adequacy and safety of the proposed and existing road network. The proposed development further provides increased density where municipal services already exist and overall the applications provide for the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems

The proposed development represents logical and compatible growth within the Douglastown – Black Creek Secondary Plan area in accordance with Secondary Plan policies, and contributes the provision of a safe and healthy community.

The proposed subdivision includes a range of housing types and densities including single detached dwellings, semi-detached dwellings, street-townhouse, block townhouse and stacked townhouse / apartment dwellings. The subdivision will also provide both freehold and condominium tenure options. The proposed mix of housing options provides housing choice that reflects the range of individual need within the community and contributes to the provision of a full range of housing.

The subject lands have been identified under Provincial, Regional and local land use policy for compact and intensified residential development. The subject lands do not contain any protected environmental features, or physical constraints to the proposed development, have strong transportation connections, are serviceable by existing municipal infrastructure and services, are in proximity to employment and commercial opportunities and are therefore an appropriate location for the proposed residential development.

The subject lands have access to public transportation through a bus stop for the Town's "red line" located at the Black Creek Community Centre. The proposed development helps to achieve transit supportive densities within the Douglastown – Black Creek Area and supports the viability of improved transit service to the area, thus helping the municipality in their transit-related obligations.

Section 51 – Draft Plans of Subdivision

Draft Plans of Subdivision are considered under Section 51 (24) of the Planning Act.

Section 51 (24) the Planning Act prescribes that *"In considering a draft plan of subdivision, regard shall be had, 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,"* items a) to m). An overview of how each item is addressed is provide below.

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy clauses a), f), h), j), p), and q) of Section 2 of the Planning Act.

b) whether the proposed subdivision is premature or in the public interest;

The proposed subdivision represents the logical continuation of development in the Douglastown-Black Creek Area. The subdivision is not premature as it is contemplated in the

secondary plan. The subdivision is in the public interest as it will efficiently use underutilized urban serviced land and contribute to the supply of in-demand housing.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subject lands are within the Douglastown-Black Creek Secondary Plan Area and are designated as both Medium Density and Low Density Residential. As noted, an Official Plan Amendment application has been submitted to permit the proposed development due to the prescriptive nature of the Secondary Plan policies and the physical development constraints. The proposed development maintains the overall vision for Douglastown-Black Creek in providing a compact development that accommodates an appropriate mix of low and medium density housing types.

d) the suitability of the land for the purposes for which it is to be subdivided;

The property is located in a suitable location for development as it is within an established residential area in the Town, is along collector roadways, has full municipal services available and is free of significant development encumbrances. The property is generally flat and has a clear area for residential development available.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

At this time, affordable housing as defined by the Province of Ontario, is not proposed. The proposed development does contribute to the attainability of housing at various income levels through the provision of a variety of housing types, including multi-unit forms and different tenure options.

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 subdivision with the established highway system in the vicinity and the adequacy of them;

The development proposes three municipal roadways, labelled as Streets 'A', 'B' and 'C' on the Draft Plan. The proposed road network is connected to Black Creek Road at three points and is well integrated into the existing road network. The roadways achieve the standard width for a local roadway within the municipality. Two Traffic Impact Briefs have been submitted with the applications which confirm that the proposed development will have no impact on the adequacy or safety of the road network.

f) the dimensions and shapes of the proposed lots;

The applications propose the creation of generally rectangular shaped lots which form a lot pattern that is consistent with the existing neighbourhood given the overall geometry of the site. The specifics of the lot dimensions and shapes are shown on the Draft Plan.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The lands adjacent to the QEW are subject to the 14-meter MTO setback. The lots abutting the MTO right-of-way have sufficient depth to accommodate a dwelling outside of this required setback.

h) conservation of natural resources and flood control;

The subject lands do not contain any natural areas or floodplain.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report, prepared by Upper Canada Consultants, outlining how the proposed development will be serviced, has been submitted with the applications. As confirmed in the report, municipal infrastructure is readily available, and has sufficient capacity to service the proposed development.

j) the adequacy of school sites;

The subject lands are located within 5 kilometres of two public elementary schools.

The local school boards (DSBN, NCDSB) will have the opportunity to comment on development applications to confirm adequacy of service.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Block 76 on the Draft Plan will be dedicated to the Town as a stormwater management facility, and represents an area of approximately 0.75 hectares.

- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The coordinated development of a large parcel of land provides for increased efficiencies in the servicing and construction of the development. Further, the proposed development achieves a compact land use pattern that helps to optimize the use of infrastructure.

- m) the interrelationship between the design of the proposed plan of subdivision 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 or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

The proposed development is subject to Subdivision approval which ensures that all matters affecting the approval authority and commenting agencies are adequately addressed prior to the commencement of development.

2020 PROVINCIAL POLICY STATEMENT

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The policy direction under Section 1.1 of the Provincial Policy Statement (2020) (PPS) provides the overall planning framework for the development of healthy, livable and safe communities. In accordance with these objectives, the proposed subdivision achieves a compact and efficient development pattern that optimizes efficient infrastructure use and minimizes land consumption and servicing cost, while accommodating a range and mix of housing options which reflects the range of individual housing need within the community.

Section 1.1.3 outlines the policy direction for the Province's Settlement Areas. The subject lands are within a Settlement Area as defined by the PPS, being located within Fort Erie's Urban Area. Policy 1.1.3.1 of the PPS directs that growth and development is to occur primarily within Settlement Areas. The applications are therefore consistent with the PPS in providing growth and development to the appropriate area. The proposed development is also consistent with the intended land use patterns for Settlement areas as outlined under Policy 1.1.3.2, particularly in making efficient use of land and resources, being appropriate for and efficiently using infrastructure and public services, and being transit supportive.

The PPS generally encourages intensification in the Settlement Area as a desirable means of accommodating growth and development. The proposed development is considered

intensification in accordance with the PPS as it represents the development of underutilized/vacant urban lands at a higher density than what currently exists. Policy 1.1.3.4 encourages the implementation of appropriate development standards to facilitate intensification in a compact form. Consistent with the PPS, the submitted Official Plan and Zoning By-law Amendment applications will establish appropriate built-form and development standards which provide for the comprehensive development of a large vacant parcel to achieve a compact development pattern that makes efficient use of the land, infrastructure and services.

Overall, the proposed development supports the Province's growth management strategy as outlined in Section 1.1 of the PPS in providing for the compact and efficient development of urban lands through intensification and in accommodating a range and mix of housing options.

Coordination (PPS 1.2)

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration of all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Consistent with this overall policy direction, a pre-consultation meeting for the proposed development was held on August 12, 2021. The pre-consultation meeting allowed for the upper and lower-tier municipalities and other commenting agencies to review and comment on development proposals early in the process. This coordinated approach allows for appropriate considerations to be made during the planning stage to ensure that potential areas of concern are suitably addressed.

Section 1.2.4 of the PPS requires that upper tier municipalities provide planning direction on allocations of population and employment, preferred growth areas, targets for intensification and transit supportive development. The Regional Municipality of Niagara (the upper-tier municipality) has prescribed that a minimum of 15% of growth and development within the Town of Fort Erie (the lower-tier municipality) is to occur by way of intensification within the Built-up Area, as its contribution to the 50% minimum intensification target assigned to the Regional Municipality by the Province. The proposed development supports the achievement of the minimum intensification target, both for both the upper-tier and lower-tier municipality.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS mandates that a full range and mix of housing types and densities that meet current and future housing needs be provided to achieve complete communities and meet prescribed growth targets.

Consistent with the PPS, the proposed subdivision includes a variety of housing forms and densities, including single-detached, street-townhouse, block townhouse and apartment dwellings. The proposed dwelling mix offers housing choice that reflects the range of housing need, and the dwelling typologies are mixed and incorporated throughout the subdivision rather than being segregated into homogenized areas, helping to achieve a more integrated and complete community as encouraged throughout the PPS.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

The PPS directs planning authorities to promote healthy and active communities through the equitable distribution and provision of publicly-accessible built and natural environments.

The Draft Plan of Subdivision does not include any physical parkland dedication; however, the subject property is well-serviced by existing public recreational spaces including the AC Douglas Park as well as the River Trail, meaning that future residents will have access to public natural and built environments as prescribed in the PPS. Cash-in-lieu of parkland, totalling 5% of the value of the property, pursuant to the *Planning Act*, will be required for the proposed development and will be used to fund existing public parks and open space.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in a coordinated and efficient manner while accommodating projected needs so as to reduce the cost of servicing growth.

Sewage, Water and Wastewater (PPS 1.6.6)

Section 1.6.6 particularly considers sewage, water and stormwater servicing requirements. A Functional Servicing Report has been prepared by Upper Canada Consultants and submitted with the subject applications, which details how the proposed development will be serviced for sewage, water and wastewater. Site services will be connected to existing public infrastructure, which is readily available, and which has sufficient capacity to accommodate the development. The proposed development is therefore appropriate for, and makes efficient use of, existing public sewage, water and stormwater services as required in the PPS.

Transportation (PPS 1.6.7)

The policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and support multi-modal transportation options.

The proposed subdivision includes three public roadways shown as Street 'A', Street 'B' and Street 'C' on the Draft Plan. The proposed roadways provide for the efficient use of the property, and are integrated into the existing road network, as required in the PPS. Street 'A' is a looped roadway which extends from Black Creek Road, extending north from Lawrence Avenue and matches the contour of the eastern property line as it follows Netherby Road and the QEW offramp, before reconnecting back to Black Creek Road. Streets 'B' and 'C' provide additional connection points from Black Creek Road to Street 'A' and enable the development of the interior of the site. All driveway accesses will be provided from the proposed streets to maintain traffic flows and road safety along Black Creek Road.

A Traffic Brief was prepared by R.V. Anderson Associates (RVA) at the request of the Town to assess the required traffic control measures for the proposed intersections. An additional Traffic Brief was prepared by RVA at the request of the MTO to evaluate the potential traffic impacts of the proposed development on the existing road network, including the highway on-ramps. The reports conclude that the existing road network has sufficient capacity to accommodate the peak traffic flows anticipated for the development. Based on the information outlined in these traffic briefs, the proposed development can be adequately accommodated into the existing transportation network without significant impacts.

The subject lands are also accessible via public transit, as a transit stop for the Town's "red line" is located within walking distance of the property (approximately 400 meters) at the Black Creek Community Centre. The red line connects users to the other transit lines operating in the Town of Fort Erie and is also connected to the Region's network which provides riders access to the GO network. The proposed development helps to achieve transit-supportive development yields that dilute the cost of providing this service and which encourages the improvement of transit service.

Transportation and Infrastructure Corridors (PPS 1.6.8)

Policy 1.6.8.3 requires that new development on lands adjacent to existing or planned transportation corridors should be compatible with the intended long-term use of the corridor

and should be designed to minimize land use conflicts. The proposed development makes consideration for the required 14-meter setback from the MTO right-of-way (the QEW), ensuring that the future dwellings are appropriately separated from the roadway to minimize conflicts. The proposed development will also incorporate the noise mitigation measures outlined in the Noise Feasibility Study prepared by Valcoustics Canada including the provision of noise barriers, as well as architectural, air conditioning and construction considerations for the dwellings. The appropriate separations and additional mitigation measures in place, the proposed development is compatible with the adjacent highway.

Natural Heritage (PPS 2.1)

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. This protective policy framework is also applicable to natural heritage features on adjacent lands.

While the property does not contain any mapped natural heritage features, the Region identified at pre-consultation that, based on available aerial imagery, the property appeared to contain natural features. Accordingly, a Constraints Analysis was undertaken to evaluate whether there are any features on the property which would meet defining the criteria for natural heritage. As outlined in the Constraints Analysis Report, the property was not found to contain any natural heritage features, and best management practices before and during construction are the appropriate method to ensure protection of natural features and areas. The proposal is therefore consistent with Provincial Natural Heritage policies.

Cultural Heritage and Archaeology (PPS 2.6)

PPS Policy 2.6.2 directs that development and site alteration shall not be permitted on land containing archaeological resources or areas of archeological potential unless resources have been conserved. As identified by the Town through pre-consultation, the subject property has high potential for the discovery of archeological resources as it is located within 300 meters of a watercourse and in proximity to 13 registered sites.

A Stage 1-2 Assessment of the northern portion of the property was conducted in 2017 and the remaining area of the property was assessed in 2021, both times by Detritus Consulting. No archeological resources were encountered in the northern portion of the property. A Stage 3 Archeological Assessment is underway on the south portion of the property and is anticipated to be complete in early 2022. It is anticipated that the Region will require a condition of

approval to ensure archaeological resources are properly conserved prior to development as a means of ensuring consistency with Provincial Policy.

2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Managing Growth (PTG 2.2.1)

The Growth Plan directs growth to occur in Settlement Areas throughout the Greater Golden Horseshoe, and specifically in areas that have existing municipal services. Intensified development within Built-Up areas is strongly encouraged to optimize the efficient use of existing infrastructure and public service facilities.

In conformity to the Growth Plan's growth management strategy, the proposed development represents intensification in the Built-up Area and makes efficient use of land and available infrastructure and is reflective of the sustainable land use patterns envisioned throughout the Growth Plan.

Delineated Built-up Area (PTG 2.2.2)

The Growth Plan prescribes that, by 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area by way of intensification. The Regional Municipality of Niagara has an established annual residential intensification target of 15% for the Town of Fort Erie, as its annual contribution to intensified growth.

In conformity to the Growth Plan, the proposed development would contribute 225 new dwelling units through the intensified development of vacant urban lands in the Built-up Area which will contribute towards the achievement of the Town and Region's intensification goals.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities that meet current and future housing needs.

The proposed subdivision includes an integrated mix of dwelling types and densities including single detached, semi detached, block townhouse, street townhouse and apartment dwellings. The proposed development makes a significant contribution to the provision of a full range of housing in the Douglstown-Black Creek Area as required under the Growth Plan and the integration of the dwelling types throughout the development is reflective of the Growth Plan's vision for a complete community.

Transportation (PTG 3.2.2)

Section 3.2.2 of the Growth Plan encourages the co-ordination of transportation system and land use planning. The Draft Plan includes three public roadways which have been designed to integrate into the existing road network and provide for the efficient development of the site. A Traffic Impact Brief has been prepared by R.V.A. which confirms that the existing roads network has sufficient capacity to accommodate the anticipated peak traffic flows.

The Growth Plan also encourages the provision of a range of transportation options to reduce automotive reliance. The subject lands are in proximity to the River Trail, will facilitate the extension of the multi-use trail northwards up Black Creek Road and are serviced with existing public transportation. The proposed development has the potential to increase the modal share of this public transportation and active transportation infrastructure as encouraged in the Growth Plan.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The proposed development will be connected to existing municipal water and wastewater services, and the proposed development helps to optimize the efficient use of this infrastructure. As confirmed by the Functional Servicing Report prepared by Upper Canada Consultants, the existing infrastructure can adequately accommodate the proposed development.

Stormwater Management (PTG 3.2.7)

Policy 3.2.7.2 requires that proposals for large-scale development be supported by a stormwater management plan, or equivalent. In conformity to this requirement, a stormwater management component is included in the Functional Servicing Report submitted with the applications, which details how stormwater flows will be captured, stored, treated and conveyed in accordance with applicable standards.

REGION OF NIAGARA OFFICIAL PLAN

The Niagara Region Official Plan provides a comprehensive and long-range planning vision for the Regional Municipality of Niagara. Its focus is primarily on implementing Provincial Policy (i.e. Growth Plan, PPS, Greenbelt Plan, and Niagara Escarpment Plan) and providing regional-level land use planning direction on attributes and resources unique to Niagara.

Chapter 4 – Growth Management

All development within the Region’s Urban Areas is subject to the growth management policies outlined in Chapter 4 of the Official Plan. This Chapter provides long-term growth objectives for the Region based on Provincial population and employment forecasts. The intent of the policies under Chapter 4 is to provide for compact and transit supportive development that promotes the use of existing municipal sewage and water services. Schedule A to the Official Plan shows that the subject lands are within the Urban Area Boundary and are also within the Built-up Area (see **Figure 3**).

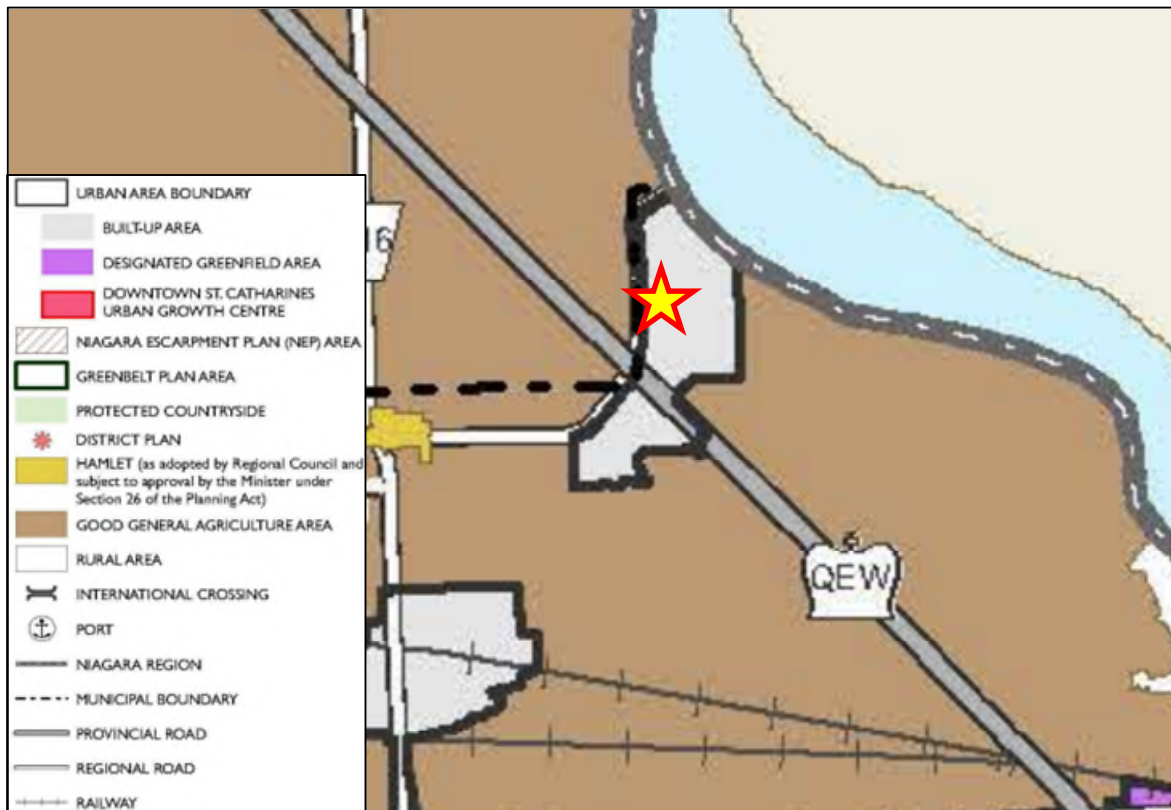


Figure 3 - Schedule A - Regional Structure - Region of Niagara Official Plan

4.A Shaping Growth in Niagara

Chapter 4.A of the Regional Official Plan contains the objectives for growth and development in the Region.

The ROP directs that a majority of growth and development should be directed to the existing Urban Areas (Obj. 4.A.1.1) and particularly to the Built-up Area (Obj. 4.A.1.2), and should be directed in a manner that uses existing water and sanitary services efficiently (Obj. 4.A.1.12). In conformity to these objectives, the subject lands are located in the Built-up Area within Fort Erie's Urban Area boundary, and have access to existing municipal water and sanitary services.

The ROP directs that land use patterns within the Urban Area are to be compact, mixed use, transit supportive, active transportation-friendly (Obj. 4.A.1.6) and should help to achieve complete communities that include a mix of land uses including a mix of housing types (Obj. 4.A.1.10). In conformity to these objectives, the proposed development represents a compact development pattern and includes a range of housing types ranging from single-detached dwellings to apartment dwellings. With regard to transportation-related objectives, a conceptual transit stop is shown on the Town's land use schedules for the Douglastown - Black Creek Secondary Plan area, and the proposed development provides transit-supportive density that which can support the provision of future transit service to the area. Furthermore, the subject lands are in proximity to the River Trail which supports active transportation (i.e. biking and walking) use and will facilitate the extension of a multi-use trail across the Black Creek Road frontage of the development.

Overall, the proposed development conforms to the Region's land use vision outlined in Section 4.A of the Official Plan.

4.B Population, Household and Employment Forecasts

As stated in Policy 4.B.1.2 of the ROP, the population and employment growth forecasts identified by the Province in the Growth Plan, form the basis for growth management and planning in the Region. The Region is projected to have a population of 511,000 by the year 2031. The ROP further breaks down this Regional growth projection by municipality. As outlined in Table 4-1 to the ROP, the Town of Fort Erie is anticipated to have a population of 37,400 in 15,860 households by the year 2031. This represents an increase of 2,700 people and 1,400 households from the year 2021.

The proposed development provides a significant contribution to Fort Erie’s residential growth in a manner that conforms to the Region’s growth management objectives.

4.C Intensification and Greenfield Growth

As noted, the subject lands are within the Provincially established Built-up area. The ROP encourages intensification in the Built-up area as a desirable means of accommodating growth.

As prescribed by the Growth Plan (2020), the Region of Niagara is required to accommodate a minimum of 50% of residential development within the Built-up Area by way of intensification. The Regionally established residential intensification target for the Town of Fort Erie is 15%, as outlined in Section 4.C.4 of the Regional Official Plan. The proposed development makes a significant contribution to the accommodation of growth by way of intensification through the provision of 225 dwelling units on a vacant parcel within the Built-up Area.

Chapter 7 – Natural Environment

Section 7 of the Regional Official Plan provides policy direction on matters relating to natural heritage, hazards and water resources. Natural Heritage and Hazard features are shown on Schedule C – Core Natural Heritage of the Regional Official Plan.

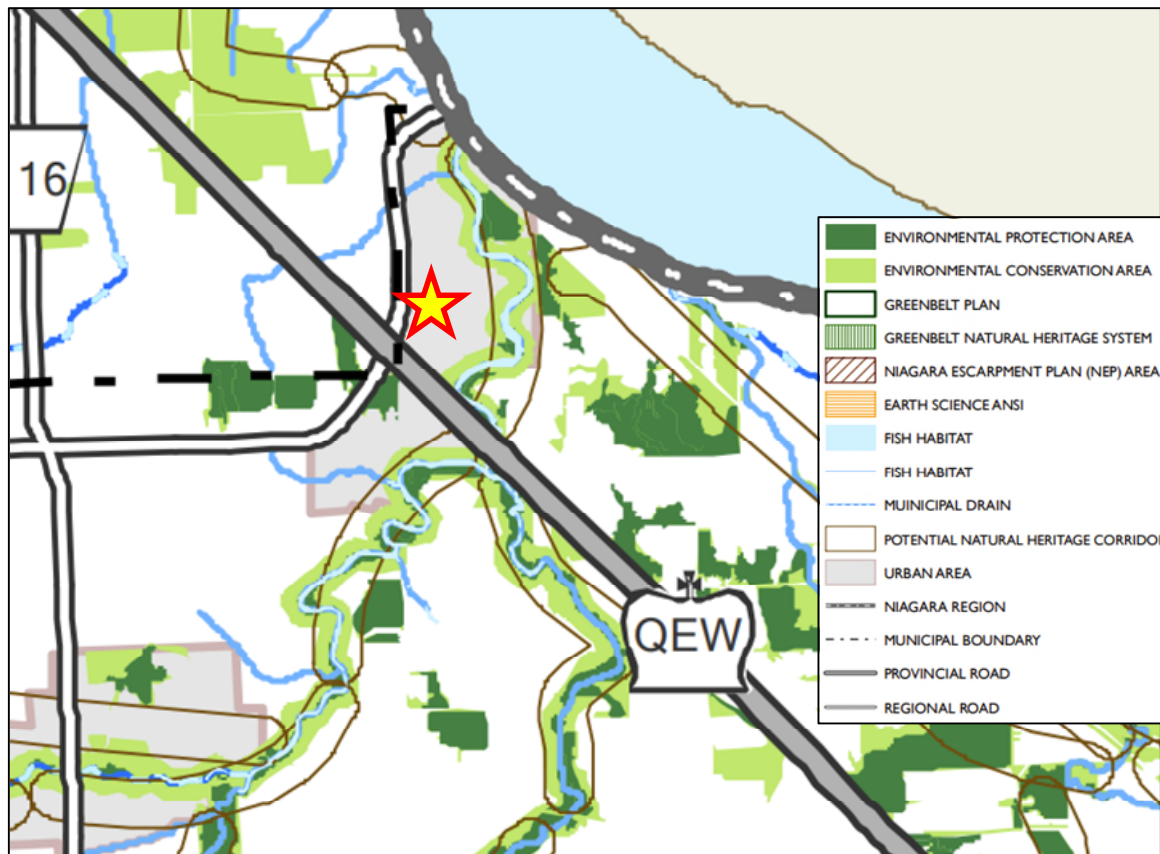


Figure 4 - Schedule C - Core Natural Heritage - Regional Official Plan

As shown in **Figure 4**, the subject property does not contain any features that are part of the Region's Core Natural Heritage System. A Constraints Analysis of the property was undertaken at the request of the Regional Planning Staff to assess whether the property contained features which could be classified as Core Natural Heritage. As confirmed through this analysis and site visits with Regional Staff, the property does not contain any features protected under the Region's Natural Area polices.

Chapter 9 - Transportation

The intent of the policy direction under Chapter 9 of the ROP is to provide for a safe and efficient transportation system for multimodal travel for all users. The proposed development supports Regional transit directives for public and active transportation.

The Policies under Section 9.C provide for the provision of public transit throughout the Region. Policy 9.C.3 states that the Region will leverage public transportation to promote transit-supportive development. The proposed development contributes to the achievement of transit-supportive densities that support the enhancement of transit service in the Douglastown – Black Creek Area, in line with the Region's transit objectives.

The subject lands are also in proximity to the River Trail and the proposed development encourages the increased use of this active transportation infrastructure as generally encouraged throughout Chapter 9 of the ROP. The proposed lots will have driveway access from the internal roadways to minimize risk to trail users when the trail is extended northward along Black Creek Road.

TOWN FORT ERIE OFFICIAL PLAN

The Town of Fort Erie Official Plan is the long-range planning tool used to guide growth and development in the municipality. The following section of this report provides an analysis of conformity with relevant goals, objectives and policies contained within the Plan.

Schedule A to the Town's Official Plan shows that the northern and southern portions of the subject lands are designated as Medium-High Density Residential, with the central area of the site being designated as Low Density Residential (see **Figure 5**).

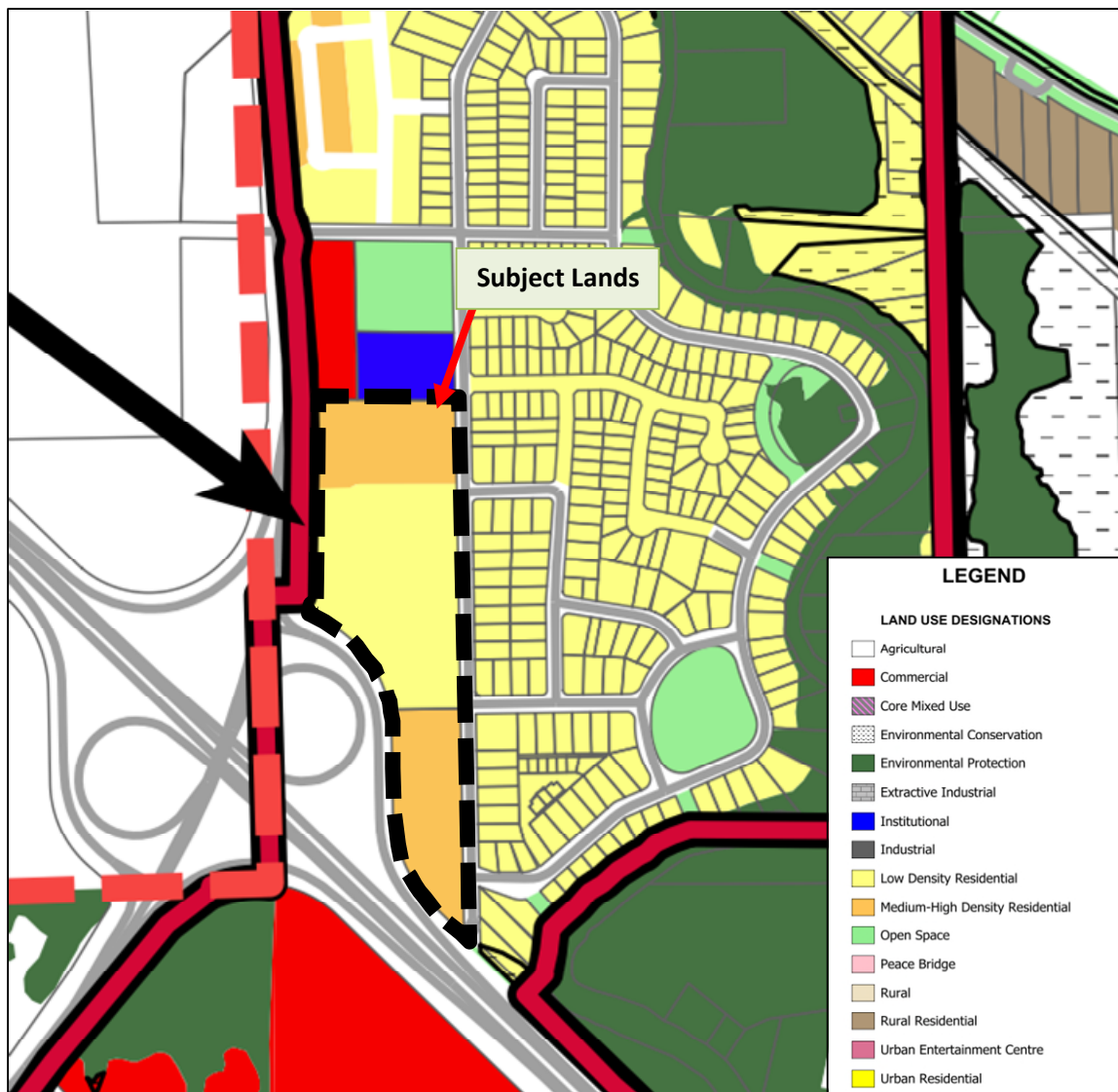


Figure 5 - Town of Fort Erie Official Plan - Schedule A - Land Use Plan

Schedule A also identifies that the lands are within the Douglastown – Black Creek Secondary Plan area. The Douglastown – Black Creek Plan Schedules (DCB 1-4) more specifically delineate

the land use designations that apply to the property. The following land uses and information are shown affecting the subject lands on the Secondary Plan schedules:

- DCB-1 (Built Boundary): Built-Up Area – Residential Intensification and Under-utilized / Infilling
- DCB-2 (Land Use Plan): Low Density, Medium Density
- DCB-3 (Open Space and Natural Heritage Plan): 600m Neighbourhood Park Service Radius
- DCB-4 (Transportation Systems): Conceptual Roadways

Section 2 – Purpose and Goals

Section 2 outlines the purpose and goals of the Town's Official Plan. Of specific relevance to these applications are the Goals and Objectives within Section 2.3.1 (General), Section 2.3.3 (Communities and Neighbourhoods), Section 2.3.5 (Residential), and Section 2.3.12 (Transportation).

Section 2.3.1 – General

In conformity to the overall land use vision outlined in the Official Plan, the development accommodates a significant amount of residential growth through an efficient development and land use pattern which is well-integrated into the existing Douglastown-Black Creek community.

Section 2.3.3.3 – Community and Neighbourhoods

In conformity to the Town's goals and objectives for community and neighbourhoods, the proposed development facilitates appropriate growth which maintains the character of the Douglastown – Black Creek community. In particular, the proposed road network ensures that the new development is well-connected and integrated into the existing neighbourhood, and the proposed mix of dwellings increases the vibrancy of the neighbourhood.

Section 2.3.3.5 – Residential

In conformity to the Town's residential goals and objectives, the proposed development provides an integrated mix of low and medium-density housing types at a compact scale that efficiently uses infrastructure and services. The variety of housing types that are provided cater to a wide range of housing need and reflect the range of affordability levels. The surrounding residential, commercial and institutional land uses are compatible with the proposed residential

neighbourhood, and the appropriate mitigation measures will be implemented to ensure that the future dwellings are not negatively impacted by road noise.

Section 2.3.12 – Transportation

In accordance with the Town's transportation goals, the proposed development supports the achievement of a balanced, multi-modal transportation system. The development will be provided with three public roadways which are connected and integrated into the existing road network. The proposed development also helps to achieve transit-supportive densities, which supports the continued and enhanced provision of public transit service to the area. The proposed development also increases the potential use of the River Trail, which would increase the modal share of active transportation. No driveway access to Black Creek Road will be provided to ensure the safety of cyclists and pedestrians using the Trail when it is extended northward along Black Creek Drive.

Section 4 – Land Use Plans and Policies

As noted, the subject lands are within the Douglastown – Black Creek Secondary Plan area and are designated for Low and Medium-High Density development. The Town's Residential policies are meant to reflect and implement the higher level Provincial and Regional growth management strategies. Conformity to the Provincial Plans (i.e. the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe) and the Regional Official Plan has previously been demonstrated in this report.

Section 4.7 describes four main urban areas in the Town which are further broken down into neighbourhoods. Schedule A1 to the Official Plan identifies that the subject lands are within the Douglastown Neighbourhood.

Section 4.7.1 – General Policies

The general development policies for residential development within the Town of Fort Erie are outlined in Section 4.7.1 of the Official Plan. As provided in Policy 4.7.1.1, new residential development is encouraged to be orderly and phased to allow for infrastructure to be used in an efficient manner. The subject lands are adjacent to existing residential development and have access to full municipal services. In conformity to this policy direction, the proposed development represents the continuation of existing development which would facilitate the efficient use of infrastructure. This policy further encourages higher residential densities to minimize land consumption. The proposed development contributes higher density residential

yields to minimize land consumption, while also maintaining a scale of development that is consistent with surrounding residential areas.

Policy 4.7.1.III encourages intensification and infill development in Urban Areas that have sufficient existing or planned infrastructure. In conformity to this policy, the proposed development represents intensified infill development on fully serviced lands. A Functional Servicing Report prepared by Upper Canada Consultant and submitted with this application confirms the sufficiency of the existing municipal infrastructure for the proposed development.

Section 4.20 – Douglastown – Black Creek Secondary Plan

Policies for the Douglastown – Black Creek Secondary Plan are included in Section 4.20 of the Town of Fort Erie Official Plan. The Secondary Plan provides more specific policy direction pertaining to lands within the Secondary Plan boundary.

4.20.4. Objectives

The main objectives of the Douglastown-Black Creek Secondary Plan are to:

- a) Provide a variety of housing choice that supports “age-in-place” opportunities for all ages, not just senior residents, but rather housing and tenure that spans the full lifecycle;*

The proposed development is comprised of a variety of housing forms ranging single-detached to stacked townhouse and apartment dwellings, and includes both freehold and condominium tenure options. The proposed housing mix offers choice for a range of individuals, including opportunities to “age in place” as required in this policy.

- b) Encourage development forms which are more compact, to utilize urban land and services efficiently;*

The proposed development achieves a development density of 25.93 units per hectare which is reflective of a compact built-form which in turn optimizes the use of services.

- c) Identify locations within the Plan Area which may best represent the form of residential being introduced and support the locations through zoning implementation;*

The subject lands are designated for Low and Medium Density residential development and are identified as areas for infilling and intensification. The proposed development implements this objective of the secondary plan by providing a mix of Low and Medium-High density development in an area contemplated by the secondary plan.

- d) Increase population to generally double that of present day at full build-out. An increased population will better support existing community facilities and offer increased viability to commercial enterprise and transit feasibility;*

The proposed development facilitates a substantial amount of growth within the Secondary Plan area, and will increase the viability of community facilities, commercial enterprises and transit viability. In particular, the plan will add density and senior-oriented housing in the precise location contemplated to support community facilities.

- e) Reinforce the (northern) community entry of Baker Road at Netherby Road as the “Gateway” into the community by applying urban design criteria and consider using architectural control in the implementing zoning for buildings at this location;*

The subject lands are not located within the “Gateway” as described in this policy.

- f) Provide supporting policy that recognizes active transportation with focus on connecting links to the Niagara River multi-use trail (part of the Greater Niagara Circle Route) and the local Shagbark Trail;*

The proposed development supports the Town in achieving this objective in providing additional residential development which has the potential to increase the use of the River Trail and will implement an important connection between these two trails.

- g) Provide support and increase awareness of the public points of access to Black Creek for casual recreational pursuits;*

The proposed development will increase density near the Black Creek, and which has the potential to increase awareness of this feature.

- h) Protect significant natural features such as Provincially Significant Wetlands with appropriate environmental protection designation, ensuring their ecological functions, benefits and contributions to the natural environment will be shared for future generations;*

As identified in the Constraints Analysis prepared by EES, the site does not contain natural features including Provincially Significant Wetlands.

- i) Anticipate transit service will reach the community once population increases and have bridged the feasibility and viability gaps that have kept regular transit service to Douglstown-Black Creek from being established;*

The proposed development helps to achieve transit supportive densities within the Secondary Plan area, and aids the Town in achieving their transit-related obligations.

- j) Promote enhancement of employment opportunities in the permitted commercial uses on the south side of the QEW to broaden their appeal as development lands next to the highway.*

The subject lands are designated for residential development under the Secondary Plan. The proposed residential development in conjunction with future commercial and employment development on appropriately designated lands will contribute to the achievement of a complete community within the Secondary Plan area.

- k) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the population and where servicing feasibility is not apparent, seek alternatives to providing very limited development opportunities through private servicing where approval authorities have been satisfied criteria can be met.*

The servicing strategy for the proposed development is outlined in the Functional Servicing Report, prepared by Upper Canada Consultants and submitted with the applications. As confirmed in the Report, the existing infrastructure has sufficient capacity to accommodate the proposed development.

4.20.5. Residential – General

- a) Section 4.7 of the Town’s Official Plan contains policies for residential development within the Town and must be read in conjunction with the policies of this Secondary Plan and subsequent sections herein.*

Conformity to Section 4.7 has previously been demonstrated in this Report.

- b) Schedule “DBC-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.*

The subject lands are designated as both Low Density and Medium-High Density Residential. These land use designations were based on preliminary development concepts used in the preparation of the Secondary Plan. An Official Plan Amendment application has been submitted to align the Secondary Plan land use designations with the proposed Draft Plan. These changes have been made to accommodate physical development constraints, such as the stormwater pond at the south of the site, which were not fully premeditated in the preparation of the Secondary Plan Land Use Concept. The proposed changes also provide for the incorporation a range of dwelling types throughout the subdivision, as is reflective of the complete community model envisioned in Provincial land use documents. The proposed development also maintains

the intent of the secondary plan by providing higher density seniors-oriented development near community facilities.

- c) The Plan sets out to provide for initial areas of Low and Medium density residential recognizing and maintaining existing and approved residential development. New areas of residential development, being predominantly the lands west of Black Creek Drive, shall also be duly designated for residential uses and will contain the areas of intensification envisioned. Designation and zoning will be used to secure and control future development of these lands that are in keeping with the goals and objectives on this Plan.*

The subject lands are located on the west side of Black Creek Road. The submitted Official Plan and Zoning By-law Amendment applications achieve development and land use patterns that are still aligned with the overall intent of the Secondary Plan in providing for the intensified and efficient residential development of these lands.

- d) The Secondary Plan provides for targeted range of approximately 1100 units at plan "build out" including the existing 630 units. The approximately 500 new/additional units identified in this Plan will increase the existing population from roughly 1350 persons to between 2500 - 2600 by adding approximately 1150 to 1250 new residents to Douglastown-Black Creek over the long term. The new residential units shall comprise approximately 280 new low density residential units (including the approved 90 unit River Trail Phase 2 Plan) with the remaining units comprising the medium density form. It is estimated that approximately 100 to 150 apartment units can be composed in the medium density provided for in this Plan. Furthermore, it is expected the market will lead on the amount and timing relating to the apartment form, but the Plan is providing for it to address the age-in-place opportunity and to some extent, the affordability of housing within the community.*

The submitted Draft Plan includes 225 dwelling units at a density of 25.93 units per hectare, which is in line with density and unit count anticipated in the Secondary Plan area.

The proposed dwelling mix is 31% low density forms and 69% medium density forms which includes 80 apartment units. This dwelling mix is consistent with the dwelling mix envisioned under this policy.

- e) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications proposed within the Plan Area, in keeping with Provincial Policy. When considering seniors residences, location in proximity of the community centre, place of worship and the potential*

future commercial is preferred, in effort to provide greater ease in access to such amenities.

While no Provincially-defined affordable housing units are proposed, the proposed development includes a variety of housing forms, including more compact forms, which contribute to the provision of housing that is attainable at a range of affordability levels and for individuals at varying points in the life cycle. In particular, seniors-oriented apartment units are provided for adjacent to community facilities at a density contemplated in the secondary plan.

f) For lands being considered for residential development that may be impacted by the Environmental Conservation Overlay, only through developer or landowner activity where there is an interest in advancing the underlying designation, and where an EIS has been required and approved, will actual development potential be confirmed.

The subject lands are not affected by the Environmental Conservation Overlay. Nevertheless, and Environmental Constraints Analysis of the property was undertaken to evaluate and delineate any environmental features on the site. No significant features were identified through the evaluation and the entire property is developable from an environmental perspective.

g) Storm water management (SWM) facilities are essential for sustainable development, including residential areas. As such and given the exact size and location of facilities is determined after detailed engineering studies have been provided with development plans; SWM facilities shall be considered a permitted use within both the Low Density Residential and Medium Density Residential designations of this Plan. Appropriate zoning shall be applied as a part of the development process or potentially through municipal housekeeping amendments once location, construction and size have been finalized.

The Draft Plan includes one block at the southern portion of the site which will accommodate a stormwater pond. It is noted that such a facility is permitted within the Secondary Plan's residential land use designations.

As detailed under this policy, the exact size and location of the pond was determined through detailed engineering studies and set the framework for the development of the rest of the site due to soil conditions and the SWM drainage area. This policy acknowledges that this process may result in "municipal housekeeping amendments." In the spirit of this policy direction, privately-initiated Official Plan and Zoning By-law Amendment applications have been submitted to align land use designations and zoning permissions with the proposed Draft Plan, which has largely been designed on the basis of the size and location of the required SWM

pond. Site specific zoning permissions have been requested to permit the proposed stormwater management pond within an area zoned Residential Multiple 1.

- h) All residential development shall be subject to the regulations and provisions of the Town Comprehensive Zoning By-law 129-90, as amended, or succession thereof. Site specific zoning may be used in certain situations or under special circumstance during implementation of this Plan. Zoning may also be used to recognize existing conditions, if such conditions can be proven to have existed prior to the passing of By-law 129-90.*

A Zoning By-law Amendment has been submitted to implement various site-specific zoning permissions to facilitate the proposed development. The proposed zoning including the site-specific provisions are described under the appropriate heading in this Report.

- i) The active draft plan of subdivision application and zoning application for lands north of Baker Road, east of Netherby Road (former draft approved Black Creek Meadows subdivision) will be permitted to complete processing. Land use designations shown on Schedules to this Plan may be slightly modified to reflect any subsequent approval without amendment to this Plan. Once draft approved, the lands subject of the application would then become subject to all policies of this Plan.*

This policy is not applicable to the subject property.

- j) Lands shown as residential in designation that comprise the former Erie and Ontario Rail line will be subject to Environmental Site Assessment studies to accompany any zoning by-law amendment application, if residential development is proposed.*

This policy is not applicable to the subject property.

4.20.6. Low Density Residential

- a) The lands designated on Schedule “DBC-2” as “Low Density Residential” shall be reserved for single detached, semi-detached and duplex dwellings and uses accessory thereto, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.*

The submitted Official Plan Amendment would change the designation of the central and southern portion of the site to a site-specific Medium Density Residential to permit the proposed mix of single detached, semi-detached and street townhouse dwellings. Conformity to Section 4.7 has been previously demonstrated in this report.

- b) *An overall target of not more than 80% Low Density residential yield shall be anticipated within the Plan Area. In effort to achieve this target, lower density dwellings (detached, semi-detached and duplex) should comprise roughly half of all new development form/type. A Low Density range of up to 16 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify lower density housing stock.*

As noted, a dwelling mix of 31% Low Density and 69% Medium Density is proposed which facilitate efficient land and infrastructure use as encouraged under this policy.

- c) *Schedule “DBC-2” provides for approximately 190 additional low density units, not including those in existing registered and draft approved plans of subdivision (approx. 90 units) for an estimated total of 280 units over the long term. Essentially all new low density residential dwellings will be planned to locate on large parcels of land through draft plan of subdivision on the west side of Black Creek Road. The majority of these dwellings will be located north of Baker Road with opportunities for additional low density subdivision planning mid-block south of Baker Road. New lower density development should be expected to comprise modestly smaller lot area and dimension than the majority of the existing low density lots. This will also make efficient use of infrastructure while broadening choice and affordability in the low density form over the course of the planning period*

The submitted Official Plan Amendment application contributes to achievement of the desired densities and housing mix contemplated by this policy. A higher proportion of medium density dwellings are provided, with the lower density dwellings, which are more compact than existing low-density lots, generally being located mid-block as described under this policy.

Overall, the proposed housing mix makes efficient use of infrastructure and provides a range of housing choice, which is the primary intent of this policy.

- d) *Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.20.11.3 of this Plan. Development, redevelopment or expansion of existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.*

The lands are not affected by the Environmental Conservation Overlay.

- e) *Low density residential that may be planned adjacent or in close proximity to Netherby Road and the QEW Niagara-bound off ramping shall comply with MTO*

building setback requirements and be required to demonstrate compliance with Ministry of Environment and Climate Change noise and vibration regulations in providing adequate mitigation to sensitive residential uses.

The subject lands are located adjacent to the QEW off-ramp as well as Netherby Road. The proposed Draft Plan makes consideration for the 14-meter setback from the MTO right-of-way to ensure that the future dwellings are appropriately separated from the highway. Furthermore, an Environmental Noise Feasibility Study was prepared by Valcoustics Canada to assess the impacts of road noise from the QEW, Netherby Road, Baker Road and Black Creek Road on the future dwellings. The report outlines noise mitigation measures including the provision of a noise barriers along the western property line, as well as architectural and HVAC requirements for the future dwellings. The combination of the required MTO setback and the noise mitigation measures ensures that the proposed development will not be negatively impacted by the adjacent roadways.

f) Medium Density residential development on lands designated as Low Density Residential in this Plan shall only occur by zoning by-law amendment having considered matters such as suitability and size of the site, proximity to arterial roads, parks or open space areas. In such cases, any additional units shall be considered a supplement and compliment to unit counts identified in Policy 4.20.5 d).

The Draft Plan proposes the reconfiguration of Low and Medium Density Residential lands already designated as such adjacent to one another. The higher density residential uses are proposed in close proximity to Netherby Road and the QEW and are immediately adjacent to community uses.

4.20.7. Medium Density Residential

a) The lands designated on the Schedule “DBC-2” as “Medium Density Residential” shall be reserved for multiple-unit structures (such as townhomes, triplex, quads and/or low-rise apartment dwellings), their accessory uses and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.

The submitted Official Plan Amendment would alter the boundaries of the Medium Density Residential areas from those shown on Schedule DCB-2. The proposed Medium Density boundary encompasses the proposed block townhouse, stacked townhouse and apartment dwellings. Conformity to Section 4.7 has previously been demonstrated in this report.

b) An overall minimum target of 20% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise just under half of all new development. A Medium

Density range of 17 to 50 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure, and providing opportunities to diversify medium density housing stock and form.

Policy 4.20.5 d) provides for an anticipated Medium Density yield of approximately 78% in the Secondary Plan area. The dwelling mix provided in the Draft Plan is comprised of approximately 69% medium density units which exceeds the minimum target and will assist the Town with achieving conformity with this policy.

c) Schedule "DBC-2" provides for approximately 200 new Medium Density units, all of which shall be located on the west side of Black Creek Road. Ground-based medium density residential (townhomes) should consider modest roof pitch in areas adjacent or opposing existing detached residential dwellings.

The subject lands are located on the west side of Black Creek Road, which is where the Town has directed that medium density development to occur. The Draft Plan includes 155 medium density units which is in line with the anticipated medium-density yield under the Secondary Plan.

d) Other forms of medium density multi-unit dwellings should not exceed three storeys in height and should be located internally in new development in effort to provide transition in height from existing developed areas.

A variety of medium density housing forms are proposed, including street townhouse, block townhouse and stacked townhouse dwellings. The Draft Plan has been organized with the higher-density stacked townhouse and apartment dwellings towards the northern property line, adjacent to commercial and institutional lands, with the more traditional street-townhouse dwellings providing a transition in density to the single-detached dwellings.

e) Maximum heights shall be defined in Zoning By-law 129-90, as amended.

Building heights will be established through the implementing Zoning By-law.

f) The Plan anticipates approximately 100 units to be developed in two or three low-rise (two or three storey) apartments in the area immediately adjacent and south of the Place of Worship and Commercially designated lands, south of Baker Road. This location is most desirable for seniors development that may provide for fully independent living, semi-assisted living or fully assisted nursing home level of care and accommodation. A variety of tenure (condominium, life lease and rental) is also encouraged to provide broader choice.

In conformity to this policy direction, the lands immediately to the south of the Faith Reformed Church and commercially designated lands will be designated and zoned for low-rise condominium apartment (stacked townhouse) dwellings.

- g) Fully assisted nursing home or home for the aged as an institutional use, shall be permitted in the Medium Density designation and may be subject to additional provisions in the implementing by-law. Development containing fully assisted senior care, in whole or in part, may increase density on the site to 75 units/ha. for that portion devoted to such use.*

The proposed zoning for this area is permissive of this form of development and will permit it to be developed here should the market dictate that it is desirable and/or needed.

- h) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.*

The proposed stacked/block townhouse and apartment development is subject to Site Plan control.

- i) An amendment to this Plan will be required to justify Low Density residential development on lands designated as Medium Density Residential in this Plan.*

An Official Plan Amendment has been submitted to re-delineate the Secondary Plan's land use boundaries.

- j) Notwithstanding 4.20.7 a) to the contrary, a vacant lot of record may be used for a single detached residential dwelling if zoned for such use prior to approval of this Plan. Regulations for the single detached dwelling would need to meet with the minimum requirements of the previous zone.*

This policy is not applicable to the applications.

- k) Notwithstanding 4.20.7 a) to the contrary, and as recognized by policy 4.14.7 of the Official Plan, Black Creek Leisure Homes senior's lifestyle development shall be permitted to contain detached dwellings (year-round mobile home park). Density of the park exceeds low density range and subsequently represents medium density in numbers and therefore, medium density designation is applied. The medium density designation would also allow for other forms of medium density to be considered on these lands. The lands are used for residential purposes despite being zoned for commercial use. The site-specific zoning in force and effect for these lands may continue to remain and regulate the existing limits of the site.*

Should expansion of the existing mobile home park be pursued, consideration shall be afforded in zoning lands north of Old Townline Road, within the existing urban area boundary, for similar use or permanent forms of medium density development permitted under this Plan. Changes to provide for permanent (foundations) housing form associated with the mobile home park is encouraged at this location. A zoning amendment would be required but would not require amendment to this Plan.

The Town may also consider stopping up and closing the Old Townline Road road allowance to be made available to the developer in effort to bridge and consolidate the land holdings.

Any such development potential may be subject, but not limited, to engineering studies for servicing and noise/vibration mitigation. Furthermore, regional servicing within the Old Townline Road allowance would require an easement to preserve access, or alternative arrangements to move or remove any underground services presently within the road allowance.

This policy is not applicable to the application.

4.20.10.2. Open Space – Trail and Linkage

The policies under Section 4.20.10.2 provide for an interconnected trail system throughout the Secondary Plan area. The subject lands are in proximity to the River Trail which is an existing recreational trail. The Secondary Plan's land use schedules show a future extension of the trail northward along Black Creek Drive.

The proposed development will have convenient access to the River Trail, and has the potential to increase its use. The development makes consideration for the safety of the future trail extension in limiting direct driveway access from Black Creek Drive.

Overall, the proposed development supports the Town's goals regarding trails and open space in the Douglastown – Black Creek Secondary Plan Area.

4.20.11. Natural Heritage

The policies under Section 4.20.11 apply to natural features within the Secondary Plan Area. Policy 4.20.11.1 b) requires the determination of natural feature boundaries be confirmed for development applications. As noted, an environmental constraints assessment of the property has concluded that the site does not have any natural heritage features on it.

4.20.13. Cultural Heritage

The Secondary Plan requires that development proposals for lands which have archeological potential are to be accompanied by an archeological assessment. The subject lands are identified as having archeological potential on Schedule D to the Official Plan. The entire site has been subject to a Stage 1-2 archeological assessment. The northern parcel has been cleared of archeological potential and it is anticipated that the southern parcel will undergo additional archeological assessment as a condition of approval to fully address this requirement.

Section 5 – Urban Forms and Housing

As noted in Section 5.1 of the Official Plan, the policies under Section 5 work in conjunction with the other policy sections to provide for safe and healthy communities through a specific policy stream that promotes community health and wellness.

Section 5.3 promotes residential intensification and the provision of a variety of housing forms within each Neighbourhood to serve the needs of various sectors and income levels in the community. The proposed development includes a wide mix of low-density and medium density housing types and provides a range of housing choice that caters to a variety of housing needs.

Section 5.5 of the Official Plan promotes Neighbourhood Planning as a means of directing complementary growth to the appropriate areas within the Town. The subject property is within the Douglastown Neighbourhood for which the Douglastown – Black Creek Secondary Plan has been adopted, and the proposed development has been designed pursuant to the overarching vision of the Secondary Plan. The Secondary Plan policies provide for the efficient accommodation of a variety of housing forms as required in Provincial Policy, while maintaining and enhancing the existing character of the area.

Section 8 – Natural Heritage

Section 8 of the Town's Official Plan outlines the policies regarding Natural Heritage. The overall intent of this Section is to provide for the long-term protection and enhancement of natural heritage throughout the Town. The policies under Section 8 deal specifically with the features identified on Schedule C, (Provincially Significant Wetlands, Areas of Natural and Scientific Interest, Dune Protection Area, Locally Significant Wetlands, Environmentally Sensitive Areas, Woodlands over 2 Hectares, Significant Natural Areas and Environment Corridors) and Schedule C1 (Natural Hazards including Floodplain, Stream Fish Habitat including Critical Lake Fish Habitat, Lake and Niagara River Habitat and Dune Protection). As shown in **Figures 6 and 7**, the subject lands are not directly impacted by any of the features shown on these schedules.

Nevertheless, an Environmental Constraints Analysis of the property was undertaken at the request of the Region to evaluate whether the property contains any significant natural features. As determined through the analysis, the property does not contain any identifiable natural features or areas. Furthermore, as outlined in the Functional Servicing Report, the stormwater management strategy for the proposed development includes enhanced protection measures to ensure the protection of upstream Critical Fish Habitat.

Therefore, appropriate measures have been taken to ensure the protection of the Town's natural heritage in accordance with the overall intent of Section 8.

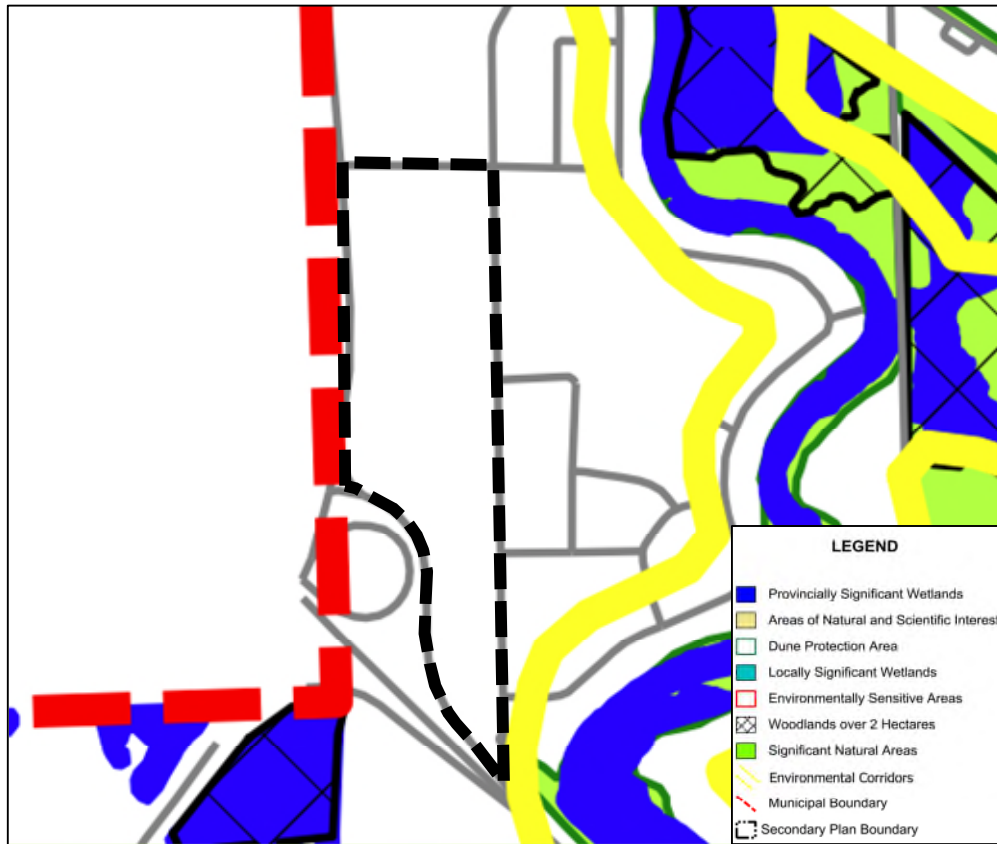


Figure 6 - Schedule C - Natural Heritage Features - Town of Fort Erie Official Plan



Figure 7 - Schedule C1 - Natural Hazards & Fish Habitat - Town of Fort Erie Official Plan

Section 11 – Cultural Heritage

Section 11.4 of the Town’s Official Plan provides policy direction for Archaeological Resources. Schedule D of the Official Plan is the screening tool used by the municipality to confirm if archaeological investigation is needed for development applications. A majority of the subject lands are identified as having archeological potential on Schedule D to the Official Plan (see **Figure 8**). The entire site has been subject to a Stage 1-2 archeological assessment with no resources encountered on the north portion. The south portion will be subject to additional assessment as a condition of approval.

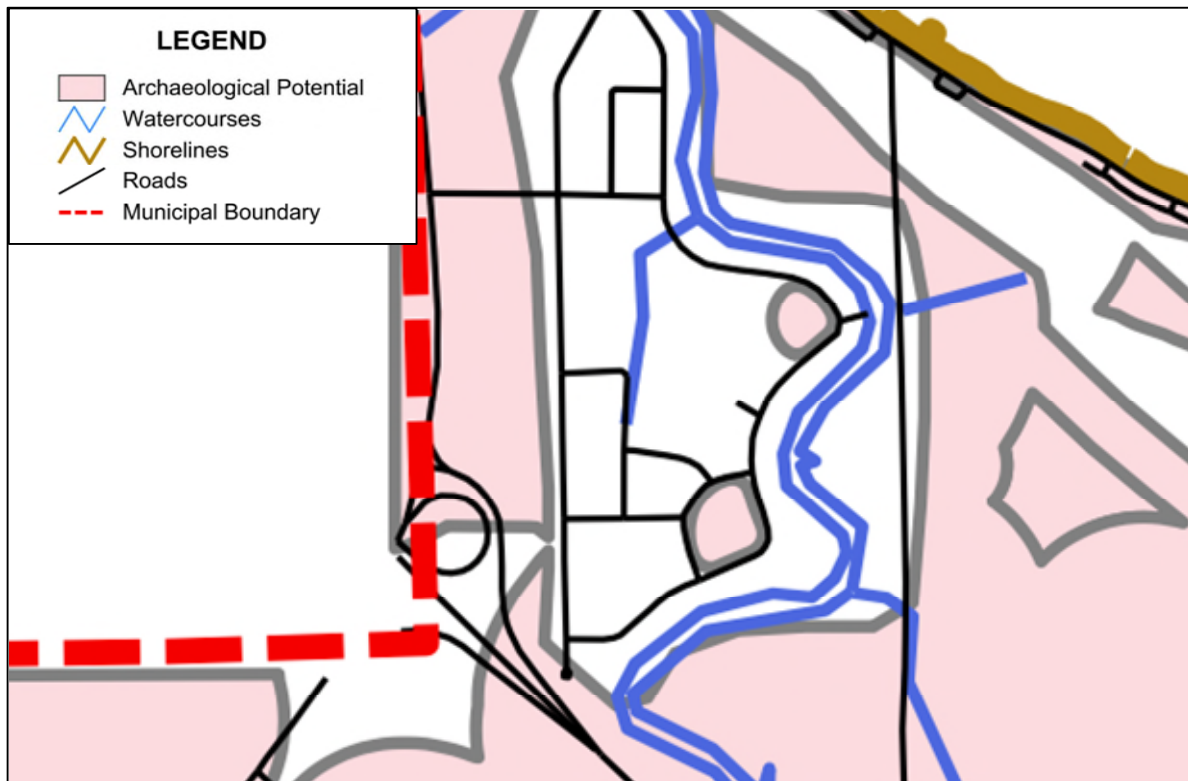


Figure 8 - Schedule D - Cultural Heritage Archaeological Zones of Potential - Town of Fort Erie Official Plan

Section 12 – Servicing and Utilities

The Official Plan requires that development within Urban Areas be appropriately and adequately serviced by municipal infrastructure.

As indicated in the Functional Servicing Report prepared by Upper Canada Consultants, the development will be connected to existing municipal watermain and sanitary sewer. A looped water system will be provided for the proposed Subdivision and will be connected to the existing watermain in Black Creek Road at each proposed intersection. Sanitary services from

the site will be directed to existing sanitary sewers in Lawrence Avenue and Westbrook Avenue. A stormwater pond will be constructed as part of the proposed development to store stormwater flows where they will ultimately be conveyed to Black Creek through a new stormwater outlet. The stormwater management strategy includes quality control measures and downstream erosion protection. More detailed servicing information is provided in the Functional Servicing Report with the applications.

Section 12 also outlines policies with respect to roads and transportation. The subject lands are currently accessed by Black Creek Road which is classified as a local road under the Official Plan. The proposed roadways within the Subdivision will also be classified as local roads. The proposed Subdivision has three connection points to Black Creek Road, ensuring that the development is well-integrated into the existing road network. The Traffic Impact Briefs submitted with the applications confirm that there are no traffic-related safety or capacity concerns associated with the proposed development.

Section 13 – Implementation

13.5 Subdivision Control

Policy 13.5 provides the following criteria that Council must have regard for when considering applications for Plans of Subdivision. Conformity to these criteria is outlined below:

a) The Plan of Subdivision conforms with the policies of this Plan;

The proposed Subdivision accommodates the intended mix of Low and Medium Density dwelling types and densities as required under the Douglstown – Black Creek Secondary Plan and overall conforms to the Official Plan and the Secondary Plan.

b) Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The adequacy of water, sewage and stormwater infrastructure is demonstrated in the Functional Servicing Report included with the applications.

c) The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The proposed development provides a development and land use pattern which optimizes the use of land and existing infrastructure, and minimizes the public cost of financing growth. The

new infrastructure required to service the development will be installed at the developer's cost, and development charges will be levied for any other costs borne by the municipality to service the proposed Subdivision.

d) The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

The subject lands are a location that is slated for residential development under Provincial, Regional and local land use planning documents. The proposed development will accommodate a significant amount of the prescribed growth in the Douglastown – Black Creek area, and increases housing choice in terms of typology and tenure, which is further in the public interest.

13.7 Amendments to the Land Use Plan, Schedule "A"

Policy 13.7 III of the Official Plan contains criteria that Council must consider when making amendments to the Town's Official Plan or Zoning By-law. As Official Plan and Zoning By-law Amendments have been submitted concurrently with the Draft Plan of Subdivision, an evaluation of how these criteria are satisfied is provided:

a) The need for the proposed use:

The current Official Plan designations for low and medium density residential uses are exclusionary meaning that only single detached and semi-detached dwellings are permitted in Low Density Residential and only townhouse and low rise apartments are permitted in the Medium Density Residential Designation. The proposed uses are all permitted uses on the subject property in accordance with the designations of the Douglastown-Black Creek Secondary Plan.

There is a need to reconfigure the designation of northern portion of the property designated for medium density in order to efficiently accommodate the geometry of apartment buildings that are 4 storeys in height and the anticipated required parking for the number of units proposed in consideration of the site geometry. A change in the land use designations on the central and southern portions of the site to a site-specific Medium Density Residential is required in order to permit a mix of townhouse, semi-detached and single detached dwellings throughout these areas of the site.

The need to accommodate a mix of low and medium density residential land uses, including residential apartments which are conducive to permitting residents to age in place was established through the Douglastown-Black Creek Secondary Planning process.

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

Residential land uses in the neighbourhood are predominantly single detached with some recently developed semi-detached and townhouse dwellings in the Black Creek Signature Subdivision to the north. The proposed Official Plan Amendment will not significantly change the amount of area that will develop in the Low and Medium Density Residential Categories. Rather, the Official Plan Amendment will permit a mix of Low and Medium Density Residential land uses to develop throughout the subdivision rather than in a segregated way.

- 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 site is generally flat with no geomorphological impediments to development. Consultation with the Niagara Region and the Niagara Peninsula Conservation Authority and the completion of a Natural Heritage Review by a consulting Biologist have all indicated that there are no significant natural features on the subject lands.

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

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

The subject site is located on Black Creek Road which is a local road that will be upgraded to a full urban cross section in association with the development of the Spring Creek Estates Subdivision. The site is in close proximity to Netherby Road which is a Arterial Road and the Queen Elizabeth Way. Vehicular access to the the multi-family and apartment blocks will be to Black Creek Road directly and the balance of the subdivision will be accessed from new municipal road connecting to Black Creek Road. Traffic Impact Memoranda were completed to support the Official Plan Amendment and conclude that the existing road system is adequate to support the development.

A multi-use trail is proposed within the Black Creek right of way to improve pedestrian movement through the neighbourhood. The road and lot configuration of the development has been designed to effectively integrate this pedestrian infrastructure into the subdivision.

A Functional Servicing Study completed by Upper Canada Consultants confirms that there is an adequate water supply and sanitary sewer capacity to service the development. New watermains, sanitary and storm sewers will be constructed within the municipal roads within the development to service individual lots. A stormwater management pond will be constructed in the southern portion of this site to control stormwater flows and treat stormwater quality. The stormwater pond will outlet through a new storm sewer to Black Creek which is an appropriate stormwater outlet.

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

The subject lands are adjacent to existing residential development and a church and community centre. As stated previously, all proposed land uses are currently permitted by the Official Plan. The compatibility of these uses with the surrounding neighbourhood was established through the secondary plan process. The location of the higher density residential uses closest to adjacent institutional sites these uses in the most sensitive location possible in consideration of other surrounding land uses. The development of the site for a mix of residential land uses is considered compatible with surrounding residential land uses.

The applicant completed a noise study in support of the development application. The noise study determined that the highway and stationary noise sources on the institutional properties will not result in incompatibility issues with the implementation of recommended mitigation measures.

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:

This proposal represents efficient use of urban lands as it will intensify the use of an underdeveloped area of Fort Erie. No depreciating or deteriorating impacts on adjoining properties are anticipated.

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

This proposal will improve the financial position of the Town through development charges and the long-term benefit of collection of property taxes from the dwellings in the development.

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

None.

13.9 Land for Park Purposes

The Official Plan, in accordance with the requirements under the *Planning Act*, requires that 5% of land proposed for development, or cash totalling 5% of the total land value, be provided for development proposals so as to fund parks or other recreational purposes. The subject lands are in proximity to an existing park, and accordingly, cash-in-lieu of parkland will be taken for the proposed development.

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW (BY-LAW 129-90)

Existing Zoning

The property's current zoning information is shown on Schedule A, Map 14 to the Town's Zoning By-law (see **Figure 9**). As shown on this map, the property is subject to three zoning categories. The north portion of the property is zoned as a site specific Residential Multiple 2 (RM2-549) zone, the central part of the site is zoned as Residential 2 (R2) zone, and the southern portion of the site is zoned as a site-specific Residential Multiple 1 (RM1-548) zone. The site-specific zoning was implemented by the Town to facilitate the development of these lands in accordance with the Douglstown – Black Creek Secondary Plan's land use concept.

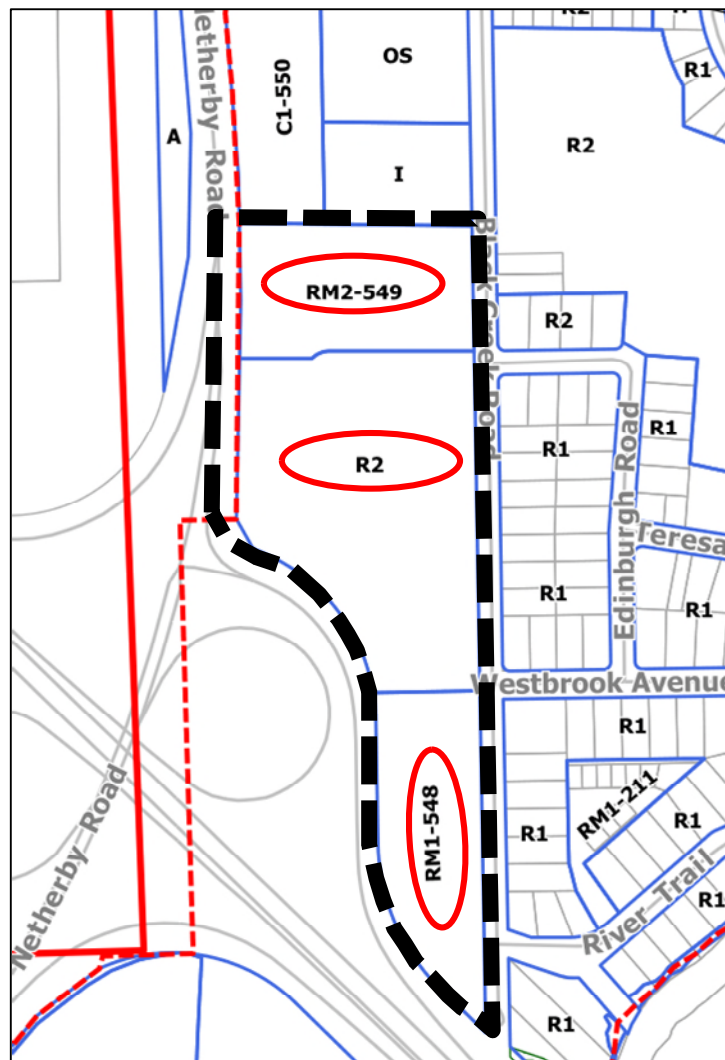


Figure 9 - Town of Fort Erie Zoning By-law – Schedule A, Map 24 (Cropped)

Zoning Analysis

The proposed Zoning By-law Amendment requests a reconfiguration of the site specific RM2 Zone for the northern portion of the plan with the addition of permissions for stacked and block

townhouses and site-specific regulations. The balance of the plan is proposed to be rezoned to a site specific RM1 Zone that will permit a mix of street townhouses, semi-detached dwellings and single detached dwellings as well as the stormwater management pond. Site specific zoning regulations are requested for each dwelling type in order to permit the efficient use of the land and contemporary development form. A Draft Zoning By-law is included in **Appendix III**. **Figure 10** shows the rezoning schedule.

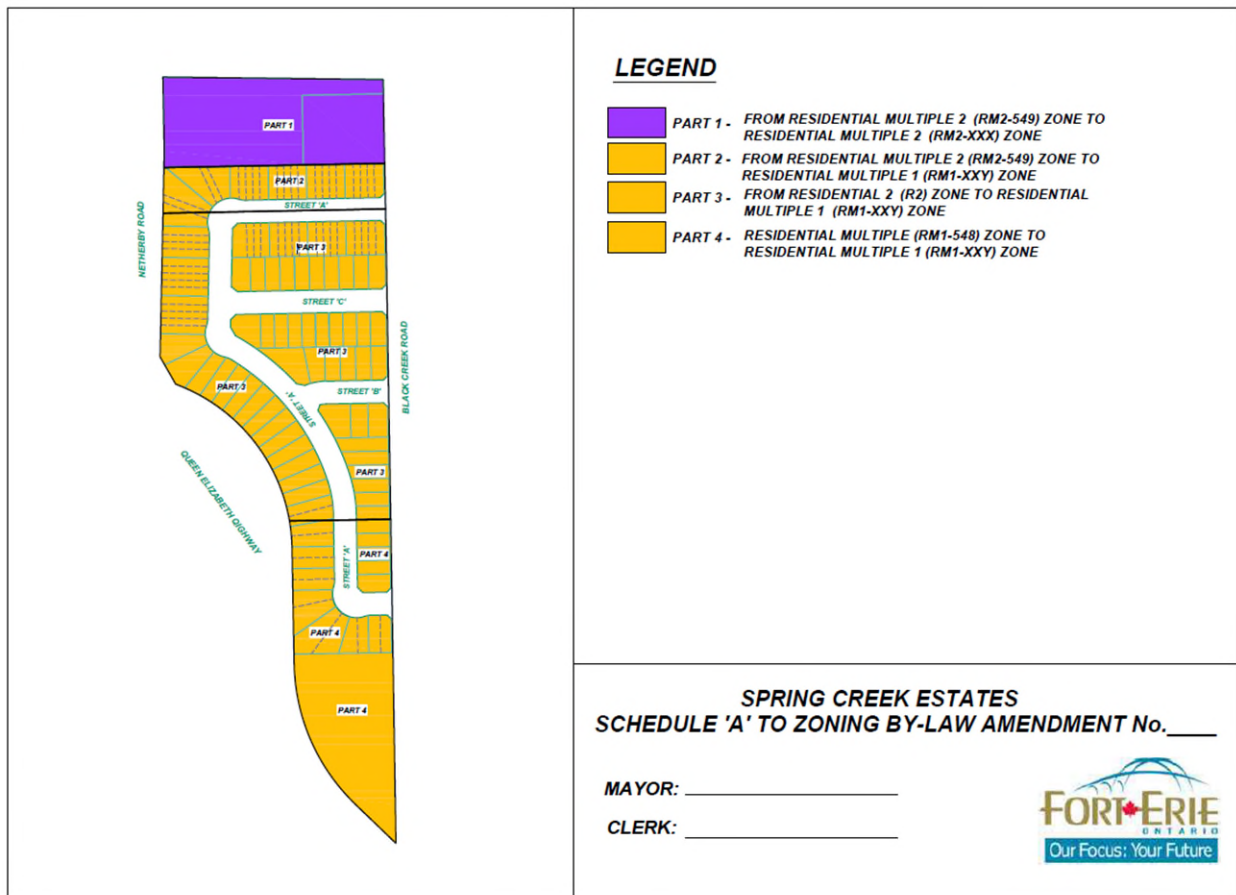


Figure 10 - Proposed Rezoning Schedule

Zoning Analysis

Reconfiguration of Zoning Categories

The proposed zoning will reduce the size of the area which is zoned for apartment, stacked and block townhouse uses but will increase the area of the site that is zoned for medium density uses generally. The increase in medium density zoning more than offsets the loss of lands zoned for apartment units in terms of density. The reconfiguration is beneficial in terms of providing a mix of housing forms throughout the plan rather than segregating them. This mix of uses throughout the plan provides greater opportunity for people of different demographics to find housing throughout the plan which is supported by Provincial Policy for housing. The area of the site located adjacent to community facilities retains its zoning permissions for higher density apartment uses which is appropriate as this is the most appropriate location for these uses and conforms with Secondary Plan policies for this area.

Addition of Permitted Uses to RM2 Block

The addition of block and stacked townhouses permissions to the area of the site zoned RM2 is desirable as it will provide additional choice for residents wishing to age in place or obtain a more affordable or lower maintenance housing form.

Site Specific Regulations for RM2 Zone

The following provides a brief analysis for the requested site specific regulations for the RM2 Zone:

1. Minimum lot frontage – 12 m: permits adequate space for a driveway, landscaping and service connections to the apartment block. Buildings on this block will intentionally be oriented towards Netherby Road to maximize street presence on the busier road and minimize visual impacts on the existing neighbourhood.
2. Minimum lot area – 200 sq m / unit: maintains consistency with Secondary Plan policies for density.
3. Minimum setback to Netherby Road – 14m: addresses requirement for MTO setback.
4. Minimum interior side yard setback – 5m: no impacts anticipated given site is bound by community issues on one side and will be internal to the development on the other.

5. Minimum / Maximum Density – 17/75 units / hectare: maintains consistency with Secondary Plan policies for density.
6. Maximum height – 4 storeys: provides for the efficient use of land designated for medium density development at a height which is characteristic of typical low rise apartments in medium density settings. Visual and massing impacts are anticipated to be negligible due to building orientation away from existing development and adjacent to community uses.

Addition of Permitted Use to RM1 Zone

The addition of the stormwater management pond and associated use to the permitted uses in the RM1 Zone will not have any impact. The use is permitted by the Secondary Plan in all residential designations and is a typical use within subdivisions that is compatible with residential uses.

Site Specific Regulations for RM1 Zone

The following provides a brief analysis for the requested site specific regulations for the RM2 Zone:

- Minimum lot area for street townhouses – 180 sq m and 215 sq m for end units: permit contemporary 6m units at standard 30 m depth which is typical of modern subdivision development and efficiently uses urban land.
- Maximum density for street townhouses – 50 units / ha: is consistent with Secondary Plan policies.
- Maximum lot coverage for single detached and street townhouse dwellings – delete: permits setbacks to guide housing form which is a more appropriate way to control massing and streetscape impacts.
- Minimum interior side yard setback for semi-detached dwellings – 1.5m: permits the typical, contemporary setback for semi-detached dwellings in a fashion that is consistent with all other ground based dwelling types in the plan. Provides adequate area for drainage, access and maintenance purposes.

PLANNING POSITION

Applications have been submitted to the Town of Fort Erie for a Draft Plan of Subdivision Official Plan Amendment and Zoning By-law Amendment for lands on the east side of Black Creek Road, south of Baker Road in the Town of Fort Erie, within the Regional Municipality of Niagara.

The Draft Plan proposes the creation fifty-four (54) residential lots for single detached dwellings, eight (8) blocks for sixteen (16) semi-detached dwellings, thirteen (13) blocks for fifty-nine (59) street townhouse dwellings, one (1) block for sixteen (16) block (condominium) townhouse dwellings and one (1) block for up to eighty (80) apartments. Access to the apartment and block townhouses will be from Black Creek Road. The single detached, semi-detached and street townhouses will all front on one of three new public roadways internal to the subject lands that will connect to Black Creek Road. Due to the prescriptive nature of the Douglstown – Black Creek Secondary Plan, as well as to recognize physical development constraints, an Official Plan Amendment is required to align the land use designations with the proposed Draft Plan of Subdivision. The Official Plan Amendment also eliminates the segregation of dwelling types provided under the rigid land use boundaries of the Secondary Plan and provides for a more integrated development. The Zoning By-law Amendment will apply the appropriate residential zoning categories to permit the eventual development of the lands.

The proposed development supports the sustainable land use patterns outlined in Provincial land use documents in achieving compact land uses that help to optimize the efficient use of existing infrastructure.

Professional studies have been provided in support of the required applications that include an Natural Heritage Constraints Study, Environmental Noise Feasibility Study, Archaeological Assessments, Functional Servicing Report and this Planning Justification Report. Through these reports, the proposed development has been demonstrated to present no significant impact to public health and safety, the natural environment, cultural heritage resources or infrastructure capacity. The proposed plan is considered to implement the form and intensity of development prescribed in Town Planning documents including the Douglstown-Black Creek Secondary Plan.

The subject lands are located within the Settlement Area boundary, and the Built-Up Area. These areas are where development is directed to occur by Provincial, Regional and local policies. The development proposal is consistent with Provincial, Regional and Town policies for growth and intensification, is compact in nature, is located along multi-modal transportation routes, and is readily serviceable through connections to existing municipal infrastructure.

The applications for Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment satisfy the requirements of the Planning Act, are consistent with the 2020 Provincial Policy Statement and conform to the 2019 Growth Plan for the Greater Golden Horseshoe, Regional Official Plan (as amended) and Town of Fort Erie Official Plan (as amended).

The applications are recommended to be supported by the Town of Fort Erie as they balance growth and respect for the character of the existing neighbourhood, facilitate a significant recreational trail connection, provide for age in place opportunities and increased housing variety in an integrated way, are an efficient use of urban lands, represent good planning and are in the public interest.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matt Kernahan', written in a cursive style.

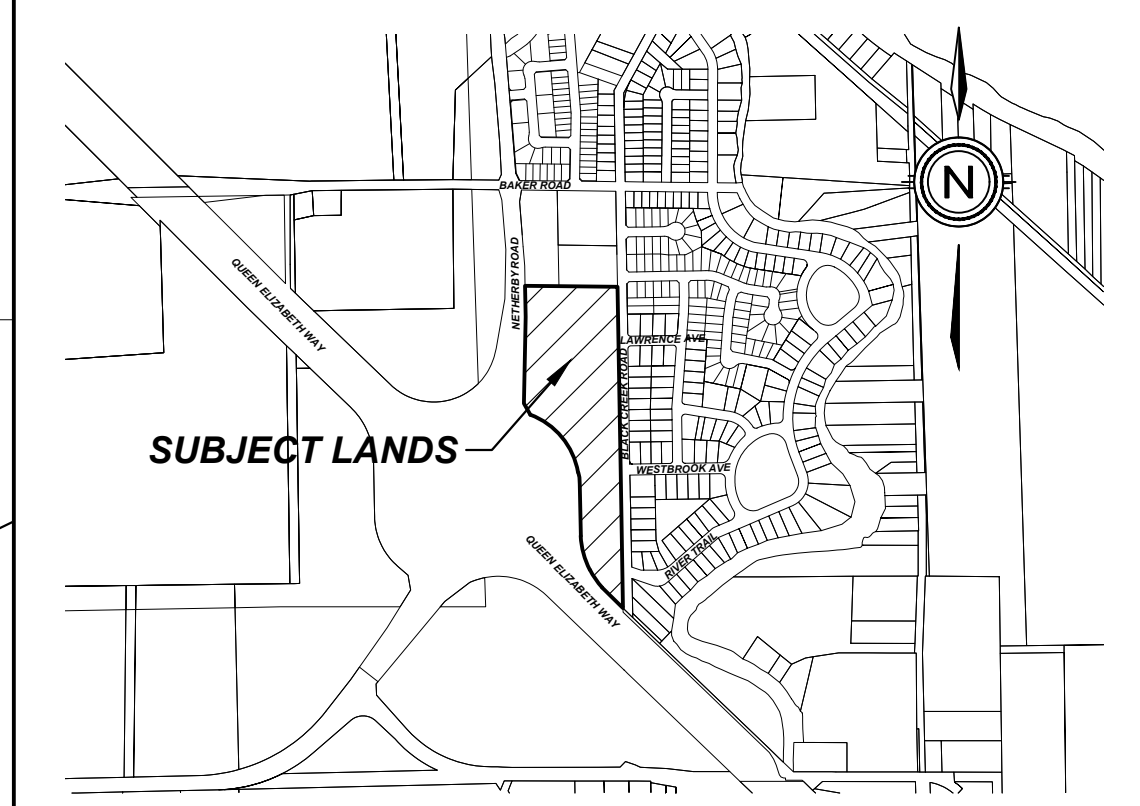
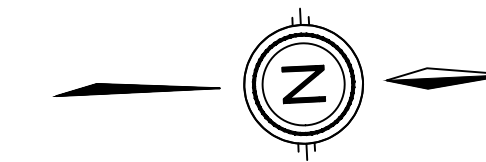
Matt Kernahan, MCIP, RPP,
Planning Manager
Upper Canada Consultants

Appendix I
Draft Plan of Subdivision



SPRING CREEK ESTATES SUBDIVISION

TOWN OF FORT ERIE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19, BROKEN FRONT CONCESSION AT THE SOUTH ANGLE AND PART OF LOT 22, ADJOINING CROSS CONCESSION, GEOGRAPHIC TOWNSHIP OF WILLOUGHBY, COUNTY OF WELLAND, NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.

5009823 Ontario Inc. (Mike Colosimo) DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

John J. Howard
ALLAN J. HEWITT
ONTARIO LAND SURVEYOR
Dec. 9, 2021 DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) CLAY LOAM
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1-54	54	2.4864	28.65
SEMI-DETACHED RESIDENTIAL	BLOCK 53-60	16	0.6622	7.63
STREET TOWNHOUSE	BLOCK 61-73	59	1.4551	16.77
BLOCK TOWNHOUSE	BLOCK 74	16	0.4343	5.00
APARTMENT/STACKED TOWNS	BLOCK 75	80	1.0377	11.95
SWM POND	BLOCK 76		1.0086	11.62
ROADWAY			1.5828	18.24
0.3m RESERVE	BLOCK 77-81		0.0093	0.10
TOTAL		225	8.6768	100.00

DEVELOPABLE AREA: 8.6768 ha
DEVELOPABLE DENSITY: 25.93 units/ha

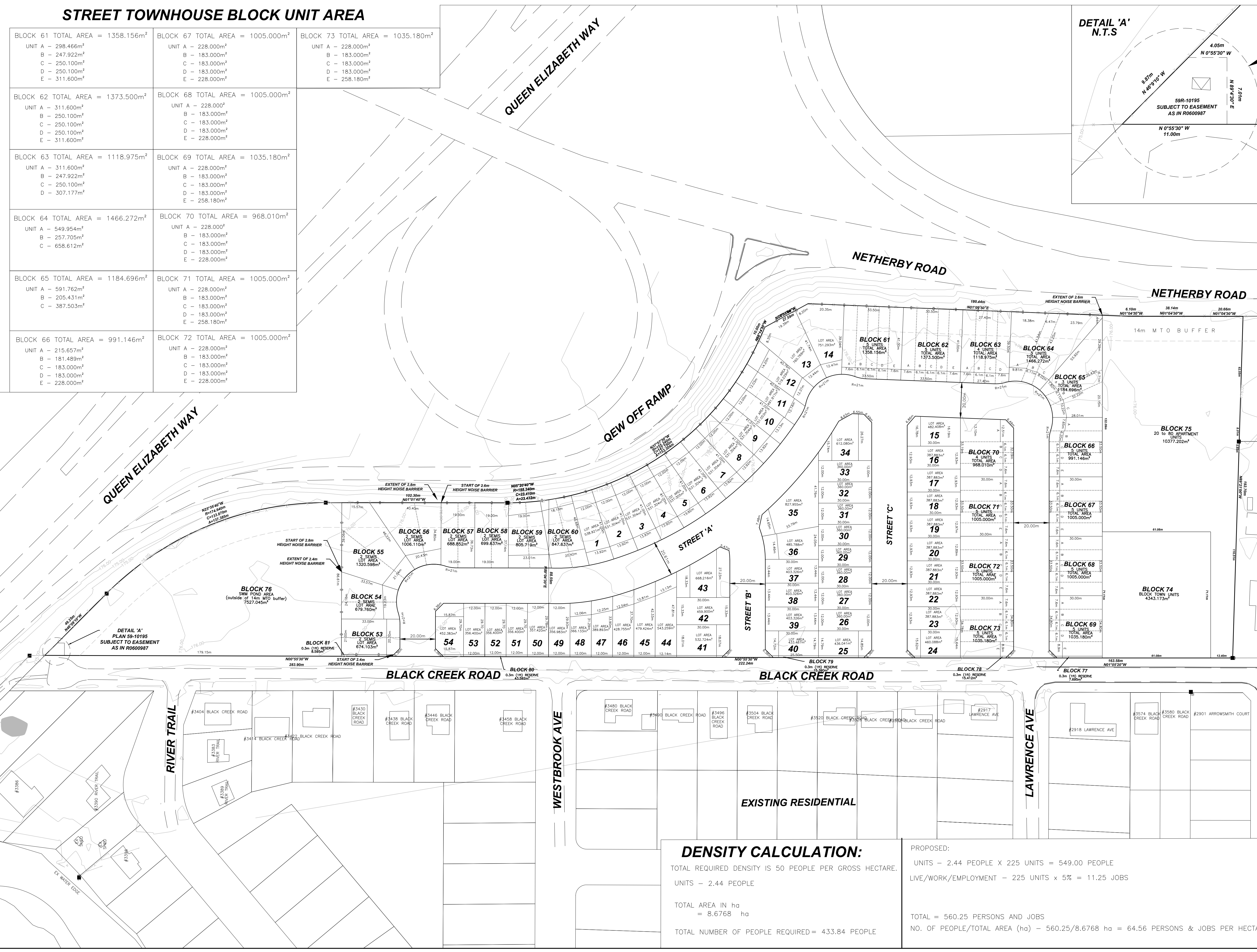
#	REVISION	DATE	INIT
0	CIRCULATED FOR REVIEW	2021-12-9	MK/AV



DRAWING TITLE	DRAFTING	MK/AV
DRAFT PLAN OF SUBDIVISION	DATE	DECEMBER 9, 2021
	PRINTED	DECEMBER 9, 2021
	SCALE	1:1000
DWG No.	REV	
20174-DP	0	

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 61 TOTAL AREA = 1358.156m ² UNIT A - 298.466m ² B - 247.922m ² C - 250.100m ² D - 250.100m ² E - 311.600m ²	BLOCK 67 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	BLOCK 73 TOTAL AREA = 1035.180m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 258.180m ²
BLOCK 62 TOTAL AREA = 1373.500m ² UNIT A - 311.600m ² B - 250.100m ² C - 250.100m ² D - 250.100m ² E - 311.600m ²	BLOCK 68 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	
BLOCK 63 TOTAL AREA = 1118.975m ² UNIT A - 311.600m ² B - 247.922m ² C - 250.100m ² D - 307.177m ²	BLOCK 69 TOTAL AREA = 1035.180m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 258.180m ²	
BLOCK 64 TOTAL AREA = 1466.272m ² UNIT A - 549.954m ² B - 257.705m ² C - 658.612m ²	BLOCK 70 TOTAL AREA = 968.010m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	
BLOCK 65 TOTAL AREA = 1184.696m ² UNIT A - 591.762m ² B - 205.431m ² C - 387.503m ²	BLOCK 71 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 258.180m ²	
BLOCK 66 TOTAL AREA = 991.146m ² UNIT A - 215.657m ² B - 181.489m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	BLOCK 72 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	



DENSITY CALCULATION:
TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.
UNITS - 2.44 PEOPLE
TOTAL AREA IN ha = 8.6768 ha
TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE

PROPOSED:
UNITS - 2.44 PEOPLE X 225 UNITS = 549.00 PEOPLE
LIVE/WORK/EMPLOYMENT - 225 UNITS x 5% = 11.25 JOBS
TOTAL = 560.25 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) - 560.25/8.6768 ha = 64.56 PERSONS & JOBS PER HECTARE

EXISTING RESIDENTIAL

Appendix II
Draft Official Plan Amendment





The Municipal Corporation of the Town of Fort Erie

By-law No.XX-2022

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

**Amendment No. XX
Spring Creek Estates,
West Side of Black Creek Road, South of Baker Road
Town of Fort Erie**

XXXXXX-XXXX

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

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

Read a first, second and third time and finally passed this **XX day of XX, 2022.**

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. **XX-XXXX** of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

AMENDMENT NO. XX

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

DRAFT

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 Processes
- 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 Sections 17 and 21 of The *Planning Act*, 1990, shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

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

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto "Policy Area XX Spring Creek Estates" with the following designations: "Medium Density Residential" permitting apartments including stacked townhouses and block townhouses at a maximum density of 75 units per hectare" and "Medium Density Residential" permitting street townhouse dwellings, block townhouse dwellings, semi-detached dwellings and single detached dwellings with a minimum density of 17 units per hectare and a maximum density of 50 units per hectare. The proposed amendment reconfigures the existing land use designations that already permit these uses on the subject property to a configuration that is more amenable to their development in consideration of site constraints, geometry and modern development form.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands that are the subject of this amendment are located on the west side of Black Creek Road, south of Baker Road and north of the QEW as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have

been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The current Official Plan designations for low and medium density residential uses are exclusionary meaning that only single detached and semi-detached dwellings are permitted in Low Density Residential and only townhouse and low rise apartments are permitted in the Medium Density Residential Designation. The proposed uses are all permitted uses on the subject property in accordance with the designations of the Douglastown-Black Creek Secondary Plan.

There is a need to reconfigure the designation of northern portion of the property designated for medium density in order to efficiently accommodate the geometry of apartment buildings that are 4 storeys in height and the anticipated required parking for the number of units proposed in consideration of the site geometry. A change in the land use designations on the central and southern portions of the site to a site-specific Medium Density Residential is required in order to permit a mix of townhouse, semi-detached and single detached dwellings throughout these areas of the site.

The need to accommodate a mix of low and medium density residential land uses, including residential apartments which are conducive to permitting residents to age in place was established through the Douglastown-Black Creek Secondary Planning process.

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

Residential land uses in the neighbourhood are predominantly single detached with some recently developed semi-detached and townhouse dwellings in the Black Creek Signature Subdivision to the north. The proposed Official Plan Amendment will not significantly change the amount of area that will develop in the Low and Medium Density Residential Categories. Rather, the Official Plan Amendment will permit a mix of Low and Medium Density Residential land uses to develop throughout the subdivision rather than in a segregated way.

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 site is generally flat with no geomorphological impediments to development. Consultation with the Niagara Region and the Niagara Peninsula Conservation Authority and the completion of a Natural Heritage Review by a consulting Biologist have all indicated that there are no significant natural features on the subject lands.

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

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**

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

The subject site is located on Black Creek Road which is a local road that will be upgraded to a full urban cross section in association with the development of the Spring Creek Estates Subdivision. The site is in close proximity to Netherby Road which is a Arterial Road and the Queen Elizabeth Way. Vehicular access to the the multi-family and apartment blocks will be to Black Creek Road directly and the balance of the subdivision will be accessed from new municipal road connecting to Black Creek Road. Traffic Impact Memoranda were completed to support the Official Plan Amendment and conclude that the existing road system is adequate to support the development.

A multi-use trail is proposed within the Black Creek right of way to improve pedestrian movement through the neighbourhood. The road and lot configuration of the development has been designed to effectively integrate this pedestrian infrastructure into the subdivision.

A Functional Servicing Study completed by Upper Canada Consultants confirms that there is an adequate water supply and sanitary sewer capacity to service the development. New watermains, sanitary and storm sewers will be constructed within the municipal roads within the development to service individual lots. A stormwater management pond will be constructed in the southern portion of this site to control stormwater flows from the development to pre-development levels and treat stormwater quality. The stormwater pond will outlet through a new stomsewer to Black Creek which is an appropriate stormwater outlet.

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

The subject lands are adjacent to existing residential development and a church and community centre. As stated previously, all proposed land uses are currently permitted by the Official Plan. The compatibility of these uses with the surrounding neighbourhood was established through the secondary plan process. The location of the higher density residential uses closest to adjacent institutional sites these uses in the most sensitive location possible in consideration of other surrounding land uses. The development of the site for a mix of residential land uses is considered compatible with surrounding residential land uses.

The applicant completed a noise study in support of the development application. The noise study determined that the highway and stationary noise sources on the institutional properties will not result in incompatibility issues with the implementation of recommended mitigation measures.

- 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:**

This proposal represents efficient use of urban lands as it will intensify the use of an underdeveloped area of Fort Erie. No depreciating or deteriorating impacts on adjoining properties are anticipated.

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

This proposal will improve the financial position of the Town through development charges and the long term benefit of collection of property taxes from the dwellings in the development.

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

None.

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SECTION 5

IMPLEMENTATION AND INTERPRETATION

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

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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. XX to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

The subject lands described as Policy Area XX Spring Creek Estates on the attached Schedule A are hereby redesignated to:

4.20.X – Policy Area XX Spring Creek Estates

MEDIUM DENSITY RESIDENTIAL POLICIES

- a) The lands designated on Schedule "A" as "Medium Density Residential" shall be reserved for apartment dwellings including stacked townhouse dwellings and block townhouse dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7.4.1 and 4.20.7.
- b) A minimum density of 17 units per hectare and a maximum density of 75 units per hectare shall be expected in the Medium Density Residential area of Spring Creek Estates.

LOW DENSITY RESIDENTIAL POLICIES

- a) The lands designated on Schedule "A" as "Low Density Residential" shall be reserved for townhouse dwellings, semi-detached dwellings, single detached dwellings and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7.4.1 and 4.20.6.
- b) A minimum density of 17 units per hectare and a maximum density of 50 units per hectare shall be expected in the Medium Density Residential area of Spring Creek Estates.
- c) This designation shall also permit stormwater management facilities and associated infrastructure and open space uses.

PART "C" - THE APPENDICES

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

Appendix III
Draft Zoning By-law Amendment





The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2021

**Being a By-law to Amend Zoning By-law No. 129-90
Spring Creek Estates
Matt Kernahan - Agent
5009823 Ontario Inc. (Mike Colosimo) - Owner**

350309-0XX

Whereas an application was received from Matt Kernahan, (Agent) on behalf of 5009823 Ontario Inc. (Applicant) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Spring Creek Estates, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on _____, 2022, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-XX-2021 considered and approved at the Regular Council meeting held on _____, 2022;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** Schedule "A" of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" from "Residential Multiple 2 (RM2-549) Zone", "Residential 2 (R2) Zone" and "Residential Multiple 1 (RM1-548) Zone" to "Residential Multiple 1 (RM12-XXX) Zone" and "Residential Multiple 1 (RM12-XXY) Zone".
- 2. That** By-law No.129-90 as amended, is further amended by adding to "Section 15– "Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exception:

"RM2-XXX (XX-2022) Spring Creek Estates

These lands are zoned "Residential Multiple 2 (RM2-XXX) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 (RM2-XXX) Zone" subject to the following special regulations:

- a) In addition to the permitted uses set out in Section 15.2, stacked townhouses and block townhouses shall be permitted uses.
- b) Notwithstanding Section 15.3, the following regulations shall apply to stacked townhouse and apartment dwellings:

- Minimum Lot Frontage 12 m
- Minimum Lot Area 200 sq m / unit
- Minimum Setback from Netherby Road 14 m
- Minimum interior side yard setback 5 m
- Maximum Density 75 units/ha.
- Minimum Density 17 units/ha.
- Maximum Height 4 storeys

3. **That** By-law No.129-90 as amended, is further amended by adding to “Section 14– “Residential Multiple 1 (RM1) Zone” Subsection – “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

“RM1-XXX (XX-2022) Spring Creek Estates

These lands are zoned “Residential Multiple 1 (RM1-XXY) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential Multiple 1 (RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-XXY) Zone” subject to the following special regulations:

a) In addition to the permitted uses set out in Section 14.2, stormwater management ponds and open space uses shall be permitted uses.

b) Notwithstanding Section 14.3, the following regulations shall apply to street townhouse dwellings:

- Minimum Lot Area 180 sq m for an interior unit and 215 sq m for an end unit
- Maximum Density 50 units/ha
- Maximum Lot Coverage delete

c) Notwithstanding Section 13.4, the following regulations shall apply to semi-detached dwellings:

- Minimum Interior Side Yard Setback 1.5 m

d) Notwithstanding Section 12.3, the following regulations shall apply to single detached dwellings:

- Maximum lot coverage delete

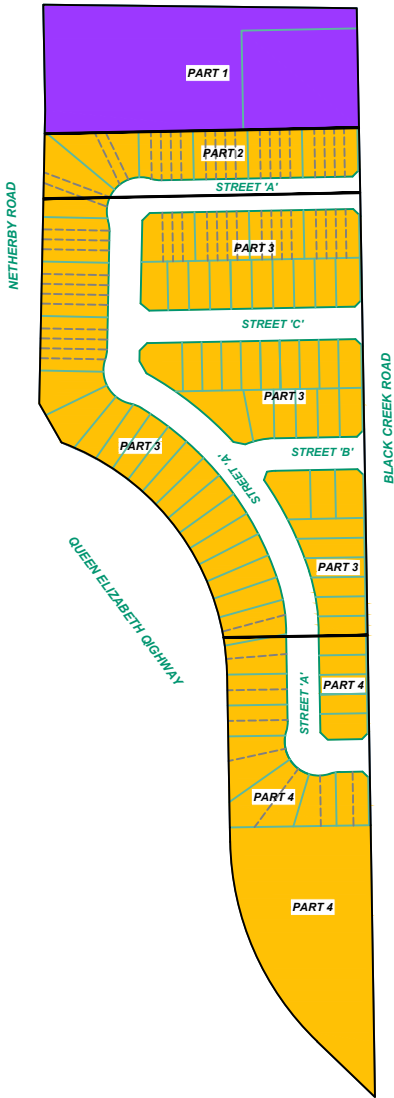
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this XX day of _____, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No.XX -2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____



LEGEND

- PART 1 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 2 (RM2-XXX) ZONE
- PART 2 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 3 - FROM RESIDENTIAL 2 (R2) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 4 - RESIDENTIAL MULTIPLE (RM1-548) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE

**SPRING CREEK ESTATES
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____**

MAYOR: _____

CLERK: _____



Appendix IV
Pre-consultation Agreement



Once completed by Town Planning Staff, this form must be submitted with your formal application.

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) form.

Meeting Attendance:

- Town Planning Town Regional Planning Niagara Parks Commission
 Infrastructure Regional Public Works NPCA

Other _____

Application type:

- Official Plan Amendment Site Plan
 Zoning By-law Amendment Consent Application
 Draft Plan of Subdivision Other _____
 Draft Plan of Condominium

Pre-Consultation Submission Date: _____

Pre-Consultation Meeting Date: _____

Site Location/Address: _____

Site Legal Description: _____

Approximate Land Area (metric): _____

Owner Contact Information:

Name of Owner: _____

Phone No: _____ Email: _____

Principal Contact: _____

Phone No: _____ Email: _____

Local Municipal Contact:

Name of Contact: _____

Phone No: _____ Email: _____

Brief description of proposed development:

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 <i>(See Notes for additional details)</i>	No. of Copies		Notes
				Digital	Paper	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning Justification Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conceptual Site Plan, Subdivision Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Regional Policy Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Local Official Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Use/Market Needs*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Urban Design/Landscape Plans			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Archaeological Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cultural Heritage Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Impact Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Planning Study/ Sub-Watershed Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree Inventory Preservation Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floodplain and Hazard Lands Boundary Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Site Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Air Quality/Noise & Vibration Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural Impact Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Farm Operation and Ownership			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum Distance Separation I & II			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Aggregate Resources			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Municipal Servicing Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sensitive Land Use Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slope Stability Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Management Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Impact Study/Parking Impact Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrogeological Study and Private Servicing Plans*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Study/Dynamic Beach			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk Management Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Well Study/Gas Migration Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wind Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other*			

Property: 0-17482 & 0-17484 Black Creek Road

Development Planning: Anamika Dilwaria (adilwaria@forterie.ca or 905-871-1600 ext. 2507

Official Plan/Secondary Plan:

The lands are within the Urban boundary and are located in Douglastown-Black Creek Secondary Plan Area.

Northerly Block

The lands are designated Medium Density in part and Low Density, in part in the Secondary Plan. The Secondary Plan Section 4.20.7 d) requires the northerly portion of the subject property designated Medium Density to be developed for an apartment providing a density of approximately 100 units per hectare. The current proposal to provide stacked townhouses will require an amendment to the Official Plan. Further, based on the review it seems that the proposed density of approximately 42 units per hectare (stacked townhouses) will be less than what the Secondary Plan had envisioned. The applicant must address the conformity with the density requirement in the Planning Justification Report.

The northerly block is zoned RM2 -549 – rezoned to site-specific RM2 to allow stacked town houses.

Middle Block

The Low-Density designation does not permit the proposed townhouses (Block 60-61). Section 4.20.6 (f) of the Secondary Plan permits f lands designated Low Density to be developed as Medium Density Residential, through an amendment to the Zoning By-law.

However, as the applicant will be submitting an OPA for stacked townhouses, the same application can address the redesignation of Low Density to Medium Density. As part of the formal submission applicant is requested to show the boundaries of the Official Plan designation on the proposed site plan. Based on the current review it seemed that the Official Plan designation boundaries are not shown correctly.

Regarding the Zoning compliance -The proposed single detached dwellings are zoned Residential 2 (R2) Zone. The proposed lots do not comply with the minimum lot frontage and minimum lot area requirements of the zoning by-law. It would be staff's preference to see the size of the proposed dwellings appropriate to the lot area. Staff would prefer not to see an increase in lot coverage for the proposed dwellings.

Southerly Block

Medium density

The southerly block is zoned – 548- confirm if the block complies with the density of 17-50 units/hect. It is highly likely, however just provide confirmation

The required parking units for Block 69 is proposed within the required 14 m MTOs buffer.

Lastly, the SWM ponds must be designated and rezoned to Open Space.

Archaeology:

The lands are identified in the Town's Official Plan as an area of archaeological potential.

Timeline:

Council Mandated Approval Timeline for a zoning by-law amendment is 90 days after the application is deemed complete and 180 days a draft plan of subdivision. The clock commences upon circulation of the application and stops when comments are issued. Clock starts again upon resubmission and stops when comments are issued. We commit to spend no

PRE-CONSULTATION AGREEMENT – COMMENTS

more than 180 days reviewing your application. Sometimes this timeline is extended based on external agency review turnaround.

Servicing: Jeremy Korevaar (jkorevaar@forterie.ca or 905-871-1600 ext. 2505) and Spencer Pierce (spierce@forterie.ca or 905-871-1600 ext. 2517)

- Future Site Plan Pre-Consultation required for Condo developments
- Previous Pre-Consultation December 13, 2018 and March 12, 2020
- MTO implications
- Functional Servicing Report required to speak to capacity in sewer system, pumping station and treatment lagoons
- The 2018 Development Charges Background Study identifies that Black Creek Road from Lawrence to River Trail is slated for an upgrade to an urban cross section including storm sewers and watermain replacement. The developer will be required to complete this work on the Town's behalf. Details regarding reimbursement will be worked out through the Subdivision Agreement.
- Provide a Traffic Engineer Report – safety evaluation of T intersections
- Concerns of the amount of driveway access for Blocks 66, 67 and 68. Could the design be reconfigured to have the access of the private roadway but the building still face Black Creek Road.
- The Town would prefer one stormwater management facility for this development.

Urban Design / Community & Neighbourhood Planning: Pieter Wasserman (pwasserman@forterie.ca or 905-871-1600 ext. 2503 and Lindsay Richardson (lrichardson@forterie.ca or 905-871-1600 ext. 2504)

Douglastown- Black Creek Secondary Plan:

The site is within the Douglastown-Black Creek Secondary Plan area and is designated as “Medium Density” and “Low Density: residential. Please see sections 4.20.6 Low Density Residential and 4.20.7 Medium Density Residential for more detail.

Urban Design:

Will be commented on at later stage when more detail has been provided.

Please provide the following additional documentation:

- Urban Design Guidelines for the different units and areas if applicable.
- Unit renders, plans and elevations
- Detailed Site Plan showing sidewalks, curbs, possible footprints and landscaping.

These would be as conditions of subdivision approval, or at the site plan approval stage if applicable.

Please note that as per the Active Transportation Master Plan (ATMP), Black Creek Road is identified in the Short Term for an In-boulevard Multi-use Path. This new trail may be impeded by the proposal of townhouse blocks 66 to 68 as this will mean that multiple driveways will cross over the trail. Having said this it is preferred that the units or dwellings front onto Black Creek Road. This design decision needs to be considered.

Community Planning

PRE-CONSULTATION AGREEMENT – COMMENTS

- A Landscape Plan is required, pursuant to the Site Plan Control Guidelines. Ensure Plan addresses pedestrian circulation, outdoor public amenity space, site landscaping, streetscape treatments, appropriate buffering of the QEW/QEW interchange and interface with Black Creek Road.
- Payment of 5% of the appraised value of the residential development to "The Town of Fort Erie", in lieu of dedication of land for park purposes.
- A Tree Preservation Plan is required, pursuant to the Site Plan Control Guidelines. Plan should ensure to illustrate how trees on Town lands will be protected during construction. Written permission is required from the Town, to remove trees on Town property.
- Council through their 2018-2022 Strategic Plan have identified attracting affordable housing and mixed housing options as a priority. Staff has recently an Official Plan Amendment that will look to include policies that support this priority as well as potential incentives for developments that include an affordable housing component. We are looking at incentives for both rental and ownership opportunities and anticipate the Official Plan amendments and incentive programs will be adopted in the fall of 2021.
- The Town encourages affordable housing to be integrated as part of the overall development rather than a stand-alone structure

Economic Development & Tourism Services: Daniel Turner (dturner@forterie.ca or 905-871-1600 ext. 2252)

- No comments

Committee of Adjustment: Cara Raich (craich@forterie.ca or 905-871-1600 ext. 2508)

- Previous Consent File No. B471/1997 - received final consent.

Building Department: Keegan Gennings (kgennings@forterie.ca or 905-871-1600 ext. 2515)

- The Town's fence by-law provides an exemption to noise wall heights so a variance is not required.
- Condo development subject to site plan agreement
- In the condo area a single water service is to be provided and all on site works are subject to a building permit.

Fire Department: Robert Kirk (rkirk@forterie.ca or 905-871-1600 ext. 2606)

- The fire department has no comments at this time.

Niagara Peninsula Conservation Authority (NPCA): Jessica Abrahamse (jabrahamse@npca.ca)

- The subject property contains unevaluated wetlands. The NPCA requests a constraints analysis prior to providing further comments.

PRE-CONSULTATION AGREEMENT – COMMENTS

Canadian Niagara Power Inc. (CNPI): Jeff Hoover (jeff.hoover@cnpower.com)

- For information about servicing, contact Jeff Hoover @ CNPI 905-871-0330 ext. 3217

Niagara Parks Commission (NPC): Ellen Savoia (esavoia@niagaraparks.com)

- No comments

Niagara Region: Lola Emberson (lola.emberson@niagararegion.ca)

PPS: Settlement Area

GP: Delineated Built Up Area

ROP Designated: Urban Area (Built Up) Area

In principle, provincial and regional policies support intensification and infill, a variety of housing types on underutilized urban parcels.

Archaeological

In accordance with Ministry criteria, the property has high potential for archaeological resources given the property is located within 300 m of a watercourse and 13 registered sites. In addition, it is identified in the Town's Archaeological Master Plan as having potential. As such, a Stage 1-2 Archaeological Assessment, and any subsequent assessments, will be required with the application prior to any site alteration or disturbance. Will also require an Acknowledgement Letter from the Ministry confirming archaeological resources have been adequately addressed, which can be a condition of draft plan.

Noise and Odour

Due to proximity of the proposed development to the QEW, a noise study is required to address Provincial and Regional policies related to land use compatibility. Recommendations of Noise Study will need to be incorporated into future draft plan conditions and/or development agreements. As a condition of draft plan, Regional staff will recommend that warning clauses for land use compatibility due to the proximity of the Douglastown sewage lagoons and agricultural uses associated with the location at the edge of the urban area boundary.

Environmental

There are currently no mapped natural heritage features on the subject property. However, based on aerial imagery available to the Region, it appears that there are wooded areas and potential for wetlands located throughout the subject property. As per Regional Official Plan (ROP) policy 7.B.1.8, Environmental Planning staff require the completion of a Constraints Analysis to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Provincially Significant or Other Evaluated Wetland, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc.).

Regional staff visited the property on April 27, 2020 and provided an EIS Scoping checklist to the applicant/agent (see attached). Consistent with ROP policy 7.B.2, a Terms of Reference should be developed for agency review and approval prior to the commencement of environmental studies. Depending on the results of the Constraints Analysis (first step of Environmental Impact Studies [EIS]), an impact analysis may also become a requirement of approval. Needs to ensure westerly property is included in the TOR.

PRE-CONSULTATION AGREEMENT – COMMENTS

Additionally, the southern portion of the subject property is identified as a Groundwater Protection Area (HVA).

Transportation/ Roads

- Regional – Netherby Road (no widening required at this time)
- Local – Clack Creek Road

Regional Permit Requirements

- Require Regional Construction Encroachment and Entrance Permits prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Netherby Road.

Servicing

- Water: 250 D PVC (Local) – Black Creek Road
- Sanitary: 200 D PVC (Local)- Black Creek Road

Stormwater Management

- Niagara Region requires the development meet the Enhanced standard water treatment as the ultimate receiving waterbody contains Type 1 Fish Habitat. A SWM facility sized for Enhanced treatment is eligible for the Transfer of Review program.
- Niagara Region have no requirements with respect to peak flow control due to the location of the location in the creek watershed. The Region will defer to the MTO and Town discretions concerning their infrastructure.
- Niagara Region will require that stormwater runoff from 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the erosion impacts on the downstream watercourse. The outflow shall not exceed the pre-development flow during a 25mm and a 2-year storm.
- Considerations should be given to Low Impact Development to reduce runoff volume.
- Niagara Region will require that a stormwater management report (and the associated \$1890 development >5ha) be submitted to this office indicating in details how the SWM requirement will be achieved. The Report should include the necessary information with respect to the inspection and maintenance requirements.
- Prior to construction, Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Waste Collection (Low Density Residential)

- Blue/grey –no limit
- Green – no limit
- Waste – (2) containers per property max (Bi weekly)
- Curbside collection only
-

Waste Collection (Multi Residential)

- Blue/grey – no limit
- Green – no limit
- Waste – (2) containers per unit max (Bi weekly)
- Curbside collection only

PRE-CONSULTATION AGREEMENT – COMMENTS

Regional staff will need to see detailed road designs for the proposed roadways in order to ensure that waste collection will be available throughout.

Studies Required

- PJR
- Noise Study
- Archaeological Assessment
- SWM Report
- TOR for approval, prior to application if possible
- Constraints Analysis (potential for further EIS)

2021 Fees

- OPA - \$5235.00
- Zoning \$1315.00
- Draft Plan Subdivision \$5235 + \$1160/per hectare
- SWM \$1890.00
- EIS Terms of Reference \$405.00 to be deducted from EIS review fee
- EIS \$1140.00 or \$2270.00 dependent on the number of features identified.

Ministry of Transportation (MTO): Ted Lagakos (ted.lagakos@ontario.ca)

- Pending

Application Fees:

Note: please contact the Town for submission details and current fee's when ready to proceed

Application	Town of Fort Erie	Niagara Region	NPCA	Other
	OPA & ZBA- \$8868.00 Draft Plan of Subdivision \$8465.00	OPA - \$5235.00 Zoning \$1315.00 Draft Plan Subdivision \$5235 + \$1160/per hectare SWM \$1890.00 EIS Terms of Reference \$405.00 to be deducted from EIS review fee EIS \$1140.00 or \$2270.00 dependent on the number of features identified		

PRE-CONSULTATION AGREEMENT – COMMENTS

<p style="text-align: center; color: red;">Pre-Consultation Fee Deduction</p>	<p style="text-align: center;">August 12, 2021 OPA & ZBA- \$1313.00 Draft Plan of subdivision - \$1303.00 Feb 26, 2020- \$1295.00 (Draft Plan of Subdivision)</p>			
<p style="text-align: center;">Other</p>				
<p style="text-align: center;">Total</p>	<p style="text-align: center;">OPA& ZBA- \$7555 Draft plan of Subdivision - \$5867.00</p>			

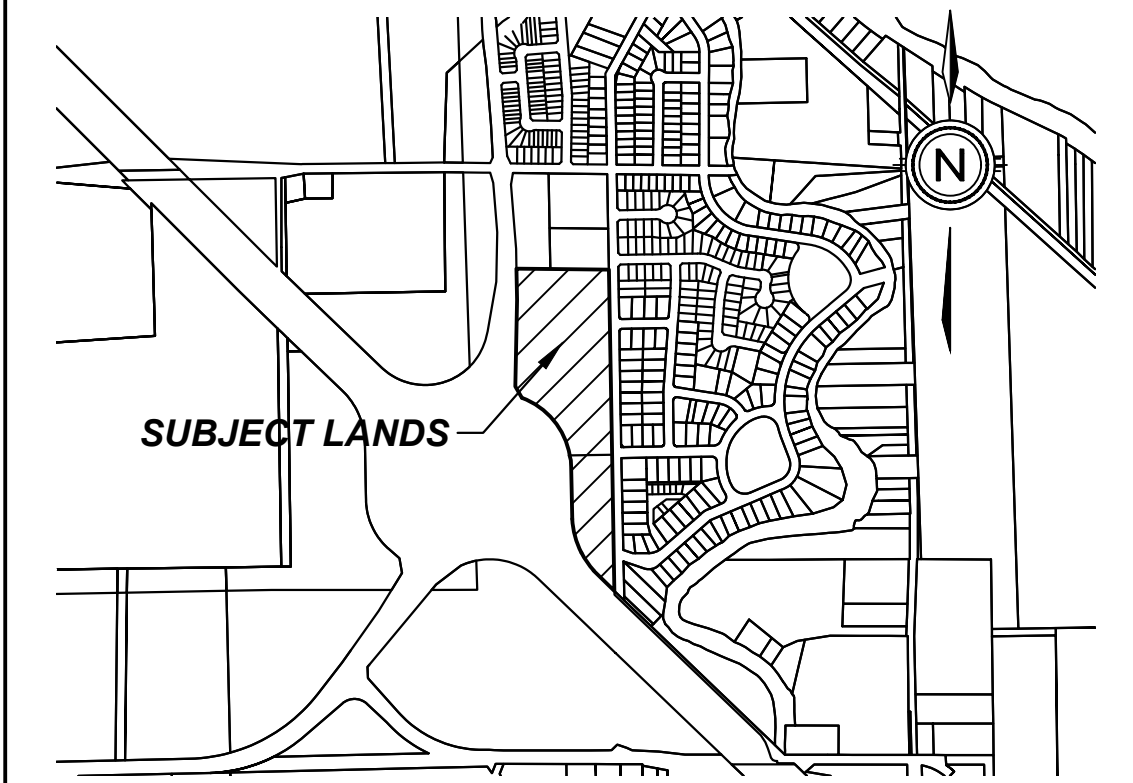
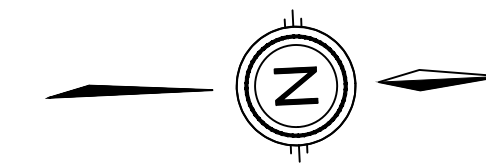
- a) Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- b) Additional fees may be required at a later date based on the fee schedule by-law.
- c) Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.
- d) The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
- e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.
- f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- g) All reports, documents and drawings must be submitted in paper and digital (i.e. PDF) form.

PRE-CONSULTATION AGREEMENT – COMMENTS

- h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
- i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
- j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.
- k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.

BLACK CREEK ROAD SUBDIVISION

TOWN OF FORT ERIE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19
BROKEN FRONT CONCESSION AT
SOUTHEAST ANGLE
GEOGRAPHIC TOWNSHIP OF WILLOUGHBY,
COUNTY OF WELLAND
NOW IN THE TOWN OF FORT ERIE

LAND USE SCHEDULE

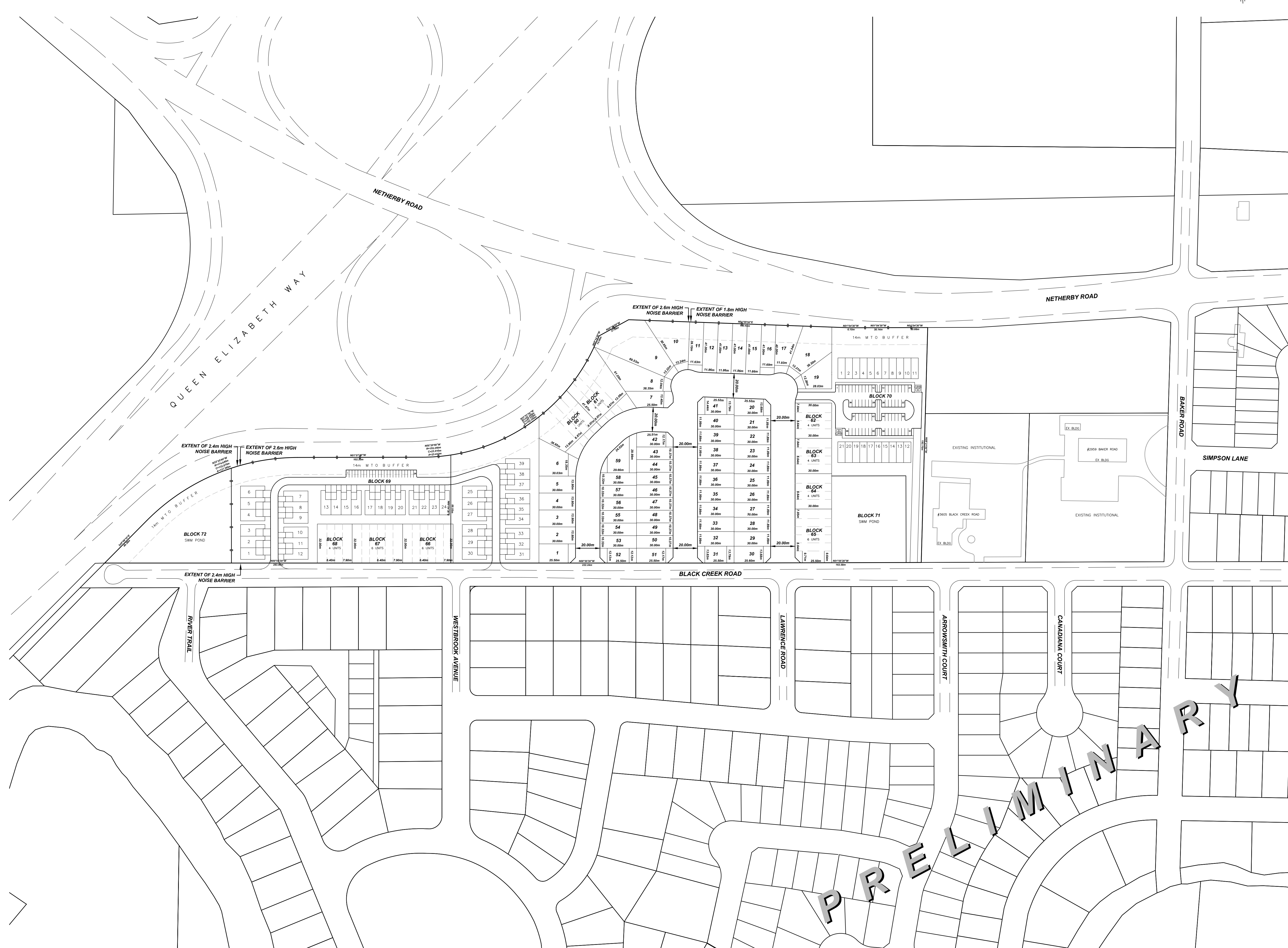
LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1-59	59	2.6103	30.0809
STREET TOWNHOUSE	BLOCK 60-68	42	1.0865	12.5207
BLOCK TOWNHOUSE	BLOCK 69	39	1.9157	22.0764
STACKED TOWNHOUSE	BLOCK 70	42	1.0658	12.2822
SWM POND	BLOCK 71-72		0.9108	10.4960
ROADWAY			1.0885	12.5438
TOTAL		182	8.6776	100.00

DEVELOPABLE AREA: 8.6776 ha-1.0300 ha (MTO Buffer)=7.6476 ha
DEVELOPABLE DENSITY: 23.80 units/ha

#	REVISION	DATE	INIT
0	CIRCULATED FOR REVIEW	2021-07-23	MK



DRAFT PLAN 4	DRAFTING	SD/MK
	DATE	FEBRUARY 12, 2021
	PRINTED	JULY 23, 2021
	SCALE	1:1500
DWG No.	20174-DP4	REV
		0



Environmental Impact Study (EIS) Requirements

Proponent: Andrew Ferri

Date: April 27, 2020

File #

Property Address: 0-17482 Black Creek Road

Municipality: Fort Erie

Type of Application: ZBA, Draft Plan of Subdivision/Condominium

Completed by: A. Boudens

Is the subject site **located within an Urban or Rural area?**

<input checked="" type="checkbox"/> Urban Area	<input type="checkbox"/> Rural Area	<input type="checkbox"/> Hamlet
Details:		

Is the subject site **identified in the Provincial Natural Heritage System?**

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Places to Grow Act	<input type="checkbox"/> Greenbelt Plan	<input type="checkbox"/> NEC
Details (<i>Designations</i>):			

Is the subject site **located within an identified Agricultural Area?**

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Good General Agricultural Area	<input type="checkbox"/> Unique Agriculture Area
Details:		

Is the subject site **regulated by another agency?**

<input type="checkbox"/> No	<input checked="" type="checkbox"/> NPCA	<input type="checkbox"/> MECP	<input type="checkbox"/> MNRF	<input type="checkbox"/> NEC	<input type="checkbox"/> Other Please Specify:
Details:					

Was a Site Visit Conducted?

- Yes
 - No
- Date: April 27, 2020
Staff Member: A. Boudens
Details: _____

Ecological Land Classification (ELC) Vegetation Communities identified on Mapping:

WOD, THD, MAX

Natural Heritage features identified or likely to exist:

Environmental Protection Area (EPA)

	Feature	Located On and/or Adjacent Subject Property	Details
<input type="checkbox"/>	Provincially Significant Wetland (PSW)	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Name:
<input type="checkbox"/>	Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI)	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Name:
<input checked="" type="checkbox"/>	Significant Habitat of Threatened or Endangered Species	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Species: Potential
<input type="checkbox"/>	Key Natural Heritage features within the Greenbelt Natural Heritage System	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Feature:

Environmental Conservation Area (ECA)

	Feature	Located On and/or Adjacent Subject Property	Details
<input type="checkbox"/>	Significant Woodlands	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Criteria: <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> ANSI <input type="checkbox"/> Other <input type="checkbox"/> Environmentally Sensitive Area <input type="checkbox"/> Interior Habitat <input type="checkbox"/> Old Growth <input type="checkbox"/> Rare Species <input type="checkbox"/> Size: <input type="checkbox"/> Water <input type="checkbox"/> Wetland
<input checked="" type="checkbox"/>	Significant Wildlife Habitat	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Details: Potential
<input checked="" type="checkbox"/>	Significant Habitat of Species of Concern	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Species: Potential
<input type="checkbox"/>	Significant Valleylands	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Details:
<input checked="" type="checkbox"/>	Other Evaluated Wetland (<i>Non-Provincially Significant</i>)	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Name: Potential

<input type="checkbox"/>	Regionally Significant Life Science ANSI	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Name:
<input type="checkbox"/>	Publicly Owned Conservation Lands	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Details:
<input type="checkbox"/>	<input type="checkbox"/> Savannah <input type="checkbox"/> Tallgrass Prairie <input type="checkbox"/> Alvar <input type="checkbox"/> Dune	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Details:
<input type="checkbox"/>	Regional Local Amendment	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Details:

Fish Habitat

	Feature	Located On and/or Adjacent Subject Property	Details
<input type="checkbox"/>	Fish Habitat <input type="checkbox"/> Reach (Watercourse) <input type="checkbox"/> Area (Pond/Lake)	<input type="checkbox"/> On <input type="checkbox"/> Adjacent <input type="checkbox"/> Both	Fish Habitat Classification: (identified by MNRF) <input type="checkbox"/> 1: Critical <input type="checkbox"/> 2: Important <input type="checkbox"/> 3: Marginal Details:

Candidate Significant Wildlife Habitat (Study must determine presence/absence)

Seasonal Concentration Areas of Animals:

<input type="checkbox"/> Waterfowl Stopover and Staging Areas (Terrestrial and Aquatic)	<input type="checkbox"/> Colonially Nesting Bird Breeding Habitat (Bank and Cliff/ Tree/ Shrub/ Ground)	<input checked="" type="checkbox"/> Reptile Hibernacula
<input type="checkbox"/> Shorebird Migratory Stopover Area	<input type="checkbox"/> Turtle Wintering Area	<input type="checkbox"/> Deer Winter Congregation Area
<input type="checkbox"/> Raptor Wintering Area	<input type="checkbox"/> Bat Hibernacula	<input type="checkbox"/> Deer Yarding Area
<input type="checkbox"/> Landbird Migratory Stopover Area	<input checked="" type="checkbox"/> Bat Maternity Colonies	
<input type="checkbox"/> Migratory Butterfly Stopover Area	<input type="checkbox"/> Bat Migratory Stopover Area	

Rare Vegetation Communities:

<input type="checkbox"/> Cliff and Talus Slope	<input type="checkbox"/> Old Growth Forest	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Sand Barren	<input type="checkbox"/> Savannah	
<input type="checkbox"/> Alvar	<input type="checkbox"/> Tallgrass Prairie	

Specialized Habitat for Wildlife:

<input type="checkbox"/> Waterfowl Nesting Area	<input type="checkbox"/> Woodland Raptor Nesting Habitat	<input type="checkbox"/> Seeps and Springs
<input type="checkbox"/> Bald Eagle and Osprey Nesting, Foraging, Perching Habitat	<input type="checkbox"/> Turtle Nesting Areas	<input checked="" type="checkbox"/> Amphibian Breeding Habitat – Woodland and Wetland

Habitat for Species of Conservation Concern (Not including Endangered or Threatened Species)

<input type="checkbox"/> Marsh Bird Breeding Habitat	<input type="checkbox"/> Shrub/Early Successional Bird Breeding Habitat	<input checked="" type="checkbox"/> Special Concern and Rare Wildlife Species
<input type="checkbox"/> Open Country Bird Breeding Habitat	<input type="checkbox"/> Terrestrial Crayfish	<input type="checkbox"/>

Animal Movement Corridors

<input type="checkbox"/> Amphibian Movement Corridors	<input type="checkbox"/> Bat Migratory Stopover Area	<input type="checkbox"/> Deer Movement Corridors
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Has the property been identified as a Groundwater Protection Area (HVA)?

- Yes
- No

Details: Lands located directly south of the subject property

Additional Comments/Details:

Aerial Map:



Required Field Surveys

(Any relevant information gathered from existing studies conducted within the last 5 years should be discussed to determine whether they are suitable to replace some of the requirements below)

	Field Surveys	General Timing Window	Protocol	Notes
✓	Ecological Land Classification (ELC) mapping, including soils	Spring to Fall (i.e., generally May to October)	Ecological Land Classification for Southern Ontario (Lee et al., 1998)	Undertake ecological land classification down to eco-element (vegetation type).
✓	Botanical Inventory (floral species list)	<input checked="" type="checkbox"/> Single Season	Systematic searches	Must be completed for each ELC community, with particular attention to presence/absence and habitat for rare (local and S1-S3) species and SAR.
<input type="checkbox"/> Two Season (Spring/Summer and Fall)				
<input type="checkbox"/> Three Season (Spring/Summer/Fall)				
<input type="checkbox"/> Other				
✓	Breeding Birds	<ul style="list-style-type: none"> Between May 24th and July 10th; Two surveys spaced 10 days apart; Anytime between dawn and 5 hours after dawn. 	Ontario Breeding Bird Atlas – Guide for Participants (2001)	<ul style="list-style-type: none"> Counts should <i>not</i> be done if it is raining, there is thick fog, or if winds are greater than 19km/hr; If unseasonably warm or cold conditions are encountered in the spring, survey dates may need to be adjusted.

✓	Amphibians: Frogs and Toads	<p>Three rounds of surveys between the following dates at least 15 days apart:</p> <ul style="list-style-type: none"> ➤ April 15th – April 30th (when night-time air temp exceeds 5°C) ➤ May 15th – May 30th (when night-time air temp exceeds 10°C) ➤ June 15th – June 30th (when night-time air temp exceeds 17°C) 	Marsh Monitoring Program Participant’s Handbook for Surveying Amphibians (Environment Canada, 2008)	<ul style="list-style-type: none"> • Dates provided as a guideline, as air temperature and lack of wind are the most important variables; • If unseasonably warm or cold conditions are encountered in the spring, survey dates may need to be adjusted; • Favourable conditions consist of nights that are damp, foggy or have light rain falling. Persistent or heavy rainfall and nights with strong winds are to be avoided; • Surveys can begin half hour after sunset and end before midnight; • Each station is surveyed for three minutes; • Additional amphibian breeding habitat surveys may be required based on the results of the calling surveys.
✓	Bats	Spring, Fall or Winter (i.e., both leaf-off and leaf-on periods)	Criteria from the <i>Significant Wildlife Technical Guide (MNRF 2000)</i> in conjunction with methods outlined by MNRF Guelph District (<i>Recommended Approach for Surveying Buildings and Survey method for SAR Bats within Treed Habitats – Please contact MECP for protocols and field data sheets</i>)	<ul style="list-style-type: none"> • Surveys to identify potentially suitable habitat should be completed prior to June; • If suitable maternity roost habitat is identified, separate acoustic surveys in the month of June may be recommended by MECP; • Please contact the MECP for protocols, field data sheets, and guidance.

<input type="checkbox"/>	Deer	Variable depending on survey effort	<ul style="list-style-type: none"> • Some information pertaining to the habitat specification of winter deer yards is available in the <i>Forest Management Guidelines for the Provisions of White-tailed Deer Habitat</i>; • More information pertaining to protocols that can be used to monitor deer populations is available in the <i>Wildlife Monitoring Programs and Inventory Techniques for Ontario</i>. 	<ul style="list-style-type: none"> • Correspondence with the MNRF is required in order to confirm survey protocols and details on the evaluation of winter deer yards; • To confirm the presence of deer migration corridors, transects can be completed in order to evaluate the use of habitat in relation to a study area.
<input type="checkbox"/>	Meander Belt Study	Variable	Meander Belt Width Delineation Protocol (Toronto and Region Conservation Authority, Revised 2004)	
<input type="checkbox"/>	Migratory Bird Survey	Spring Surveys (March to May) and Fall Surveys (August to October)	Bird and Bird Habitats: Guidelines for Wind Power Projects (MNRF, 2011)	

<input checked="" type="checkbox"/> Fisheries Assessment If any streams are identified on the subject property, an HDFA assessment should be completed to determine their significance.	<input checked="" type="checkbox"/> Headwater Drainage Features Assessment	Evaluation, Classification and Management of Headwater Drainage Features Guidelines (CVC & TRCA, 2013)	<ul style="list-style-type: none"> Habitat assessments follow the methods outlines in the OSAP Protocol; Aquatic habitat characterization should identify potential baseflow sources, barriers to fish migration and general habitat quality; Physical stream measurements should be identified (width, height, length); Identify any evidence of upwelling or groundwater concentration (may require a late fall/early winter site visit); Fisheries inventories should be completed in the spring to ensure any fish usage of intermittent or ephemeral systems is identified. Inventories of permanent features may occur throughout the spring and summer. Habitat assessments and detailed habitat mapping should be completed during snow/ice free conditions; Surveys should be completed within spring and fall, as these seasons capture the most diverse community assemblages.
	<input type="checkbox"/> Habitat Characterization	Ontario Stream Assessment Protocol – Version 10.0 (Ontario, 2017); Environmental Guide for Fish and Fish Habitat (MTO, 2009)	
	<input type="checkbox"/> Fisheries Assessment	Ontario Stream Assessment Protocol – Version 10.0 (Ontario, 2017)	
<input type="checkbox"/> Raptor Nests	Between March 23 rd and April 23 rd , prior to “leaf out”	Forest Raptors & Their Nests in Central Ontario: A guide to Stick Nests & Their Users (Ontario, 1998)	<ul style="list-style-type: none"> Surveys should consist of a thorough investigation of potentially suitable habitat searching for active or inactive stick nests and evidence of raptor activity.
<input checked="" type="checkbox"/> Species at Risk Screening	Variable	<input type="checkbox"/> DFO <input checked="" type="checkbox"/> MECP	<ul style="list-style-type: none"> Contact applicable agencies for survey requirements. All agency correspondence must be included in the EIS.

☐	Marsh Birds	<ul style="list-style-type: none"> • Between May 20th and July 5th; • Two surveys spaced 10 days apart; • Morning or Evening, must remain consistent for both visits; • Morning surveys can begin 30 min before sunrise and end no later than 10 am; Evening surveys can begin no earlier than 4 hours before sunset and must be completed by dark. 	Marsh Monitoring Participant's Handbook for Surveying Marsh Birds (Environment Canada, 2008)	<ul style="list-style-type: none"> • Each station is surveyed for 15 minutes; • Surveys should be undertaken in weather that is favourable for surveying birds: <i>good visibility, warm temperatures (at least 16°C), no precipitation and little or no wind.</i>
✓	Water Balance <i>Only required if wetlands are identified on the property.</i>	Variable	Wetland Water Balance Monitoring Protocol (Toronto and Region Conservation Authority, 2016)	
✓	Wetland Evaluation <i>Only required if wetland polygons are identified. PSW's are confirmed within 750 m of the subject property</i>	Variable	Ontario Wetland Evaluation System - Southern Manual (Ontario, 2013)	Any proposed refinements to Provincially Significant Wetland boundaries require approval from the MNRF. Please include all correspondence as an appendix in the EIS.
☐	Wildlife Movement Survey (e.g. Road Mortality)	Variable	Environmental Guide for Mitigating Road Impacts to Wildlife (MTO, 2017)	

✓	<p>Salamanders</p> <p>Only required if appropriate habitat is identified</p>	<p>Early Spring – between late-March to mid-April, immediately following snow melt and/or the first spring rains</p>	<p>Wildlife Monitoring Programs and Inventory Techniques for Ontario</p>	<p>Surveys can consist of one or more of the following three techniques:</p> <ul style="list-style-type: none"> • Visual Surveys completed in the evenings during the period specified. A visual inspection of the habitat, including carefully overturning and replacing potential cover can be included as part of this survey. Egg mass surveys can also be completed during daylight hours; • Fine mesh dipnets can be used to catch amphibians. Capture occurs by sweeping or churning the water. <i>Correspondence with the MNRF/MECP prior to survey commencement recommended as permits may be required;</i> • Pitfall or funnel traps, often in association with drift fences, are the most common way of trapping terrestrial amphibians. Traps should be checked daily, before noon to minimize mortality. <i>Correspondence with the MNRF/MECP prior to survey commencement recommended as permits may be required.</i>
☐	<p>Tree Saving Plan</p>	<p>Variable</p>	<p>Section 1.36 of the Niagara Region’s Tree and Forest Conservation By-law (By-law No. 30-2008)</p>	<ul style="list-style-type: none"> • All requirements listed in the identified protocol must be included for a Tree Saving Plan to be deemed complete.

✓	Snakes	<ul style="list-style-type: none"> • Spring, Summer and Fall; • most likely to be observed under cover objects in the morning after cool evenings when they seek out their area and try and maintain their body temperatures. 	<ul style="list-style-type: none"> • Survey Protocol for Ontario's Species at Risk Snakes (MNRF, 2016) and/or Milksnake Protocol (MNRF, 2013) is recommended for species that are not at risk; • Wildlife Monitoring Programs and Inventory Techniques for Ontario. 	<ul style="list-style-type: none"> • Visual surveys should be completed by overturning all objects that provide cover (i.e., large branches, logs, rocks, etc.). Objects should be returned, to the extent possible, to their original positions; • Roadside surveys can also be used; • Artificial cover boards can be installed recognizing that it takes time for the boards to be used as habitat; • Contact the MECP for protocols related to SAR snakes.
□	Turtles	<ul style="list-style-type: none"> • Early Spring • Between 8 am and 5 pm on sunny days when the air temperature is at least 10 °C; • Between 8 am and 5 pm on partially cloudy or overcast days when air temperatures are greater than 15 °C, and greater than water temperatures 	<ul style="list-style-type: none"> • Wildlife Monitoring Programs and Inventory Techniques for Ontario (MNRF, 1997) • Occurrence Survey Protocol for Blanding's Turtle in Ontario (MNRF, 2013) 	<ul style="list-style-type: none"> • Visual surveys of ponds or wetlands; • Searching for basking turtles is the most effective method of confirming presence of turtles within suitable habitat; • In open water wetlands, surveys can be completed from the shoreline using binoculars to scan the perimeter of the shoreline and potential basking sites; • Basking surveys should be surveyed from the sunlit side as this is the side that turtles are most likely to be located; • In wetlands that lack large pools of open water, surveys should consist of using evenly spaced transects or aerial surveys to cover all areas of the wetland; and • Surveying roads with sandy and gravelly shoulders near wetlands during the late May to early July nesting season may also be undertaken.

What must be included in an EIS?

The EIS should focus on the significant natural heritage features and/or hydrological features and functions for which the area was designated, and any additional natural heritage or hydrological features identified on site. It should identify, describe and delineate these features and their ecological and hydrological functions in order to avoid impacts to them. However, it should also address the site's setting in the broader landscape and its role in, and linkages to, broader natural heritage and hydrologic systems. It should assess any unavoidable impacts of the proposed development, indicating the magnitude and implications of those impacts, recommend mitigation measures to reduce negative impacts, identify opportunities for restoration or enhancement of natural heritage features which may also help offset negative impacts, recommend further study, monitoring, and provide recommendations on proceeding with the proposed development, including conditions to be attached to any approvals.

The key components of an EIS include:

- A biophysical and/or hydrologic inventory and analysis, including a description and analysis of the aquatic and terrestrial settings, as well as hydrological conditions such as surface and groundwater features and functions;
- A description of the ecological and hydrological functions served and required by the natural heritage features and/or hydrologic features;
- A description of the linkages between and among natural features and areas, surface water features and ground water features both on the site and in the surrounding area;
- A description of the proposed undertaking;
- Identification of constraints and opportunities;
- Mapping;
- Identification and analysis of potential direct, indirect and cumulative impacts from the proposed activities on the ecological and/or hydrological functions identified;
- The development of appropriate development modifications, recommendations, mitigation measures and enhancement opportunities;
- An assessment of the significance of the cumulative net environmental impacts expected over the long term after these measures have been implemented;
- The recommendation and description of monitoring needs and programs; and
- Recommendations regarding possible residual impacts, including recommendations for proceeding with the development as proposed or modified.

Steps involved in the environmental impact study process:

Step 1: Determining EIS Requirements

1.1 Initial Screening to Determine if an EIS is Required, or if EIS Requirement can be Waived

1.2 Pre-consultation and Scoping (**This EIS Scoping Checklist satisfies this step**)

Step 2: Terms of Reference (**Next Step!**)

Step 3: Constraints Analysis

Step 4: Ecological Impact Assessment

Step 5: Recommendations and Conclusion

Please refer to the Niagara Region's Environmental Impact Study Guidelines for a detailed description of each step.



GUIDELINES FOR THE PREPARATION OF PLANNING JUSTIFICATION REPORTS AND PLANNING JUSTIFICATION BRIEFS

PURPOSE:

The purpose of this document is to provide guidance for the preparation of Planning Justification Reports and Planning Justification Briefs. Planning Justification Reports are required to accompany submissions of development related applications such as Official Plan and Zoning By-law Amendment applications and Draft Plan of Subdivision/Condominium applications and sometimes Site Plan applications. Planning Justification Briefs are typically required for less complex applications.

All reports shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a report being considered unsatisfactory and submitted applications being deemed incomplete.

The goal of the Reports is to provide background context of the proposal, an overview of the purpose and effect of the applications(s), and provide a professional planning rationale for the application by demonstrating how the proposal is consistent with provincial policy and conforms to applicable planning policy documents and good planning principles.

All reports must indicate the author of the report, and be signed by a Registered Professional Planner (RPP). A Candidate Member (defined by the Professional Standards Board) or a Certified Planning Technician (CPT) may also prepare the report; however it must be signed and reviewed by an RPP

Reports will vary in content and detail depending on the nature and complexity of the proposal and applications being sought, however all reports must include the following:

- Introduction
- Site context
- Description of the proposal
- Policy and planning analysis
- Summary and conclusions
- Appendices/maps/plans

Planning Justification Reports:

The framework for a Planning Justification Report is based on the following:

A. Introduction

Every report must contain a brief introduction which outlines:

- Who was retained to write the report, when and by whom
- What applications(s) have been submitted or are required to support the proposal
- Date of the pre-consultation meeting(s)
- A statement of the purpose of the report

B. Site Context

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and the surrounding area. This section of the report contains:

- A description of the location, existing condition and existing land uses of the subject lands
- A description of the surrounding land uses and important features such as roadways, significant buildings/features or characteristics of the area
- Identification of constraints affecting the site such as hazards, natural heritage features, access restrictions, servicing restrictions, cultural restrictions, etc.
- Identification of any lands of the site that may be regulated by the Niagara Peninsula Conservation Authority
- Identification of any other known development proposals affecting the area
- Maps or reference to appendices that help provide context for the site and surrounding land uses, such as surveys, aerial photographs, site photos, maps, etc.

C. Description of Proposal

The description of the proposal is to provide detailed information to allow the reader to understand the purpose and outcome of the application(s). This section of the report must provide details about proposed uses, proposed buildings and siting, if known, the planning history of the site (i.e. previous applications), identification of how the lands will be serviced and any previous consultations with the Town, Region and Conservation Authority.

Where modifications to the Official Plan are proposed, a detailed description of the proposed amendment and proposed modification should be included.

Where modifications to the Zoning By-law provisions are proposed, a detailed concept plan should be provided illustrating all applicable zoning regulations, (i.e.

lot frontage, setbacks, coverage, encroachments, building height, parking (number and size of parking spaces, and driveway aisles), etc.).

The description of the proposal will also list and provide a brief description of other technical supporting studies that have been submitted as a part of a complete application, in support of the application(s) and how these relate to applicable planning policies (i.e. Traffic Impact Studies, Noise and Vibration Assessments, Archeological Studies, Functional Servicing Studies, Urban Design Brief, etc.).

D. Policy and Planning Analysis

The policy and planning analysis is the basis for establishing why a proposal should be considered and approved. The analysis must provide an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the proposal. The analysis must establish a basis for the application(s) by providing detailed analysis of the identified relevant policies and explain how the proposal conforms to the policies. Where changes to the Official Plan and/or Zoning By-law are proposed, the analysis must discuss the appropriateness of the requested amendments, including the policy basis for any requested modifications that are specific to the proposal. The following planning documents must be addresses as part of the policy and planning analysis:

1. Provincial Policy and Legislation
 - Provincial Policy Statement
 - Growth Plan for the Greater Golden Horseshoe
2. Municipal Policy
 - Region of Niagara Official Plan
 - Town of Fort Erie Official Plan
 - Council Approved Guidelines an Studies
3. Zoning By-law

If during the pre-consultation meeting specific policies were identified that need to be addressed in the Planning Justification Report, the policy and planning analysis should include an analysis of those specific policies and discuss how the proposal is supported by those specific policies.

The policy and planning analysis section is intended to provide a rationale and opinion as to why the proposal is appropriate, in terms of how the proposal addresses good planning principles. This may include a discussion of how the proposal contributes to creating complete, vibrant communities; and /or how potential negative impacts have be mitigated or avoided.

The analysis should also include a summary of the findings of other technical supporting studies that make up a complete application and discuss how the findings of these studies are supported by the policy context and strengthen the proposal greatly.

Applications which propose residential uses must provide an analysis of proposed densities and unit counts compared to the requirements in the applicable policy documents and demonstrate how the proposed density is in conformity with Provincial and/or municipal plans.

In some cases policy documents or zoning by-laws affecting lands may have been adopted or approved by Council, but are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. The Planning Justification Report should address the policies in the documents as part of the planning analysis and identify changes are needed if the document or zoning by-law were in effect.

E. Summary and Conclusions

This section of the Report will provide a summary and concluding remarks outlining:

- The purpose and effect of the application(s), including why the requested amendments(s) are necessary
- A summary of the key relevant plans and policies and how they are being addressed
- A summary of the key merits of the application and
- Final recommendations

F. Appendices/Maps/Plans

The following visual aids and/or appendices are typically included in Planning Justification Reports and should be included where applicable:

- Maps, including aerial photographs, land parcel mapping and surveys
- Street level photographs/renderings of the land subject to the proposed application(s)
- Official plan maps of land use designations
- Zoning maps
- Concept plans or site plans
- Official Plan amendment sketch and copy of Official Plan amendment
- Zoning By-law amendment sketch and cop of Zoning By-law amendment
- Draft plan of subdivision
- Supporting technical studies

Planning Justification Briefs:

For less complex proposals a Planning Justification Brief may be requested instead of a full Planning Justification Report. A Planning Justification Brief may be included as a covering letter for a formal application or as a short report. The Planning Justification Brief should give a summary of the proposal, outline merits of the proposal based on good planning principles, explain briefly how the proposal is consistent and conforms to

Provincial, Regional and Town policy plans and documents, and for minor zoning or official plan amendments the brief should address the policies in the Town's Official Plan Section 13.7 III. The requirement for a Planning Justification Brief will be determined on a case by case basis at the pre-consultation meeting.

Planning Justification Briefs must include at a minimum:

- A description of the proposal and site context
- A summary addressing how the proposal meets the general intent of provincial, regional and municipal policies specific to the lands
- A summary of how the proposal is consistent with good planning principles



TOWN OF FORT ERIE DEVELOPMENT CHARGES

By-law No. 43-2014 establishes development charges for new development and redevelopment within the Town. The revenue generated by the development charge ensures that growth related infrastructure can be funded without affecting the Town's existing tax base while meeting growth needs.

Town charges effective January 1, 2021 to December 31, 2021

CATEGORY OF SERVICE	RESIDENTIAL				NON-RESIDENTIAL		
	Singles And Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Municipal-Wide Service Area (\$56.52/m ² = \$5.25/sf)		
					Commercial	Industrial	
Municipal-Wide	\$ 8,686	\$ 6,067	\$ 5,706	\$3,690	\$21.56/m ²	\$0.00	
Urban Serviced Area	\$ 7,484	\$ 5,228	\$ 4,918	\$3,182	\$41.75/m ²	\$0.00	
TOTALS	\$16,170	\$11,295	\$10,624	\$6,872	\$63.31 /m²	\$0.00	

Regional Development Charges effective January 1, 2021 to December 31, 2021

CATEGORY OF SERVICE	Single/Semi Detached	Apartment 2+ bedrooms	Apartment 1 Bedroom	Other Multiple/Duplex	Special Care/Special Dwelling	Commercial per sq. ft.	Industrial per sq. ft.	Institutional per sq. ft.	Wind Turbines per sq. ft.
Roads & General Government Services	\$ 11,471	\$ 7,963	\$4,730	\$8,357	\$4,337	\$6.51	\$2.69	\$4.66	8,074
Wastewater (if available)	\$ 5,059	\$ 3,513	\$2,087	\$3,686	\$1,913	\$3.63	\$1.51	\$2.60	\$0
Water (if available)	\$ 3,582	\$ 2,487	\$1,477	\$2,610	\$1,354	\$2.58	\$1.07	\$1.84	\$0
TOTALS	\$20,112	\$13,963	\$8,294	\$14,653	\$7,604	\$12.72	\$5.27	\$9.10	\$8,074

Effective December 20, 2020	<i>Residential</i> \$/new dwelling unit	<i>Non-residential</i> \$/new (sq. ft.) of gross floor area
Niagara Catholic District School Board	\$391	No Charge

The development charge is collected at the time of issuance of a building permit as described above. Charges are not applicable if they have been previously paid on the lot which the development is occurring. The Town and Region Development Charge By-laws provide exceptions in certain cases. Please contact us for more details.

For further information on Town of Fort Erie Development Charges By-law please contact: Planning & Development Services Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 (905) 871-1600	For further information on Regional Niagara's Development Charges By-law No. 2017-98 please contact: The Corporate Services Department Regional Municipality of Niagara 2201 St. David's Road, Thorold, ON L2V 4T7 Telephone: (905) 685-1571
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