



The Municipal Corporation of the Town of Fort Erie

By-law No. 43-2019

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. 43
David and Christine Watson (Owners)
Michael Sullivan (Agent)
615 Burleigh Road North

350302-0111

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. 43 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby 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 of Fort Erie 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 18th day of March, 2019.

Mayor

Clerk

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 43-2019 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20__

AMENDMENT NO. 43

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 43 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 43 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 amend the infilling policy in Section 4.6.3 (a) of the Town's Official Plan as it applies to the lands shown in Schedule A and limit the development of the lands shown on Schedule "A" to permit a maximum of three dwelling units or lots in accordance with the Growth Plan for the Greater Golden Horseshoe.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 615 Burleigh Road North 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 subject lands are designated Rural in the Town's Official Plan and residential dwellings are permitted. The proposal is to create three new building lots and retain the balance of the property with the existing single detached dwelling and garage. The owner of the property does not farm the property and wishes to sell the lands to enable the construction of three new single detached dwellings. The three new lots are needed to accommodate the needs of those people wishing to construct a single detached dwelling on a Rural lot in Fort Erie.

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

The subject land contains an existing dwelling. Rural Residential dwellings are located to the north, south and northeast. There is also a rural residential subdivision to the northeast.

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

The existing home will be situated on a large 3 ha lot which is more than adequate to accommodate the existing dwelling, accessory structure and septic system. The two proposed lots will be 1 hectare in size which is consistent with the MOE procedural guideline D-5-4 for individual on-site sewage systems. A hydrogeological study will be prepared as part of the consent process to confirm that the proposed lots are adequately sized. The proposed lots are sufficiently separated from all natural heritage features.

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

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

The subject property fronts on Burleigh Road North which is a paved and maintained municipal road. The proposed development will not generate any significant traffic volumes. The existing and proposed dwellings can be adequately serviced with private water systems. The Region has confirmed that the retained lot is adequately sized to accommodate the private sewage systems and will ensure the adequacy of lot sizes for future lots through the requirement for a hydrogeological study at the consent stage.

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

The retained parcel is 3 ha in size and contains an existing single detached dwelling and detached garage, which is well separated from abutting uses. The proposed lots will all be 1.0 ha and size with approximately 48 m of frontage. The proposed lots have very similar geometry to other rural lots to the north and south. Adjacent uses consist of rural residential uses and natural heritage features which are compatible with the existing and proposed uses of the subject property.

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

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

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

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

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

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

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

PART "B" - THE AMENDMENT

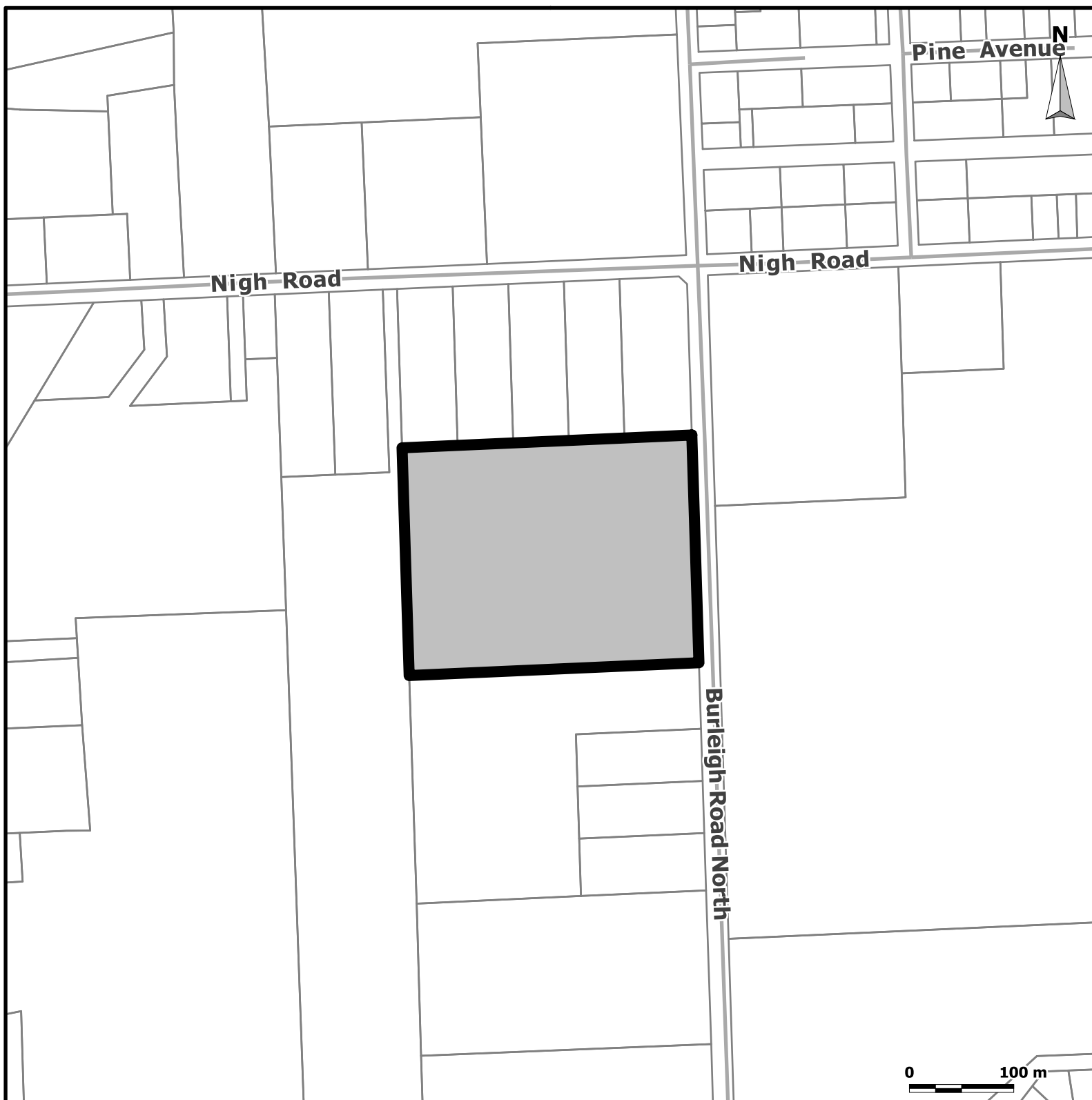
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 19 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

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

PART “C” - THE APPENDICES

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

SCHEDULE "A"



By-law No. 43-2019

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 18th DAY OF MARCH, 2019**



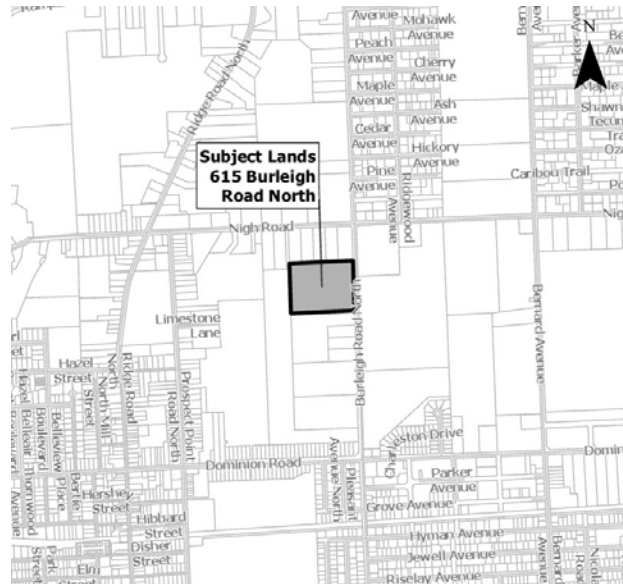
Subject Lands - 615 Burleigh Road North

APPENDIX "1"

Notice of Complete Application & Public Meeting 615 Burleigh Road North – Combined Official Plan and Zoning By-law Amendment

PROPOSED CHANGE

To permit the creation of three new building lots. The proposed Official Plan Amendment is required as the proposed lots do not meet the definition of infill lots as is required to sever a lot in the Rural Area. The proposed rezoning will change the zoning from a Rural Zone to a site specific Rural Zone and is required to permit the proposed lot frontages of 48 m and a minimum lot size of 1.0 ha.



PUBLIC MEETING

Date: February 4, 2019

Time: 6 p.m.

Place: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie,
ON L2N 2S6

HAVE YOUR SAY

Input on any proposed matter is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note, unless you do one of the above now, you may not be able to appeal the decision later.

WRITTEN STATEMENT

To provide input in writing, or to request personal notice if the proposed change is adopted, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6 or an email to cschofield@forterie.ca.

MORE INFORMATION

A copy of the Information Report will be available to the public by 5 p.m. on January 30, 2019. The information report will be available at www.forterie.ca (Government > Agendas & Minutes) or from the Town's Planning and Development Services Department.

For more information about this matter, including information about preserving your appeal rights, contact Matt Kernahan, MCIP, RPP, Senior Development Planner, at mkernahan@forterie.ca or 905-871-1600, ext. 2507.

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will still be maintained and they will not be needing the zoning requirement. He referred to the aerial and stated they are penned between subplane and Provincially Significant Wetlands which makes the agricultural yield of this land not very feasible. It will mix nicely with some of the existing development in the Oakhill neighbourhood to the north west.

Mayor Redekop enquired if anyone wished to speak in favour of the application.

(a) Ray Daley - 2549 Nigh Road

Mr. Daley advised he lives beside the new proposal and he has nothing against it. He was at the Town meeting on December 12, 2018 and the only concern he has is if they can have a berm, 2 lines of trees, maybe blue spruces along the side, for visual and sound and to keep it a little more secluded.

Mayor Redekop enquired if anyone wished to speak in opposition of the application.

No person(s) came forward.

Mayor Redekop closed the Public Meeting.

(d) Official Plan and Property Rezoning

Re: David and Christine Watson (Owners) - Michael Sullivan (Agent) - 615 Burleigh Road North. The applicant is proposing to create three new buildings lots. The Official Plan Amendment is required as the proposed lots do not meet the definition of infill lots as required to sever a lot in a Rural Area. The proposed rezoning will change the zoning from a Rural Zone to a site specific Rural Zone.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed Official Plan and Zoning By-law Amendment to the Town's Comprehensive Zoning By-law No. 129-90.

Mr. Kernahan, Senior Development Planner, delivered a PowerPoint presentation which is available for viewing on the Town's website.

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Mr. Kernahan confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting and reviewed the related report.

Mayor Redekop enquired as to whether the Agent or the Applicants wished to speak to the proposed amendments

Michael Sullivan, Larkin + Land Use Planners Inc., the Agent for the Applicants advised he will keep it brief because staff have done a good job in presenting. The lots have been designed during pre-consultation to meet one hectare or larger to satisfy the servicing requirements and make them sustainable. That was the design so it could be consistent with the neighbouring lots. There were two approaches to the Zoning By-law Amendment. One approach was to do a site specific amendment, which Town staff requested. The other which was initially applied for, was to change the zoning from Rural to Rural Residential. They have adjusted the application to Town staff's preferred approach and that was to have a minimum lot area of 1 hectare and the minimum lot frontage of 48 metres. When these lots were designed they would be a sufficient size to address servicing, so they have issue with the Region's comments in terms of hydrogeological assessment. However, if that is Council's wish they will go ahead and do that study. He wished to note that was not identified in the pre-consultation. They also noted they saw the neighbour's comments about water and the need which was not identified until just now. They will be pleased to meet with the neighbour and find a solution if that is appropriate. He mentioned to Council that an Archaeological Assessment Phase 1 was completed and then a Phase 2 and there was no further work required. A Planning Justification Report was also completed.

Mayor Redekop enquired if anyone wished to speak in favour of the application.

No person(s) came forward.

Mayor Redekop enquired if anyone wished to speak in opposition of the application.

(a) Brian Page - 3385 Nigh Road

Mr. Page stated he is strongly against this proposal for severing these lots. He is concerned about his water system. He and his neighbours have water well systems on their properties and adding three more lots will have a

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severe impact if they decide to put water well systems in as well. If they have to change their water system it will be another \$6,000, and \$4,000 to alter the landscape and he's not prepared to do that. You cannot control the heights of water wells as you start putting more pressure on the system with the volume of more residents coming in. If this severance goes through and you create 3 more lots and the next person down the road decides to make a severance and create more lots it will put additional strain on the water system. He is not for this. The property behind him was purchased and sold as rural property. It should stay as a rural property. That is what he bought into. If the zoning is rural he asked why change it. They should not be allowed to do this, it is bad planning. He attended a meeting on December 12, 2018 and talked to Matt Kernhan who expressed that the Town does not support subdividing properties into L shaped and T shaped properties. He referred to Page 12 of the slides and specifically the Justification Report creating T shape properties. Mr. Page stated shame on the Planning Department for bad planning. He is a resident of Fort Erie and pays taxes and he does not feel that he is getting a fair shake.

Mr. Page advised an additional septic system going on these properties and narrowing the size of the properties will have an effect on the water well system as well as not having enough water in the system. He sent a letter into the Town addressing his concerns.

Mayor Redekop closed the Public Meeting.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items for Discussion

Mayor Redekop requested that Report No. PDS-03-2019 be removed from the Consent Agenda to be dealt with separately.

Report No. PDS-04-2019 was removed from the Consent Agenda due to Councillor Butler's pecuniary interest.

Report No. CA-01/LC-01-2019 was removed due to Mayor Redekop's pecuniary interest with respect to Item 3.11.

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Re: Request for Comments - 615 Burleigh Road 
Ed Melanson to: Matt Kernahan

12/05/2018 08:38 AM

Good morning Matt,

I have reviewed each document attached for 615 Burleigh Road. I found the archeological report very interesting. I have no questions or concerns about this application.

Ed Melanson
Fire Chief & CEMC
Fort Erie Fire Department

Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255



Matt Kernahan

An application has been received from Michael...

12/04/2018 03:13:43 PM

From: Matt Kernahan/FortErie
To: Andrew.Carrigan@Canadapost.ca, circulations@mmm.ca, clampman@npca.ca, kathy.levinski@ncdsb.com, kris.watson@cnpower.com, LandUsePlanning@HydroOne.com, MunicipalPlanning@enbridge.com, planification@csdccc.edu.on.ca, Randy.Leppert@cogeco.com, sue.mabee@dsbn.org, karen.singer@bell.ca, circulations@wsp.com, Chris Millar/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie, Ed Melanson/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Jeremy Korevaar/FortErie@TownOfFortErie, "Deluce, David" <delluce@npca.ca>, erik.acs@niagararegion.ca, executivedirector@fenfc.org, craig.krueger@cogeco.com, esavoia@niagaraparks.com, mr18enquiry@mpac.ca, aazouz@csdccc.edu.on.ca, jthibert@forteriecanada.com, cgrummett@forteriecanada.com, kaudet@forteriecanada.com, scott.whitwell@ncdsb.com, doug.giles@niagararegion.ca, Fawn.Sault@mncfn.ca, pontdj@hotmail.com, clerk@niagararegion.ca, "Quintanilla, Elissa" <Elissa.Quintanilla@niagararegion.ca>
Cc: Matt Kernahan/FortErie@TownOfFortErie
Date: 12/04/2018 03:13 PM
Subject: Request for Comments - 615 Burleigh Road

An application has been received from Michael Sullivan, Agent for David and Christine Watson for a Combined Official Plan and Zoning By-law Amendment at 615 Burleigh Road. The purpose of the applications is to permit the creation of three building lots by way of severance from the subject property. The following was submitted with the application package:

1. Application form
2. Site Plan
3. Draft Official Plan and Zoning By-law Amendments
4. Planning Justification Report
5. Stage 1 and 2 Archaeological Assessment.

Digital copies of the above are attached for your review and comment. Paper copies of other studies are available upon request. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **January 18, 2019**.

Please contact me if you have any questions or require further information.

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Interoffice Memorandum

January 11, 2019
File No. 350309-0468

To: Matt Kernahan, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW
AMENDMENT APPLICATION – 615 BURLEIGH ROAD - COMMENTS**

On behalf of the Infrastructure Services Department, Engineering Services Division, we have reviewed the above noted Combined Zoning By-law and Official Plan Amendment applications and have no comments or objections.

We note to the applicant that when the future Consent to Sever applications are made, the Engineering Division will require a road widening be conveyed to the Town as a conditions of those consent applications. The Town's Official Plan has identified Burleigh Road from Thunder Bay Road to Highway No. 3 as a Collector Road with a desired road allowance width of 23.0m. The current road allowance is 20.1m, therefore the required road widening will be 1.45m.

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



RE: Request for Comments - 615 Burleigh Road
 12/04/2018 03:51 PM
 From: "Craig Krueger" <Craig.Krueger@cogeco.com>
 To: "Matt Kernahan" <MKernahan@forterie.ca>

Thank you for the notification, Cogeco has no concerns.

Craig

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

Sent: Tuesday, December 4, 2018 3:14 PM

To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; clampman@npca.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; MunicipalPlanning@enbridge.com; planification@csdccc.edu.on.ca; Randy Leppert; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; Chris Millar; Signe Hansen; Ed Melanson; Keegan Gennings; Jeremy Korevaar; Deluce, David; erik.acs@niagararegion.ca; executivedirector@fenfc.org; Craig Krueger; esavoia@niagaraparks.com; mr18enquiry@mpac.ca; aazouz@csdccc.edu.on.ca; jthibert@forteriecanada.com; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; doug.giles@niagararegion.ca; Fawn.Sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; Quintanilla, Elissa

Cc: Matt Kernahan

Subject: Request for Comments - 615 Burleigh Road

An application has been received from Michael Sullivan, Agent for David and Christine Watson for a Combined Official Plan and Zoning By-law Amendment at 615 Burleigh Road. The purpose of the applications is to permit the creation of three building lots by way of severance from the subject property. The following was submitted with the application package:

1. Application form
2. Site Plan
3. Draft Official Plan and Zoning By-law Amendments
4. Planning Justification Report
5. Stage 1 and 2 Archaeological Assessment.

Digital copies of the above are attached for your review and comment. Paper copies of other studies are available upon request. If your agency has a review fee it will be sent via courier. Please provide any comments you have on the applications no later than **January 18, 2019**.

Please contact me if you have any questions or require further information.

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

TEL: 1-905-871-1600 ext.2507

FAX: 1-905-871-6411

APPENDIX "3"



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

December 12, 2018

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

Dear Matt,

Re: Official Plan Amendment & Zoning By-law Amendment
David Watson
615 Burleigh Road North
Town of Fort Erie

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

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

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

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

enbridgegas.com

Integrity. Safety. Respect.

AC/jh

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December 18, 2018

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

Re: 615 Burleigh Road North

Dear Matt:

This development, as described, will receive mail delivery via lot line delivery to a rural mail receptacle supplied by the owner or developer.

Therefore, Canada Post Corporation has no comments or conditions regarding this project.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Sincerely yours,

A. Carrigan

Andrew Carrigan
Delivery Services Officer

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Via E-mail Only

January 18, 2019

Files: D.10.01.OPA-18-036
D.18.01.ZA-18-131

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

Dear Mr. Kernahan:

**Re: Regional and Provincial Review Comments
Official Plan Amendment and Zoning By-law Amendment
Agent: Sullivan Planning Services Inc. (c/o Michael Sullivan, RPP)
615 Burleigh Road North
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by Sullivan Planning Services Inc. on behalf of David Watson for an Official Plan Amendment and Zoning By-law Amendment for lands known municipally as 615 Burleigh Road North in the Town of Fort Erie. The applicant is proposing the creation of three (3) new lots for residential use by way of a future consent application. The remaining lands would continue as residential use.

A formal pre-consultation meeting was held for this development proposal on May 10, 2018 with Town of Fort Erie and Regional staff in attendance. The applications were received by Regional staff on December 4, 2018, with fees received on December 11, 2018.

The Official Plan Amendment is required to recognize the new lots as infill lots. The concurrent Zoning By-law Amendment is required to include site specific provisions to the existing Rural (RU) Zone to permit a reduced minimum lot frontage and minimum lot area.

The following comments are provided from a Regional and Provincial perspective to assist the Town in consideration of these applications.

Regional and Provincial Policies

The subject lands are located outside of the Urban Area Boundary for the Town of Fort Erie, and are within the Rural Area according to the Provincial Policy Statement (PPS), Placed to Growth – Growth Plan (Growth Plan), and Regional Official Plan (ROP).

Provincial and Regional policy state that settlement areas shall be the focus of growth and development, through a range of uses and opportunities for intensification and redevelopment. The

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prominent use in Rural Areas shall be agriculture. Provincial policy states that in municipalities without delineated rural settlement areas, limited residential development may be directed to rural lands, provided such development does not adversely affect the protection of agricultural uses, is compatible with the rural landscape, and can be sustained by rural services. ROP policy generally permits some non-farm development, including non-farm residential development in the Rural Area, on individual lots and soil conditions that are suitable for the long term operation of a private waste and water systems. Further, ROP policy speaks to considering the long-term pattern and character of future development when rural residential development is proposed in Rural Areas.

The proposed amendments will facilitate the creation of three new residential lots on a local road, each with a lot area of 1 hectare in size with frontages exceeding 46 metres. Regional staff note that ROP policy permits some non-farm residential development (i.e. limited to 3 lots or less) within rural areas and provides the minimum lot size for the purposes of private water and sewage systems, however, the intent of ROP policy is to **limit** non-farm development within the Rural Areas to mitigate the cumulative impact of continuous introduction of non-farm development outside settlement areas. Regional staff have concerns with the creation of new lots outside the urban area through this type of development.

Hydrogeological Requirements

Regional staff note that ROP policy for rural residential lot creation limits such development to three lots or less. For residential development consisting of up to three lots, the minimum lot size is to be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for the long term operation. It is noted that the subject lands are mapped as being on a Highly Vulnerable Aquifer that is Hydrogeologically Sensitive. Should the proposed development proceed to the consent stage, a private septic system design including a hydrogeological report would be required to ensure the proposed lot configurations can be serviced by an on-site septic. Due to the Hydrogeologically Sensitive Area (with the bedrock aquifer having less than 2 m of sediment protecting it), the lot fabric may need to be modified as the impacts are assessed based on the groundwater flow direction and ensuring that the nitrates do not exceed 10 mg/L at the proposed property line and negatively impact groundwater. Regional staff are able work with the applicant to scope the Hydrogeological Study that would be prepared by a suitably qualified P. Eng., or P. Geo. following the assessment of sewage impacts (using Section 22.5.8, Design Guidelines for Sewage Works, MOE, 2008) and including recommended mitigation measures (tertiary/level IV treatment), set-backs to groundwater supplies/wells (e.g. 50 m set-back to prevent migration of pathogens to water supplies), as well as mapping of water supplies adjacent to the proposed development at parcels within 100m.

Core Natural Heritage System

The subject lands contains and are adjacent to portions of the Regional Core Natural Heritage System (CNHS). Additionally, the Growth Plan for the Greater Golden Horseshoe (2017) identifies a portion of the lands along the west (rear) lot line as part of the Provincial Natural Heritage System (PNHS). The CNHS consists of an Environmental Conservation Area (ECA) associated with a Significant Woodland, of which the majority is found on the adjacent lands, with the exception of a small area in the southwest corner. Regional staff note that the identified Significant Woodland is a Key Natural Heritage Feature (KNHF) of the PNHS.

Consistent with Policy 4.2.4, the Growth Plan requires development to be located outside of KNHFs and any required vegetated protection zones (VPZ). Furthermore, a Natural Heritage Evaluation (NHE) is required when development and/or site alteration are proposed within 120

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meters of a KNHF. Policy 7.B.1.11 of the Region's Official Plan, requires that an Environmental Impact Study (EIS) be completed to demonstrate no negative impacts to the CNHS when development is proposed in or within 50 m of a Significant Woodland. Furthermore, policies in Section 7.B.2 allow the Region to waive the requirement for an EIS, should certain criteria be met.

The proposed development includes a 72.98 meter setback from the west (rear) property line to the location of the proposed Official Plan Amendment and Zoning Bylaw Amendment to permit future rural residential lots. Given the proposed distance between the Significant Woodland and proposed new lots, the EIS requirement has been waived. However, given the proposed development location is within 120 m of a KNHF there is a need to evaluate natural heritage with respect to the Growth Plan. Policy 4.2.4.1 requires the establishment of a minimum 30 meter VPZ to the Significant Woodland to ensure it will not be impacted from adjacent development. This VPZ should be identified on the plans and placed in an appropriate environmental conservation zone.

Archaeological Assessment

Regional staff note that the subject lands are within an Archaeological Potential area per Schedule D: Cultural Heritage Archaeological Zones of Potential within the Town of Fort Erie Official Plan. A Stage 1-2 Archaeological Assessment (dated September 24, 2018) prepared by Detritus Consulting Ltd. was completed on the lands to be severed. The assessment concludes that no archaeological material was encountered during the Stage 2 investigation and recommends that no further archaeological assessment of is required, however, there is still cultural heritage value and interest for the remaining lands. Regional staff note that that additional archaeological assessment should be prepared for any future site alteration/development proposed on the remaining lands.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection provided that the waste and recycling is placed curbside on the designated pick up day, and that the following limits are met:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per property.

Conclusion

As mentioned above, Regional staff outlined the potential effect of introducing non-farm residential uses outside a settlement area, where the intention is for agricultural uses to dominate. Provincial and Regional policy permits limited non-farm residential development in the rural area and directs intensification to settlement areas. Therefore, Regional staff recommend that consideration should be given to the overall cumulative impact of the creation of new residential parcels in the rural area of Fort Erie.

Regional staff note that the site specific Official Plan Amendment (OPA) is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please send a copy of the staff report and notice of Council's decision on these applications, including a copy of the adopted OPA for our files.

APPENDIX "3"

If you would like to discuss these comments, please contact me at extension 3442 or Lindsay Earl, MCIP, RPP, Senior Development Planner at extension 3387. Should you have any questions specific to the private septic design and hydrogeological assessment requirement, please contact Phil Lambert, Director of Infrastructure Planning & Development Engineering at extension 3627.

Respectfully submitted,



Elissa Quintanilla
Development Planner
Niagara Region

Cc: Ms. Lindsay Earl, MCIP, RPP, Senior Development Planner, Niagara Region
Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region
Mr. Phil Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region