The Municipal Corporation of the Town of Fort Erie

By-law No. 15-2023

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. 66
0-17482 and 0-17484 Black Creek Road
5009823 Ontario Inc. and Black Creek Comprop Inc.
(Mitch Williams and Mike Colosimo) - Owners

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, c. P.13 enacts as follows:

1. **That** amendment No. 66 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping 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 affect 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 13th day of February, 2023.

_____
Mayor

_____
Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 15-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

_____

AMENDMENT NO. 66

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. 66 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. 66 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 the subject lands shown on Schedule “A” attached hereto from “Medium Density Residential” and “Low Density Residential” to “Site Specific Policy Area 41 – Spring Creek Estates Subdivision” and “Site Specific Policy Area 42 – Spring Creek Estates Subdivision”, respectively, to facilitate the development of 219 residential units.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the west side of Black Creek Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The Douglastown-Black Creek Secondary Plan envisions the subject lands to be utilized for residential development that contributes to the diversification of the low and medium density housing stock, and provides a range of tenureship options and opportunities to age in place. Further, the Secondary Plan provides for approximately 200 new medium density residential units in the neighbourhood, all to be located on the west side of Black Creek Road.

The proposed amendments that provide for an increase in density allow for the reallocation of development and density on site as a portion of the southerly Medium Density Residential lands are required to accommodate a Stormwater Management Pond. Further, the addition of permitted uses through the Site Specific Policy Areas assists with introducing a diverse range of housing options to the neighbourhood that will not only cater to a variety of households, ages, and income groups, but will also provide for a range of tenureship opportunities, as envisioned through the Secondary Plan.

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

The Douglastown-Black Creek neighbourhood is predominantly comprised of low density residential development. The approval of Black Creek Signature Subdivision in 2016 introduced 10 blocks for a total of 46 street townhouse dwelling units, which along with the subject lands, represents the only medium density residential lands in the neighbourhood. As a portion of the subject site's medium density residential lands will be utilized for a Stormwater Management Pond, the proposed land use designation and Site Specific Policy Areas, which can provide for an additional 149 medium density residential units, will ensure that approximately 200 medium density residential units can be achieved in accordance with the Secondary Plan.

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

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

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 lands are located within the urban boundary and will tie into the existing municipal and Regional infrastructure. The Region has stated that there are no capacity concerns with respect to the Stevensville-Douglastown Lagoon to accommodate this development. A Stormwater Management Pond will be constructed to manage stormwater quality and quantity.

The Traffic Briefs and Addendum completed by R.V. Anderson Associates Limited note that the intersections of Black Creek Road at Baker Road, and Baker Road at Netherby Road have sufficient capacity to accommodate the future site generated traffic without any anticipated operational concerns. No upgrades or changes to the traffic control at these intersections are required as a result of the generated traffic. Further, the existing surrounding road network has sufficient capacity to accommodate the future site generated traffic.

At a minimum, 1.50 m wide concrete sidewalks will be provided on one side of all streets. Further, no driveway accesses to Black Creek Road will be provided to ensure the safety of cyclists and pedestrians.

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

The subject lands are adjacent to Netherby Road, vacant commercial lands, and institutional uses, and are in proximity to low density residential development. The Secondary Plan process allocated the subject lands for low and medium density residential development, and evaluated the compatibility of these residential uses. The proposed amendments ultimately align with the vision and intent of the Secondary Plan, and will not have a notable impact on compatibility.

An Environmental Noise Feasibility Study was submitted with the applications. The Study determined that the stationary noise sources from the adjacent institutional land uses and transportation noise sources will not result in incompatibility issues following the implementation of the recommended noise control 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:

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting commercial development to the vacant commercial lands to the north, and by supporting the adjacent institutional uses.

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

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developers. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

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

As the lands were envisioned for residential development through the Douglastown- Black Creek Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the *Environmental Protection Act.*

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

1. The subject lands described as Part 1 on Schedule “A” attached hereto are hereby redesignated to:

Site Specific Policy Area 41 – Spring Creek Estates Subdivision

The subject lands shall generally be governed by the Medium Density Residential policies of Section 4.20.7. Notwithstanding the policies of Section 4.20.7, the subject lands shall:

a) Permit block townhouse dwellings in addition to the permitted uses identified in Section 4.20.7 a).

b) Permit an overall density range of 17 to 75 units per hectare.

2. The subject lands described as Parts 2, 3 and 4 on Schedule “A” attached hereto are hereby redesignated to:

Site Specific Policy Area 42 – Spring Creek Estates Subdivision

The subject lands shall generally be governed by the Medium Density Residential policies of Section 4.20.7. Notwithstanding the policies of Section 4.20.7, the subject lands shall:

a) Permit single detached and semi-detached dwellings in addition to the permitted uses identified in Section 4.20.7 a).

PART “C” - THE APPENDICES

Appendix 1 - Notice of Public Meeting

Appendix 2 - Public Meeting Minutes

Appendix 3 - Circulation comments

SCHEDULE "A"



By-law No. 15-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 13th DAY OF FEBRUARY, 2023

N

- Subject Lands - Spring Creek Estates (0-17482 and 0-17484 Black Creek Road)
- Part 1 - Change from Medium Density Residential to Site Specific Policy Area 41
- Part 2 - Change from Medium Density Residential to Site Specific Policy Area 42
- Part 3 - Change from Low Density Residential to Site Specific Policy Area 42
- Part 4 - Change from Medium Density Residential to Site Specific Policy Area 42

Planning and Development Services. Map Created February 2, 2023

FORT ERIE ONTARIO
Our Focus: Your Future

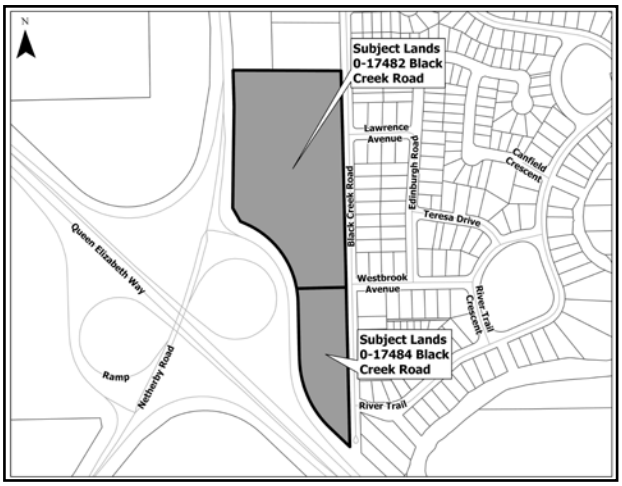
APPENDIX "1"

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: – 5009823 Ontario Inc- Mitch Willam and Mike Colosimo (Capital Contracting)
Agent: Matt Kernahan (Upper Canada Consultants)
0-17482 & 0-17484 Black Creek Road
Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment Application
***APPLICATION NOs:* 350302-131, 350309-540 &350308-123**

DATE: May 30, 2022
TIME: 6:00 PM
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR Virtually via Zoom.

LOCATION OF SUBJECT LANDS



The applicant has submitted an application to subdivide 8.67 hectares of land known as 0- 17482 and 0-17484 Black Creek Road into 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, one (1) block for up to eighty (80) apartment dwellings, a block for stormwater management pond and 0.3-metre reserves.

The applicant has also submitted an application to amend the Town's Official Plan and Zoning By-law No. 129-90.

APPENDIX "1"

The northerly and southerly portions of the subject lands are currently designated Medium Density Residential and the middle portion of the property is designated Low-Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan. The Medium Density Residential designation permits a maximum density of 50 units per hectare. The applicant is requesting to redesignate the entire subject property as Medium Density Residential. A Special Policy Area designation is requested to be added to the northerly portion of the property to allow stacked and block townhouses as permitted uses with a density ranging from 17 units per hectare to 75 units per hectare.

The subject lands are currently zoned Residential Multiple 2 (RM2-549) Zone, in part, Residential 2 (R2) Zone, in part and Residential Multiple (RM1-548) Zone,

in part, in accordance with the Zoning By-law No. 129-90 as amended by By-law No. 2016-035. The applicant is requesting to rezone the northerly portion of the subject property to a site-specific Residential Multiple 2 (RM2) Zone and the southerly portion to a site-specific Residential Multiple (RM1) Zone.

The site-specific regulations requested for RM2 Zone (Blocks 74 and 75) include adding stacked townhouses and block townhouses to the list of permitted uses. The site-specific regulations requested for Block 75 include a reduction in the minimum lot frontage and maximum building height, an increase in minimum lot area per dwelling unit, minimum rear yard depth, interior side yard, and allowing the minimum and maximum density to range between 17 – 77 units per hectare

The site-specific regulations requested for RM1 Zone include adding a stormwater management pond to the list of permitted uses, removing the requirement for maximum lot coverage, reduction in the interior side yard for proposed semi-detached dwellings (Blocks 53-60), minimum lot area per dwelling unit for on-street townhomes (Blocks 61-70) and an increase in the maximum density.

GETTING MORE INFORMATION

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



A copy of the Information Report will be available to the public by 5:00 PM on **Wednesday, May 26th, 2022**. The Information Report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Mackenzie Ceci, Junior Development Planner.

CONTACT INFORMATION

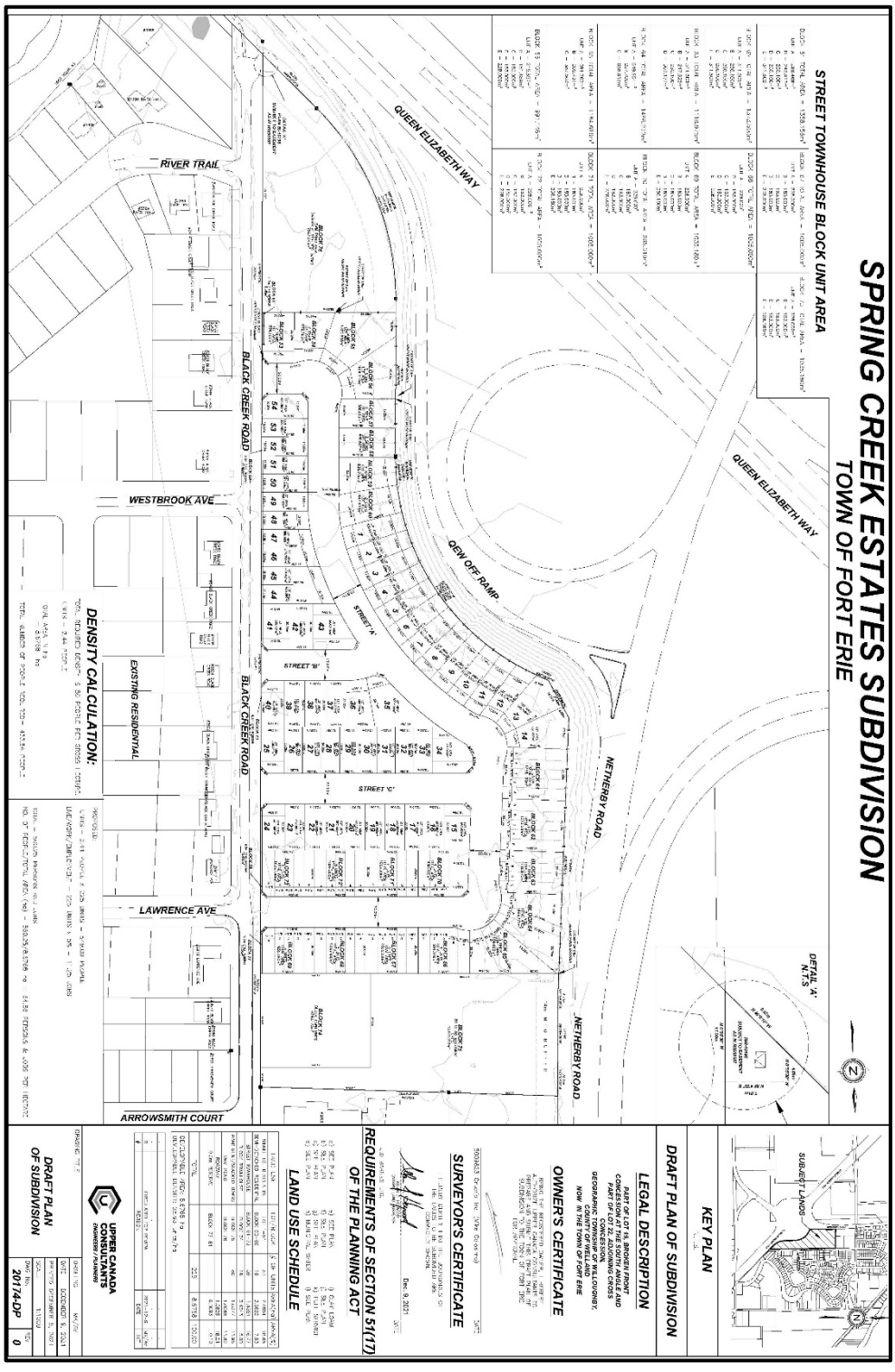
Anamika Dilwaria, Acting Manager, Development Approvals
Planning and Development Services Department
Town Hall, 1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
905-871-1600 ext. 2507

APPENDIX "1"

	Or by e-mailing your comments to: adilwaria@forterie.ca **PROVIDING YOUR COMMENTS OR REQUESTING A NOTICE OF DECISION** To provide input in writing, or to request written notice of the decision for the Draft Plan of Subdivision and Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca
	**PLANNING ACT LEGAL NOTICE REQUIREMENTS** The Town of Fort Erie has not yet made a decision regarding the application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting. If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca Notice dated at the Town of Fort Erie this 5th day of May, 2022.

APPENDIX "1"

SCHEDULE 1



(e) Proposed Temporary Zoning By-law Amendment

Re: 409 Gilmore Road - Owner: Gorham Road Inc. (David Kompson) - Agent: Zelinka Priamo Ltd. (Rob MacFarlane) - Monday June 20, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on Wednesday June 15, 2022.

7. Public Meetings

(a) Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

Re: 0-17482 & 0-17484 Black Creek Road - Owner: 5009823 Ontario Inc (Capital Contracting) – Mitch William and Mike Colosimo - Agent: Matt Kernahan (Upper Canada Consultants). The Applicant's request is to subdivide 8.67 hectares of land into 54 residential lots for single detached dwellings, 8 blocks for 16 semi-detached dwellings, 13 blocks for 59 street townhouse dwellings and 1 block for 16 condominium townhouse dwellings, 1 block for up to 80 apartment dwellings, 1 block for a stormwater management pond, and 0.3 metre reserves. The Applicant's request is to redesignate the entire property as Medium Density Residential, as the middle portion is designated Low-Density Residential and a Special Policy Area designation be added to the northerly portion to allow stacked and block townhouses as permitted uses with a density ranging from 17 units per hectare to 75 units per hectare. The Applicant's request is also to rezone the northerly portion of the property to a site-specific Residential Multiple 2 (RM2) Zone and the southerly portion to a site-specific Residential Multiple (RM1) Zone, which are currently zoned Residential Multiple 2 (RM2-549) Zone, in part, Residential 2 (R2) Zone, in part and Residential Multiple (RM1-548) Zone, in part.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Ms. Dilwaria, Acting Manager, Development Approvals, delivered a PowerPoint Presentation which is available for viewing on the Town’s website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Matt Kernahan, Planning Manager, Upper Canada Consultants was present to speak behalf of the Applicant.

Mr. Kernahan provided a PowerPoint presentation and the following commentary:

- The secondary plan for Douglastown was approved in 2016 and was designated residential development.
- The subdivision consists of a mix of 54 single detached and 16 semi-detached dwellings.
- 80 apartment units are proposed with access directly to Black Creek Road, and 59 street townhouses fronting onto internal public streets.
- There's a Stormwater Management Pond proposed in the south of the site, which will include plantings.
- The current designation permits a mix of medium density and low density residential.
- In the north, apartments are permitted in the medium density residential.
- In the south medium density residential, townhouses are permitted.
- In the middle, low density residential, only single detached dwellings are permitted.
- Purpose of the application is to reconfigure the existing designations to incorporate modern design, a mix of land uses throughout the subdivision, a reduced size for the apartment block area, and a proposal to use it more efficiently through an increase in height.
- The plan is to redistribute the density, but the density is on the lower side of a medium density residential development at approximately 25 units per ha.
- Official Plan Amendment doesn't propose any additional density compared to what was contemplated in the Secondary Plan.
- Comments received at the Public Meeting were regarding density, traffic impacts, and municipal and regional infrastructure might not have capacity to handle flows from the development.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.
No members of the public came forward.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in opposition to the Application.

There were no members of the public attending virtually.

The following members of the public present in the Chamber addressed Council:

Available for viewing on the Town's YouTube Channel: www.youtube.com/townofforterie

*****_Presenters speaking notes retained in Clerk's office_

(a) Greg Hunter, 3735 Sussex Lane

Mr. Hunter provided a PowerPoint presentation and the following commentary:

- Up until 2020 the property would support wildlife and will not anymore since the property was cleared in September 2021 according to the Ecology Report.
- A personal Traffic Survey conducted by Mr. Hunter revealed significantly more traffic volume than in the Traffic Study completed causing dangerous traffic conditions.
- The numbers that the Region projected for sewage usage in 2016 are lower than then numbers projected with the addition of 2 new subdivision's and various commercial industries.
- According to the Sound Study an 8 ½ ft barrier is proposed which is based on assumption alone, and is well under the existing 21 ft embankment.
- The Stormwater Management Pond being proposed in the Spring Creek Estates Subdivision has no park and is at the extreme south end of the development.

(b) *****Bruce Halliday, 3590 River Trail, Stevensville

- The proposal does not include the amendment for rezoning to medium density without following the same comprehensive consultation and community focus groups that were done prior to the 2016 report.
- The report prepared by Upper Canada Consultants summarizes that the wastewater management is "expected to be adequate" however it is not due to sewer backups with costs beared by taxpayers.

- The report does not speak to the watercourse or Stormwater Management and potential flooding issues.

(c) Allen Polegato, 3641 River Trail

- Consider entry off of Netherby to ease traffic flow into Black Creek, need accurate traffic study.
- Concerned with the pond or lagoon being built and all watershed going into the sewer system.

Mayor Redekop requested Adam Mildenberger, Traffc Engineer, RV Anderson Associates Limited, to answer questions of Council regarding the Traffic Study.

(d) ***** *Ian MacIver,* 2895 Arrowsmith Court, Stevensville

- Douglastown is expanding from 225 single family homes to a proposal of over 620 homes, including townhomes/condos and apartments.
- Amendments are an agreed plan to put in higher apartments, condos, and smaller lot sizes. There is no shopping or regular transit for kilometres increasing vehicular traffic.
- The developer stated he is not a builder and can't promise what the apartments would look like or who would be targeted for rentals.

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

Council recessed for 10 minutes at 8:22 p.m.

(b) Proposed Official Plan and Zoning By-law Amendments

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth). The Applicant's request is to amend the Official Plan which is currently outside of the Urban Area and designated Rural, in part and Environmental Protection, in part and the proposed lots do not comply with the definition of infill lots. The Applicant's request is to change the Rural (RU) Zone to a site specific Rural (RU) Zone to reduce the lot frontage and lot area of Parts 1 and 2 and reduce the lot frontage on Part 3 and to remove the

APPENDIX "3"

Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Hill Estates 0-17482 and 0-17484 Black Creek Road

Keegan Gennings to: Anamika Dilwaria, Aaron Butler 02/28/2022 04:03 PM

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie, Aaron Butler/FortErie@TownOfFortErie

Keegan Gennings	Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Hill Estates 0-17482

Hi Anamika,

A review of the proposed OPA, ZBA and draft approval of subdivision for Spring Estates has been reviewed and I have no comments.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

APPENDIX "3"

Re: Information Update - Subject has changed: Request for Comments- Proposed OPA, ZBA and Draft Plan of Subdivision- Spring Creek Estates 0-17482 and 0-17484 Black Creek Road

Ed Melanson to: Anamika Dilwaria 02/09/2022 09:55 AM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

Ed Melanson *Good Morning Anamika, I have no objections to the proposed OPA, ZE*

Good Morning Anamika,

I have no objections to the proposed OPA, ZBA and draft plan of subdivision for spring Creek estates.

Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

APPENDIX "3"

Interoffice Memorandum

Date 25 February 2022
File No. 350302-131, 350309-0540 & 350308-0123

To: Anamika Dilwaria, MCIP, RPP Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: Request for Comments - Combined Official Plan & Zoning By-law Amendment Application & Draft Plan of Subdivision
Location: 0-17482 and 0-17484 Black Creek Road (Spring Creek Estates)
Applicant: Matt Kernahan (Upper Canada Consultants)
Owner: 5009823 Ontario Inc.

Comment was last provided on this application on 12n August 2022. The Application has changed since then and will be commented on according to the current submission and materials provided.

1. OFFICIAL PLAN & 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.

2. URBAN DESIGN

Please note that as per the Active Transportation Master Plan (ATMP), Black Creek Road is identified in the Short Term for an Urban Shoulder or In-boulevard Multi-use Path as per Map 2a, page 49. The townhouse blocks 66 to 68 has since been removed from the proposal and have been replaced by single residential lots backing onto Black Creek Road. This is not preferable from an Urban Design perspective. Houses on these lots should be designed in a manner that presents a positive interface with Black Creek Road. This should be explored and suggestions should be reflected in the Urban Design Guidelines forming part of or a section of the overall Planning Justification Report.

The Storm Water Management Pond (Block 76) could potentially be used as additional passive recreational amenity space for the development. This may include pathways around the pond with appropriate fencing and safety measures.

Please ensure that corner lots and units facing onto Black Creek Road (Blocks 53, 69, 78 and Lots 24, 25, 40, 41 and 54) provide a positive interface onto the street on all edges. This will improve the development interface with the public realm.

3. CONCLUSION

APPENDIX "3"

Neighbourhood Planning & Urban Design in principle do not oppose the proposed Zoning By-law Amendment of 0-17482 and 0-17484 Black Creek Road. However, a strong emphasis should be put on urban design principles and landscaping to improve the interface with Black Creek Road, buffer from the QEW and integrate the SWM facility as part of the development (if possible).

Please provide the following additional documentation:

1. 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.
2. 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 must be made, if it has not already been done. This is as per By-Law No. 69-08 Parkland Dedication or Payment of Cash-In-Lieu as a Condition of Development or Redevelopment, Part 4 – Parkland Dedication, 4.1, b.
3. 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.
4. Urban Design Guidelines for the different units and areas where applicable. This study should form part of or a section of the overall Planning Justification Report (i.e. can be an annexure to the report).
5. All the unit, plans, sections and elevations. Any renders and 3-Dimensional imagery of the envelope or massing of the development may also be helpful.
6. Detailed Site Plan showing sidewalks, curbs, possible building footprints and landscaping.
7. A Streetscape Plan as part of the Urban Design Guidelines showing how the development will respond the interface with Black Creek Road.

Kind regards,

Pieter Wasserman, M. Arch, MCPUD
Neighbourhood Planner & Urban Designer

PCW/
Attach. none

APPENDIX "3"

Interoffice Memorandum

March 17, 2022
File No. 350302-0131, 350308-0122 & 350309-0540

To: Anamika Dilwaria, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATION – 0-17482 AND 0-17484 BLACK CREEK ROAD, STEVENSVILLE - COMMENTS**

On behalf of the Infrastructure Services Department, Engineering Services Division, a review has been completed for the above noted Combined Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications and supporting documents and have the following comments:

The Applications

- Official Plan Amendment – Re-designate the property to Medium Density Residential with a minimum density of 17 units per hectare on the north portion and a maximum density of 70 units per hectare and add stacked townhouses and block townhouses as permitted uses.
- Zoning By-law Amendment – Rezone to site-specific Residential Multiple 2 (RM2) and site-specific Residential Multiple 1 (RM1) zone.
- Draft Plan of Subdivision - Fifty-four residential lots for single-detached dwellings, eight blocks for sixteen semi-detached dwellings, thirteen blocks for fifty-nine street townhouse dwellings, one block for sixteen condominium townhouse dwellings, one block for up to eighty apartment dwellings and one block for stormwater management on the property.

Combined Official Plan and Zoning By-law Amendment

- We have no objections to the proposed Official Plan Amendment and Zoning By-law Amendment.

Application for Draft Plan of Subdivision
General Comments

1. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.

2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.

3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.

4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.

5. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

6. The Traffic Brief prepared by R. V. Anderson Associates Limited dated October 15, 2021 has been reviewed and we agree with the conclusions of the brief that all-way stop control is not warranted at the proposed four-way intersection of Lawrence Avenue and Black Creek Road. The traffic consultant has used industry standard guidelines to estimate existing and future traffic counts in coming to this conclusion.

7. The Preliminary Functional Servicing Report prepared by Upper Canada Consultants dated December 2021 has been reviewed and we have the following comments:
    - We agree with the initial assessment and methodology proposed by Upper Canada Consultants for storm water management which will limit post-development run-off to pre-development levels.
    - We agree with Upper Canada Consultant's assessment that the receiving sanitary sewer has adequate capacity to service the proposed development.

8. The Infrastructure Services Department – Engineering Division is currently undertaking a study of traffic in the Douglastown neighbourhood at the direction of Council to explore opportunities for providing a third municipal access to the neighbourhood. The outcome of that report may have bearing on the road network and lot layout of this application for draft plan of subdivision. Therefore, we recommend that no recommendation be made to Council-in-Committee until the Douglastown Third Access Pre-Design Review is complete and the recommendations contained therein (if any) are applied to this property and application.

Roads Comments

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).

2. All proposed roadways within the plan shall be dedicated as public highways.

3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.

4. LED Streetlights will be required as per the Town street light policy.

5. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical.

Watermain Comments

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.

Storm Drainage Comments

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

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.

3. The developer must provide a SWM report for all development phases of the subject lands.

4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.

5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.

6. Existing overland drainage patterns must be maintained.

7. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers for this development.

8. Preliminary grading information was provided by Upper Canada Consultants confirming that the side slopes for the pond are proposed to be at a ratio of 5:1. In accordance with By-law No. 110-05 (Stormwater Management Facility Policy and Standards), the proposed side slopes will necessitate the installation of 1.5m tall, black, chain link fence around Block 76. In order to eliminate the need for a fence the slopes would need to increase to 7:1 for the north, south and west slopes and 10:1 for the slope adjacent to Black Creek Road. In addition, a 3.0m wide maintenance access/ pedestrian walkway would have to also be accommodated. This would nearly double to land requirements for the pond and reduce land that could be used for housing.

Development Charge Project Comments

1. The current Development Charges Background Study of the Town of Fort Erie prepared by Hemson Consulting Ltd. dated May 23, 2019 identifies the following Development Charge related projects in the immediate vicinity of the subject development
   a. Black Creek Road from Lawrence Avenue to Westbrook Avenue
      i. Upgrade road to urban standard
      ii. Construct storm sewers including section on Lawrence Avenue to Edinburgh Road
   b. Black Creek Road from Westbrook Avenue to River Trail
      i. Upgrade road to urban standard
      ii. Construct storm sewers

If the Draft Plan is modified as a result of the above comments or comments from other agencies, the modified plan may have an effect on the above comments.

We recommend the following conditions be imposed on the Draft Plan of Subdivision:

1. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.

2. That the owner deed Blocks 78 to 80, inclusive, as shown on the Draft Plan to the Town for 0.30m reserves, free and clear of any mortgages, liens and encumbrances.

3. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

4. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.

5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface*

via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."

6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*

7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.

10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

11. That the streets be named to the satisfaction of the Town.

12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.

13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy,

Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:

a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
b) Detailed sediment and erosion control plans.

15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.

16. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.

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

APPENDIX "3"

Interoffice Memorandum

April 29, 2022
File No. 350302-0131, 350308-0122 & 350309-0540

To: Anamika Dilwaria, Acting Manager, Development Approvals
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATION – 0-17482 AND 0-17484 BLACK CREEK ROAD, STEVENSVILLE – TRAFFIC BRIEF ADDENDUM – COMMENTS**

On behalf of the Infrastructure Services Department, Engineering Services Division, a review has been completed of the Traffic Brief Addendum prepared by R.V. Anderson Associates Limited dated April 28, 2022. The Traffic Brief Addendum was prepared in response to both public feedback received at the open house meeting for this application held on April 7, 2022. The feedback indicated concerns regarding the operation and capacity of the intersections of Black Creek Road and Baker Road as well as Netherby Road and Baker Road.

We agree with the conclusions of the report that the increase in traffic volumes as a result of the subject development will not have an adverse impact on the operation of either of the aforementioned intersections. Furthermore, we agree that the increase in traffic volumes does not warrant any upgrades or changes to the traffic control at these intersections.

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

APPENDIX "3"

Spring Creek Estates - Open House Meeting Comments - Historic Sewer Back-Up Problems

Jeremy Korevaar to: Anamika Dilwaria 04/19/2022 09:46 AM

From: Jeremy Korevaar/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie
History: This message has been replied to.

Jeremy Korevaar	Spring Creek Estates - Open House Meeting Comments - Historic Sewer Back-U
Anamika Dilwaria	*Hi Jeremy, Thank you for the information.*

Hi Anamika,

In response to allegations from the public at the open house meeting for Spring Creek Estaes regarding historic sewer back-up problems in the Douglastown area, I asked the Water/Wastewater group to go through our CRM records to see if the allegations have any merit.

Here is a summary of the number of CRMs that the Water/ Wastewater Division has received in this neighbourhood:

2022 - Two private property issues and two rain related sewer back-ups

2021 - One private issue and one construction related issue

2020 - No CRMs

2019 - No CRMs

2018 - One private property issue

2017 - No CRMs

Let me know if you have any questions.

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

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2505
FAX: 1-905-871-6411

Niagara Region

Planning and Development Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free:1-800-263-7215

Via Email

February 18, 2022

Region Files: D.11.01.SD-22-0004
D.10.01.OPA-22-0004
D.18.01.ZA-22-0009

Ms. Anamika Dilwaria, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria:

Re: Regional and Provincial Comments
Draft Plan of Subdivision, Local Official Plan Amendment, and Zoning By-law Amendment Applications
Owner: 5009823 Ontario Inc.
Agent: Upper Canada Consultants (c/o Matt Kernahan)
0-17482 Black Creek Road (Spring Creek Estates Subdivision)
Town of Fort Erie

Regional Planning and Development Services staff has reviewed the circulated Draft Plan of Subdivision, Local Official Plan Amendment, and Zoning By-law Amendment Applications with respect to the 0-17482 Black Creek Road (Spring Creek Estates Subdivision) located in the Town of Fort Erie. The Region received the circulation of these application from the Town of Fort Erie on February 8, 2022.

The Draft Plan of Subdivision proposes 54 single-detached residential lots, eight lots for 16 semi-detached dwellings, thirteen blocks for 59 street townhouse dwellings, one block for 16 (condominium) townhouse dwelling units, one block for up to 80 apartment units, and one block for a stormwater management facility.

The subject lands are located within the Douglastown-Black Creek Secondary Plan Area within the Town of Fort Erie's Official Plan. Currently, the northerly and southerly portion of the property is designated "Medium Density Residential" and the middle portion of the property is designated "Low-Density Residential". The Medium Density Residential designation permits a maximum density of 50 units per hectare. An Amendment to the Town's Official Plan is required to implement a "Special Policy Area" designation to the northerly portion of the property in order to allow for a minimum

density of 17 units per hectare and a maximum density of 70 units per hectare, as well as to include stacked and block townhouses as permitted uses.

The Town's Zoning By-law (No. 129-90 as amended by By-law No. 2016-035) currently zones the subject lands as "Residential Multiple 2 (RM2-549) Zone" in part, "Residential 2 (R2) Zone" in part, and "Residential Multiple (RM1-548) Zone" in part. An Amendment to the Zoning By-law is required to zone the property to a "Site-Specific Residential Multiple 2 (RM2) Zone" in part, and "Site-Specific Residential Multiple (RM1) Zone", in part in order to permit the proposed mix of dwelling units and its associated provisions.

A pre-consultation meeting was held for these applications on August 12, 2021 with Town staff, Regional staff, and the agent in attendance. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are designated "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and "Delineated 'Built-Up' Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The PPS and Growth Plan direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities though the development of complete communities. Provincial policies set out for intensification and infill by means of compact built form that is compatible with the surrounding urban fabric and offers a range of housing options for current and future population needs.

The subject lands are designated "Urban (Built-Up) Area" in the *Regional Official Plan* ("ROP"). A full range of residential, commercial and industrial uses are permitted generally within the Urban (Built-Up) Area subject to the availability of adequate municipal services and infrastructure and other policies relative to urban design, compatibility and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Regional staff has reviewed "*Planning Justification Report*" ("PJR") prepared by Upper Canada Consultants (dated December 2021) and finds the Report acceptable. The PJR justifies that the proposed development will make efficient use of underutilized urban lands and available municipal servicing, while offering a variety housing options (i.e., semi-detached dwellings, townhouse dwellings, apartment units). Staff acknowledge that the development will make better use of existing urban lands and municipal infrastructure, as well as contribute to the diversification of Niagara's housing supply. As such, staff is satisfied that the proposed application is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the discussion of this letter. Town staff should be satisfied that the proposed development aligns with the objectives of the Douglastown-Black Creek Secondary Plan, is

compatible with the surrounding urban fabric, and can be appropriately accommodated within forecasted municipal servicing capacities.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff has reviewed the "*Stage 1-2 Archeological Assessment (Northern Part)*" and "*Stage 1-2 Archaeological Assessment (Southern Part)*" that was prepared by Detritus Consulting Ltd. (dated October 13, 2017 and October 28, 2021, respectively).

The Stage 1-2 Archaeological Assessment for the Northern Part resulted in the identification and documentation of no archaeological resources and recommended that no further archaeological assessment of its Study Area is required. Regional staff was also provided with a Letter of Acknowledgement (dated September 11, 2019) from the Ministry of Heritage, Sport, Tourism and Cultural Industries ("MHSTCI") – formerly known as the Ministry of Tourism, Culture and Sport ("MTCS") – stating that the assessment was entered into the Ontario Public Register of Archaeological Reports.

The Stage 1-2 Archaeological Assessment for the Southern Part resulted in the identification and documentation of two archaeological sites that were registered with the MHSTCI as Site P1 (AfGs-147) and Site P2 (AfGs-146). Based on the test pit surveys of these sites, the Assessment determined that that Site P1 does not warrant the completion of a Stage 3 Archaeological Assessment due to the limited recovery of non-diagnostic artifacts within the survey pit area. However, Site P2 resulted in a greater number of documented artifacts which fulfills the criteria for a Stage 3 Assessment. Staff note this recommended Stage 3 Archaeological Assessment was not provided within the application submissions.

As such, Regional staff requires that a Stage 3 Archaeological Assessment, plus any subsequent recommended assessments and MHSTCI Letters of Acknowledgement for the property are required as conditions of Draft Plan of Subdivision Approval. Staff acknowledge that the "*Planning Justification Report*" prepared by Upper Canada Consultants (dated December 2021) states that the Stage 3 Archaeological Assessment is currently underway with an expected completion in 2022.

Appropriate Regional conditions and warning clauses with respect to archaeological requirements for the Draft Plan of Subdivision Agreement is included within the attached Appendix.

Land Use Compatibility

Potential Noise Impacts

The completion of a Noise Feasibility Study is required in order to assess and address the land use compatibility policies of the PPS (Policy 1.2.6.1) given the property's proximity to nearby agricultural uses, transportation-related noise sources, including the QEW, which is a Provincial 400 Series Highway.

Regional staff has reviewed "*Environmental Noise Feasibility Study*" ("Noise Study") prepared by Valcoustics Canada Ltd. (dated December 14, 2021) that was submitted in support of the proposed applications. The Noise Study was completed to assess on-site sound levels in accordance to the Ministry of the Environment, Conservation and Parks ("MECP") NPC-300 Guideline. The Study included an assessment of potential impacts from the nearby transportation-related noise sources (Netherby Road, and QEW), as well as two identified stationary noise sources (Faith Reformed Church, and Black Creek Community Association) that could result in potential impacts.

The Noise Study's assessment concludes that the proposed development would experience noise impacts that exceed the MECP's NPC-300 Guidelines. In order to meet the sound thresholds as set out in the Guidelines, the Study recommends the following noise mitigation measures / devices and warning clauses for the subdivision:

- Upgraded building materials and architectural design elements (i.e., exterior wall and windows) during the construction of development blocks, including Blocks 53-70, and 75, and Lots 15-18, 31-38, and 41-54.
- Mandatory air-conditioning for Blocks 53-62 and Lots 1-14.
- A provision to add air conditioning for Blocks 63-65 and 70, Lots 15-18, 31-38, 41-54 and Block 75.
- Sound barriers up to 2.8m in height at the rear of Blocks 55-56; up to 2.4m in height at the rear of Blocks 53-54; and up to 2.6m in height at the rear of Blocks 57-64 and Lots 1-14.
- Recommended noise warning clauses registered on title and included in Offers of Purchase and Sale for designated lots.

An appropriate condition with respect to the implementation of the recommendations of the Noise Study is included within the attached Appendix. The applicant is advised that any revisions to the proposed Draft Plan will result in a need to update the Noise Study in order to evaluate these changes.

Potential Odour Impacts

At the virtual pre-consultation meeting, Regional staff identified that the subject lands may experience adverse odour impacts from nearby agricultural uses and the

Douglastown Sewage Lagoons. In lieu of an Odour Impact Assessment, Regional staff requested that warning clauses be included within the Subdivision Agreement and all future Agreements of Purchase and Sale or Lease or Occupancy. An appropriate condition and warning clauses is included within the attached Appendix.

Core Natural Heritage System

Regional Environmental Planning staff conducted a site visit of the subject lands on October 7, 2021. Through the site visit, staff confirmed that the properties were cleared of vegetation with only new growth remaining. As such, there are no Regionally designated core natural heritage features present on the subject lands.

Therefore, Regional Environmental Planning staff offer no environmental planning requirements for the proposed applications.

Regional Road

The subject property has frontage along Netherby Road (Regional Road 25). The applicant is advised that Regional staff will provide further comments with respect to future engineering submissions in regards to any planned construction / grading works within the Regional Road Allowance (if required).

Regional Road Allowance

In accordance to the ROP, there is a sufficient Regional Road Allowance along this section of the road. Therefore, no further road widening is requested at this time.

In order to avoid any future access requests to Netherby Road, the Region requires that a clause be included in the Subdivision Agreement that prohibits access to the road instead of taking a 1 ft reserve along the rear of all lots on Netherby Road. An appropriate clause is included in the attached Appendix.

Regional Construction Encroachment and Entrance Permits

The applicant is advised that prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department. Applications can be submitted online through the Region's website at: http://niagararegion.ca/living/roads/permits/default.aspx.

General Servicing

The applicant is advised that any extension of municipal storm and sanitary infrastructure prior to the Consolidated Linear Environmental Compliance Approval ("ECA") being approved requires ECA approvals from the Ministry of the Environment,

Conservation, and Parks ("MECP"). These ECA approvals can be completed through the MECP's Transfer of Review Program with the Region. Appropriate conditions to this effect, as well as with respect to general servicing allocation provisions, is included within the attached Appendix.

Stormwater Management

Regional staff has reviewed the "*Preliminary Functional Servicing Report Spring Creek Estates*" prepared by Upper Canada Consultants (dated December 2021) and offer the following comments:

- Staff requests that documents are provided to justify how the development without peak flow control will not increase the creek flooding hazard.
- Staff requests the incorporation of Low Impact Development practice for water retention in order to mitigate the development's impact on the downstream waterway and properties.
- Staff note that the ratio of impervious land coverage is a major factor in sizing the storage required for water quality control. The tributary areas to pond include Blocks 74, 75, and an external area. Staff suggest that the presumed ratio of imperviousness of these future development areas be identified, as it will help with understanding how flows from these areas is presumably accommodated in the pond for water treatment.
- Staff suggest the pond emergency flow route is confirmed and that the pond can accommodate water from a 100-year 24-hour storm event.

Appropriate conditions with respect to the Region's stormwater management requirements is included in the attached Appendix.

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 property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organics green bins or containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).
- Collection will be at the curbside only.

Region staff note that in order for Regional waste collection services to be provided, the developer / owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste.

Regional staff will provide more detailed comments through future *Planning Act* applications once detailed engineering drawings are provided showing how the proposed development blocks / street network can meet the current waste collection requirements. An appropriate condition with respect to waste collection is included within the attached Appendix.

Survey Evidence

The applicant is advised that survey evidence adjacent to Regional Road Allowance shall not be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. An appropriate condition with respect to survey evidence is included within the attached Appendix.

Conclusion

Regional Planning and Development Services staff do not object to the proposed Draft Plan, Zoning By-law Amendment, or Local Official Plan Amendment, in principle, as the applications is consistent to the PPS and conforms with Provincial and Regional growth management policies subject to the discussion of this letter, the Conditions of Draft Approval in the Appendix, and any local requirements or provisions.

In accordance with the Memorandum of Understanding and ROP Exemption (Chapter 14) policies, the proposed Local Official Plan Amendment is exempt from Regional Council approval.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of Council's decision on these applications and a copy of the Official Plan and Zoning By-law Amendments as adopted.

Respectfully,

Alex Morrison, MCIP, RPP
Senior Development Planner

cc: Ms. Cheryl Selig, Manager (A), Development Planning, Niagara Region
Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region
Ms. Maggie Ding, Stormwater Management Engineer, Niagara Region
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

Appendix: Conditions of Draft Plan of Subdivision Approval

Appendix

Conditions of Draft Plan of Subdivision Approval

0-17482 Black Creek Road (Spring Creek Estates Subdivision)

Town of Fort Erie

1. That as recommended by the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated October 28, 2021) that the owner submits a Stage 3 Archaeological Assessment (including any subsequent recommended assessments) prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each completed archaeological assessment involving the subdivision lands, including all applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed development and must be accepted by the MHSTCI, and to the satisfaction of Niagara Region, prior to clearance of this condition.

NOTE: No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of all applicable Letters of Acknowledgement from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the owner agrees to include the following warning clause with respect to the potential discovery of archaeological resources in the Subdivision Agreement:

- *"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

  In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

3. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to implement the approved noise mitigation measures / devices and ensure that the required warning clauses be included in all Agreements of Purchase and Sale or Lease or Occupancy in accordance with the

Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. (dated December 14, 2021).

4. That the owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units in the subdivision:

- *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Netherby Road and the QEW may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*
- *"The lands in the Plan of Subdivision may be exposed to noise, reduced air quality, odour, and/or dust from nearby agricultural uses/operations, vehicle traffic, and/or Douglastown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands."*

5. That the owner agrees to include a clause in the Subdivision Agreement noting that no access will be permitted to Netherby Road.

6. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

7. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

8. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP) Compliance Approval under the Transfer of Review Program.

9. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled *Stormwater Management Planning and Design Manual, March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to the Niagara Region for review and approval:

- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- Detailed erosion and sedimentation control plans; and
- Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.

10. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.

11. That the applicant ensure that all streets can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.

12. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

Clearance of Conditions

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.

APPENDIX "3"

RE: [SUSPECTED SPAM]Re: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

CA - Circulations to: Anamika Dilwaria 02/24/2022 09:34 AM

From: "CA - Circulations" <CA.Circulations@wsp.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Anamika Dilwaria	Anamika Dilwaria	Request for Comments- 0-17482 and 0-17484 Blac
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*
Mail Router	Mail Router	*Hi Everyone, Applications for a Combined Of*

Thank you for your circulation on [SUSPECTED SPAM]Re: Request for Comments- 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates. Your email has been received and relayed to Bell staff for review. The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated on any future materials related to this development project or infrastructure/policy initiative. Please note that Bell Canada does not generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

If you have any questions, please contact planninganddevelopment@bell.ca directly.
Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada.

wsp

wsp.com

APPENDIX "3"

February 14, 2022

ANAMIKA DILWARIA
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: Spring Creek Estates Draft Plan of Subdivision

Dear Anamika,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) that the home/business mail delivery will be from a designated Centralized Mail Box.

   ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

b) The owner further agrees to:

   i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes

iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

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 these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan
Officer, Delivery Planning
(226) 268-5914
Andrew.Carrigan@Canadapost.ca

APPENDIX "3"

DISTRICT SCHOOL BOARD OF NIAGARA
191 Carlton St. ▪ St. Catharines, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ dsbn.org

February 10, 2022

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Dear Ms. Dilwaria:

RE: Applications for Official Plan and Zoning By-law Amendment & Draft Plan of Subdivision 0-17482 and 0-17484 Black Creek Road- Spring Creek Estates

Thank you for circulating the District School Board of Niagara (DSBN) the applications for Official plan and Zoning By-law Amendment and Draft Plan of Subdivision. The applications propose 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 The Official Plan and Zoning Bylaw Amendment applications will rezone the lands accordingly to facilitate the proposed development.

DSBN Planning staff has completed its review and has no objections to the application. Board staff request that, as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations. Future students from this area would attend Stevensville PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225

Sincerely,

SMabee

Sue Mabee, MCIP, RPP
Supervisor of Planning

APPENDIX "3"

Fort Erie - 17482 and 17484 Black Creek Rd
LANDUSEPLANNING to: ADilwaria@forterie.ca 03/02/2022 10:54 AM
Sent by: "LUK Kitty" <Kitty.Luk@hydroone.com>

From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>
Sent by: "LUK Kitty" <Kitty.Luk@hydroone.com>

	LANDUSEPLANNING	LANDUSEPLANNING	Fort Erie - 17482 and 17484 Black Creek Rd

Hello,

We are in receipt of your Draft Plan of Subdivision Application, dated February 8, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link: http://www.hydroone.com/StormCenter3/

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

APPENDIX "3"

FW: Spring Creek Estates
Matt Kernahan to: Anamika Dilwaria 04/06/2022 01:20 PM

From: "Matt Kernahan" <matt@ucc.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Matt Kernahan	Matt Kernahan	*Hi Anamika, FYI. It occurs to me that I forgot*

Hi Anamika,

FYI. It occurs to me that I forgot to copy you initially.

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Matt Kernahan
Sent: April 6, 2022 12:07 PM
To: Jeremy Korevaar <JKorevaar@forterie.ca>
Cc: Patterson, Kelly <kelly.patterson@woodplc.com>; Susan Dunsmore <Susan.Dunsmore@niagararegion.ca>; Adam Mildenberger <AMildenberger@rvanderson.com>; Capital Contracting Group <info@capitalcontractinggroup.com>
Subject: FW: Spring Creek Estates

Hi Jeremy,

Further to our call, it would appear that a connection to the Spring Creek Development from Netherby Road is not possible. Please see correspondence from the MTO below.

Please let me know if you have any questions or would like to discuss.

APPENDIX "3"

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Sent: April 5, 2022 9:41 PM
To: Matt Kernahan <matt@ucc.com>
Cc: Adam Mildenberger <AMildenberger@rvanderson.com>; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>; MacKinnon, John (MTO) <John.MacKinnon@ontario.ca>
Subject: RE: Spring Creek Estates

Hello Matt,

The ministry has not been consulted on a proposed access from Netherby Road and such an access would not be allowed.

Note that Netherby Road, from the highway to Baker Street, is designated as controlled-access highway hence no access of any kind is permitted.

I hope this answers your questions. Please do not hesitate to contact me directly if you would like to discuss further.

Take care,
Ted Lagakos
Senior Project Manager (Niagara/Hamilton)
Highway Corridor Management Section - Central Operations

Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor
Toronto, ON M3M 0B7

Phone: 416-268-3932
E-Mail: ted.lagakos@ontario.ca
Web: www.mto.gov.on.ca/english/engineering/management/corridor

APPENDIX "3"

From: Matt Kernahan <matt@ucc.com>
Sent: April 5, 2022 12:47 PM
To: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Cc: Adam Mildenberger <AMildenberger@rvanderson.com>; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Subject: FW: Spring Creek Estates

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Ted,

I am in receipt of the attached comments from the MTO and Town on the Spring Creek Subdivision in Fort Erie. The Town is recommending that consideration be given to providing an access to Netherby Road through the proposed subdivision in approximately the location shown on the attached mark-up. I am wondering if the MTO has been consulted on this and if you could provide input on the possibility of this connection. We are working our way through the public process and it would be really helpful for us to understand if this is something that the MTO would entertain.

If it is easier for you, please give me a call to discuss.

Thanks,

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>
Sent: April 5, 2022 11:32 AM
To: Matt Kernahan <matt@ucc.com>
Subject: Spring Creek Estates

Hi Matt,

Attached are the staff and agency comments.

Thanks,

APPENDIX "3"

February 28,, 2022

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Dear Ms. Dilwaria:

RE: Spring Creek Estates Draft Plan of Subdivision

0-17482 & 0-17484 Black Creek Road

The Niagara Parks Commission has reviewed the application package for the above noted proposed draft plan of subdivision, Official Plan amendment and zoning by-law amendment and would advise that there are no concerns with the applications nor request conditions of subdivision plan approval.

Please keep Niagara Parks informed with regard to these applications.

Sincerely,

Ellen Savoia,
Senior Manager, Planning and Environmental Sustainability