



OPA (OPA-02-2023), ZBLA (ZBA-05-2023), Draft Plan of Condominium (TBD) and Draft Plan of Subdivision (SUB-01-2023); 576 Ridge Rd. N., Fort Erie. PrimeCities to ahair  
08/29/2023 12:05 PM  
From "PrimeCities" <WSP.PrimeCities@wspdigitalfactory.com>  
To ahair@forterie.ca,



**8/29/2023**

**Aaron Hair**

**Fort Erie**

**Fort Erie (Town)**

**Attention: Aaron Hair**

**Re: OPA (OPA-02-2023), ZBLA (ZBA-05-2023), Draft Plan of Condominium (TBD) and Draft Plan of Subdivision (SUB-01-2023); 576 Ridge Rd. N., Fort Erie. ; Your File No. OPA-02-2023,ZBA-05-2023,SUB-01-2023,TBD**

**Our File No. DTS: 37663 / Circ: 37975**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

**Bell Canada Condition(s) of Approval**

- 1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
  
- 2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

**Concluding Remarks:**

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,

The Bell logo, consisting of the word "Bell" in a blue, sans-serif font.

Juan Corvalan  
Senior Manager - Municipal Liaison  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

92;#Infrastructure|99ba27ae-002d-47ab-aa90-899ac195e6e7 Bell Canada Bell Canada



CANADA POST  
955 Highbury Ave N  
London ON N5Y 1A3  
[CANADAPOST.CA](http://CanadaPost.ca)

POSTES CANADA  
955 Highbury Ave N  
London ON N5Y 1A3  
[POSTESCANADA.CA](http://PostesCanada.ca)

October 4, 2023

AARON HAIR  
TOWN OF FORT ERIE  
1 MUNICIPAL CENTRE DRIVE  
FORT ERIE, ONTARIO, L2A 2S6

Re: 576 Ridge Rd N

Dear Aaron,

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.

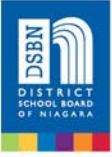
I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Officer, Delivery Planning  
(226) 268-5914

[Andrew.Carrigan@Canadapost.ca](mailto:Andrew.Carrigan@Canadapost.ca)



**I Matter  
At DSBN**

DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. ■ St. Catharines, ON ■ L2R 7P4 ■ 905-641-1550 ■ dsbn.org

September 14, 2023

Aaron Hair, MCIP, RPP  
Intermediate Development Planner  
Planning & Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

**RE: Applications for Draft Plan of Condominium, Draft Plan of Subdivision, Official Plan Amendment and Zoning Bylaw Amendment  
File Nos. 350302-167 (OPA-02-2023), 350309-0567 (ZBA-05-2023), - 350303-0040  
305308-131 (SUB-01-2023)  
576 Ridge Road North**

Dear Mr. Hair,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for the lands located at 576 Ridge Road North.

The Draft Plan of Subdivision proposes to create 49 single detached lots and a residential block for 70 townhouse dwellings, along with other blocks for stormwater management/park, a pedestrian trail, and an accessway. The Draft Plan of Vacant Land Condominium application has been submitted to establish the intended Condominium ownership for the proposed townhouses. The Official Plan Amendment and Zoning Bylaw Amendment will redesignate and rezone the lands accordingly to facilitate the residential development.

DSBN Planning staff has completed its review and has no objections to the application. Future students from this area would attend John Brant 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,

Sue Mabee, MCIP, RPP  
Supervisor of Planning



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

August 25, 2023

Aaron Hair, MCIP, RPP  
Intermediate Development Planner  
Planning & Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Aaron,

Re: Draft Plan of Subdivision, Draft Plan of Condominium, Official Plan Amendment,  
Zoning By-law Amendment  
2846300 Ontario Inc  
576 Ridge Road N  
Town of Fort Erie  
File No.: 305308-131, 350303-0040, 350302-167, 350309-0567

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

[https://enbridge.outsystemsenterprise.com/GetConnected\\_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp\\_UI%2F](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Willie Cornelio".

**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
**Engineering**

**ENBRIDGE**  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**



Town of Fort Erie - 576 Ridge Road N - SUB-01-2023ARABIA Gabriel to ahair@forterie.ca 08/31/2023 11:56 AM  
 From "ARABIA Gabriel" <Gabriel.Arabia@hydroone.com>  
 To "ahair@forterie.ca" <ahair@forterie.ca>

Hello,

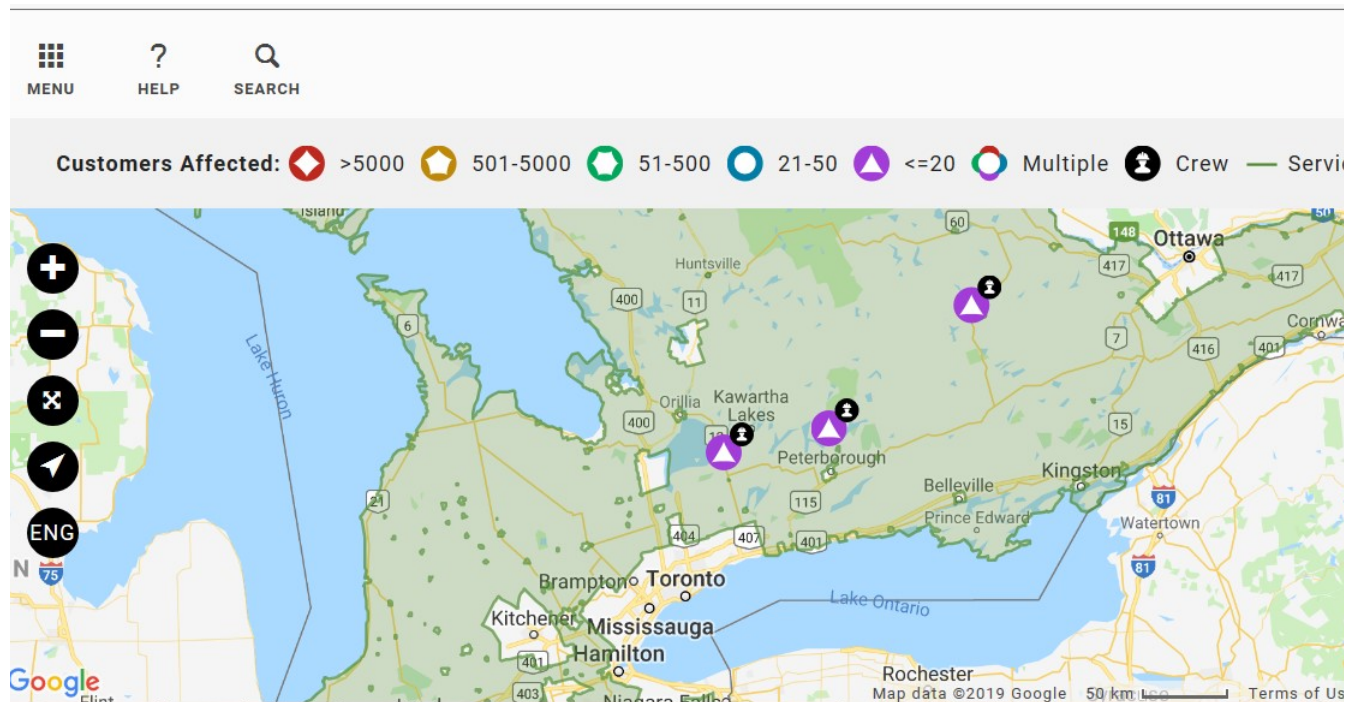
We are in receipt of your Plan of Subdivision application, SUB-01-2023 dated August 24<sup>th</sup>, 2023. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@hydroone.com](mailto:subdivision@hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:

[HydroOne Map](#)

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



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

### Dennis De Rango

Specialized Services Team Lead, Real Estate Department  
 Hydro One Networks Inc.  
 Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

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**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

January 16, 2024

Region File: D.10.01.OPA-23-0042  
D.18.01.ZA-23-0090  
D.11.01.SD-23-0041  
D.11.01.CD-23-0023

Curtis Thompson  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Mr. Thompson:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan  
of Subdivision and Draft Plan of Vacant Land Condominium Applications  
Town Files: 350302-167, 350309-0567, 305308-131, 350303-0040  
Owner: 2846300 Ontario Inc  
Applicant: Upper Canada Consultants  
576 Ridge Road North  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Official Plan Amendment, Zoning-By-law Amendment, Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium applications for 576 Ridge Road North in the Town of Fort Erie. The applicant is proposing to develop the site with single-detached and block townhouse dwellings. The development additionally proposes an area for stormwater management, and a mid-block pedestrian connection between Prospect Point Road North and Ridge Road North.

The Official Plan Amendment proposes to change the existing land use designation from Institutional to Residential Low Density, Residential Medium Density and Open Space. The Zoning By-law Amendment proposes to change the zoning from Institutional to Residential R2A Site-Specific (with minimum lot area site specific relief), Residential Multiple RM1 Site- Specific (with minimum lot area, landscaped area, distance between

January 16, 2023

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buildings and parking requirement site specific relief), Residential Multiple RM2 and Open Space OS Site Specific (with minimum lot area and lot frontage relief).

The Draft Plan of Subdivision proposes the creation of 49 single detached lots (Lots 1-49), one multiple family residential block for 70 block townhouse dwellings (Block 50), one apartment block for 76 apartment dwelling units (Block 51), one block for a stormwater management facility (Block 52), one block for a pedestrian trail (Block 53), one access block (Block 54) and a municipal roadway (Street 'A'). The Draft Plan of Vacant Land Condominium application is to establish the intended condominium ownership for the proposed 70 townhouse units in Block 50.

Materials provided with the applications indicate that an existing school building on the property (located on lands identified in the proposed Draft Plan of Subdivision as "additional lands of the owner") will be subject to future Official Plan and Zoning By-law Amendment applications to allow for the conversion of this building into a residential apartment building. These lands are not subject to the current applications.

A pre-consultation meeting for the proposed development was held April 14, 2022 where the applicant, the Town and Regional staff were in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.

### Summary

**Regional Growth Strategy and Economic Development Department is unable to support approval of these applications at this time as confirmation of the extent of Red-Headed Woodpecker habitat on site and submission of a revised Environmental Impact Study are required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. As such, Appendix I: Regional Conditions of Draft Plan of Subdivision and Condominium are preliminary and provided for information purposes only at this time.**

### **Provincial and Regional Policies**

The subject land is within the "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), "Delineated Built Up Area" under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated "Built Up Area" under the *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Built-Up Area designation, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility, environmental conservation and

January 16, 2023

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archaeological resources. Staff notes the potential presence of Red-headed Woodpeckers has been highlighted within the wooded area adjacent to the property; refer to Natural Heritage section of this letter for requirement details.

Staff understands the proposed development will make use of currently vacant and serviced lands, which were formerly occupied by the former Ridgeway-Crystal Beach High School, as well as contribute to the Town of Fort Erie's intensification target of 50% as set out within Table 2-2 of the NOP. Additionally, NOP Policy 2.2.1.1 encourages opportunities for the integration of gentle density and a mixed range of housing options that considers the character of established residential neighbourhoods in a way which supports forecasted growth.

Regional staff is in general agreeance with the provided "Planning Justification Report – 576 Ridge Road North, Fort Erie, Ontario" ("PJR"), prepared by Upper Canada Consultants (dated August 11, 2023), which outlines the proposal represents efficient use of land and infrastructure, facilitates urban-area growth by way of intensification, contributes to the provision of a diverse range of housing options, and supports active transportation goals via recreational space and pedestrian trails. Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

## **Archaeological Potential**

Staff note that with the approval of the new NOP by the Province on November 4, 2022, the property is mapped within an Area of Archaeological Potential on Schedule K. The PPS and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is required.

The requirement for an archaeological assessment was not identified at the pre-consultation meeting in April 2022 as the meeting pre-dated Provincial approval of the NOP. As such, Regional staff has not provided a condition for submission of an archaeological assessment as part of the applications. However, staff recommend that standard archaeological warning clauses be included within the subdivision and condominium agreements should any resources be uncovered through construction works. An appropriate condition has been included within the attached Appendix to implement these clauses.

January 16, 2023

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Regional staff highlights that the owner assumes all risks should any resources be found during construction as all activities would need to stop, and an archaeological assessment would need to be conducted in that event, in accordance with Provincial requirements. Staff notes in this regard that there are numerous nearby registered archaeological sites, which indicates a high potential for the discovery of archaeological resources. As such, the applicant may choose to undertake an assessment at this time to ensure that any archaeological resources that may be present are not inadvertently disturbed during excavation, which could result in construction delays.

Staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

## **Natural Heritage**

As noted above, a pre-consultation meeting for the proposal was held prior to the approval of the Niagara Official Plan (“NOP”) by the Minister of Municipal Affairs and Housing. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (ROP) apply to the proposal.

Under the ROP, the subject properties are impacted by the Region’s Core Natural Heritage System (CNHS), consisting of Significant Woodland. As such, consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) was required in support of the application.

Regional environmental planning staff has reviewed the Scoped EIS, prepared by Beacon Environmental Limited (dated December 2022), which indicates that although there is a wooded area located along the southern lot boundary, it does not meet any Regional criteria associated with Significant Woodland. However, the Town has forwarded the Region new information from Beacon Environmental Ltd. indicating the potential presence of Red-headed Woodpeckers within the wooded area located adjacent to the property. As per Regional Official Plan Policy 7.B.1.5, if Red-headed woodpecker habitat is confirmed present, Significant Woodland criteria associated with both the presence of an endangered species and containing/overlapping with significant wildlife habitat is achieved, resulting in the wooded area meeting Regional significant woodland designation criteria.

January 16, 2023

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Given the new information, the Region is not yet in a position to determine if the subject application is consistent with and conforms to Regional and Provincial plans and policies. As such, the Region requests circulation of updated information confirming the extent of Red-headed Woodpecker habitat on-site. If habitat is confirmed present, a revised EIS is recommended to assess potential impacts to the woodland associated with the proposed development, confirming that the test of no negative impact has been achieved to the Region's satisfaction. Appropriate restrictive Official Plan designation and zoning would be recommended to protect the feature, if applicable.

## **Servicing**

Regional and Town staff have been in discussions regarding the Nigh Road Sewage Pumping Station (SPS). Staff notes the system experiences high wet weather flows: as such, staff recommend the Agent follow up with Town staff regarding status of Infiltration/Inflow (I/I) reduction projects to free up capacity in the system.

The Nigh Road SPS upgrade is identified in the Region's 2025 draft capital forecast but requires budget approval. Due to budget constraints and other priorities, this capital project could potentially be deferred (into the 10 year forecast) and may not be completed prior to the proposed development coming online. The I/I reduction projects could be the most effective interim measure to continue with development prior to the SPS upgrade.

Staff note the average day and peak average day flows of Nigh Road PSP are currently within the limits of the station; however, there are wet weather flows that exceed the station's capacity resulting in operation activities by Town staff. Regional staff additionally notes new development flow monitoring could be planned to ensure no more wet weather flows are added to the SPS.

## **Stormwater Management**

The submitted 'Functional Servicing Report', prepared by Upper Canada Consultants (dated November 2022) includes a conceptual stormwater management (SWM) plan that proposes the subject development and external areas drain to a communal SWM wet pond to control water quality and quantity prior to discharge to the existing storm sewer on Royal Ridge Drive toward the wetland buffer (i.e. Outlet A). Based on a review of the report, staff offer the following comments:

- General details are needed to clarify the following:
  - How does the 600mm storm sewer capacity compare with pre-development flow of the areas shown on Figure 1?
  - How will the pond's 100-year outflow be accommodated in the storm sewer?
  - Will the overland flow routes direct to Outlet A?
- Will the two-year pre-development flow rate not be exceeded?

January 16, 2023

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- The pond design needs to demonstrate that erosion control will be met,. Staff note that the drawdown time of the storage volume for stormwater from a 25mm storm is 24 hours, at minimum.
- Regarding Figure 2, would infill/intensification development in areas A11 and A10 need to be considered in the pond design? Additionally, has the proposed development plan for A13 and A14 been reviewed to ensure the designated imperviousness adequately represents the future land use? Since A16's stormwater will not be directed to the pond, what will the water quality control be if the road is designed with an urbanized cross section?
- The report should identify the Low Impact Development SWM techniques to be implemented.
- It is suggested that a 24-hour 100-year storm be included in storage sizing.
- It is recommended that, under separate cover, a detailed SWM pond inspection and maintenance manual, based on the Ministry of the Environment, Conservation and Parks (MECP) SWM Manual (2003) Section 6.0 and comments from Town Operation's staff, be prepared for the future owner.

Regional staff acknowledge that the SWM facility is subject to review and approval by the Town to ensure the local storm infrastructure requirements are adequately addressed. The comments above, at the discretion of Town staff, may be addressed as part of the detailed SWM report. Regional staff request that a copy of the completed CLI-ECA be circulated to this office prior to final approval.

Appropriate conditions regarding SWM have been included within the attached Appendix.

## **Waste Collection**

Regional staff has reviewed the submitted site plan, "DWG No. 2152-SP", prepared by Upper Canada Consultants (dated March 22nd, 2023). Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development 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 curbside limits are met.

- Blue/grey –no limit (weekly collection)
- Green – no limit (weekly collection)
- Waste – 2 bag/can limit per unit (bi-weekly collection)
- Curbside collection only

Staff has reviewed the above-noted documents and note that units 15-24, 35 and 36 in Block 50 require waste collection pads in order to comply with the Region's Waste Collection Policy. These must be individually labelled for each unit and designed to hold

January 16, 2023

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all garbage and recycling containers (minimum 1 metre deep x 2.5 metres wide). All residents must have easy access to these locations such that no resident would be more than 100 metres round-trip from their designated pad location.

As part of future engineering submissions, staff request that the Regional Waste Collection Vehicle Turning Template be overlaid on the site plan showing the truck entering and exiting in both directions to ensure that a waste collection vehicle is able to maneuver on-site. Appropriate waste collection conditions have been included within the attached Appendix.

## **General Site Servicing**

Regional staff has reviewed the submitted Functioning Servicing Report, prepared by Upper Canada Consultants (dated November 2022). Staff highlights the report should indicate the new design flows anticipated from the redevelopment of the site. Based on a rough calculation, the total estimated flow from the redevelopment is around 2 L/sec per day, using the Region's flow calculations.

This property falls within the Nigh Road Sewage Pumping Station (SPS) sewershed. This sewershed has been allocated growth out to 2051 in consultation and collaboration with the Town. This capacity study was completed at a high level and did not allocate capacities to individual properties. Currently, the MSP has identified a future upgrade to the Nigh Road SPS is required to upgrade the capacity from 22 L/sec to 54 L/sec; however it was noted that flow monitoring and inflow and infiltration study was to be completed to see if an upgrade was required before the project was scheduled for design and construction. The updated MSP information can be found at the following link: <https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>

Regional conditions for site servicing have been included in the attached Appendix.

## **Conclusion**

In conclusion, Regional Growth Strategy and Economic Development staff is unable to support approval of these applications at this time. As outlined above, confirmation of the extent of the Red-Headed Woodpecker habitat on site is required and a revised EIS is to be submitted to the Region for review. As currently presented, the Region is not in a position to confirm if the subject applications are consistent with the PPS and conforms to Regional policy from a Natural Environment perspective.

Accordingly, staff would not be able to exempt the Official Plan Amendment from Regional Council approval at this time in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP.

January 16, 2023

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Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

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

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region



## Appendix I

### Regional Conditions of Draft Plan of Subdivision and Condominium Approval

#### 576 Ridge Road North, Fort Erie

1. That the subdivision and condominium agreements between the Applicant/Owner and Town of Fort Erie include the following warning clause:

*“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 Citizenship and Multiculturalism (MCM) (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 Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM 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.”*

2. 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, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed erosion and sedimentation control plans.
3. 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 Condition above.

4. That the owner/developer ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
5. That the owner submit Regional waste collection truck turning templates for review and approval confirming the development is able to accommodate Regional waste collection services.
6. That in order to accommodate Regional Waste Collection service, the plan shall be revised to include waste collection pads for Units 15-24, 35 and 36, as illustrated on the site plan. The waste collection pads shall be designed and located in accordance with the requirements outlined in Niagara Region's Corporate Policy for Waste Collection. Location of pads will need to be reviewed by Regional waste collection staff prior to clearance of this condition and construction.
7. That the following clause be included in the Condominium / Subdivision Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:  
  
*"Owners/Purchasers/Tenants of townhouse units 15-24, 35 and 36 are advised that in order to accommodate Regional Waste Collection Service they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day."*
8. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by 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.
9. That the owner provides a written undertaking to Niagara Region 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.

### **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 / Condominium Agreement**

Prior to final approval for registration, a copy of the executed Subdivision / Condominium 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 local municipality. The local municipality 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 local municipality.

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

April 3, 2024

Region File: D.10.01.OPA-23-0042  
D.18.01.ZA-23-0090  
D.11.01.SD-23-0041  
D.11.01.CD-23-0023

Curtis Thompson  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Mr. Thompson:

**Re: Regional and Provincial Comments  
Proposed Revised Official Plan Amendment, Zoning By-law Amendment,  
Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium  
Applications  
Town Files: 350302-167, 350309-0567, 305308-131, 350303-0040  
Owner: 2846300 Ontario Inc  
Applicant: Upper Canada Consultants  
576 Ridge Road North  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department have reviewed the resubmission of Official Plan Amendment (“OPA”), Zoning-By-law Amendment (“ZBA”), Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium applications for 576 Ridge Road North in the Town of Fort Erie. Staff had previously provided comments to the applications on January 16, 2024. The applicant is proposing to develop the site with single-detached and block townhouse dwellings. The development additionally proposes an area for stormwater management, and a mid-block pedestrian connection between Prospect Point Road North and Ridge Road North.

April 3, 2023

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### Official Plan and Zoning By-law Amendments:

The Official Plan Amendment application proposes to change the existing land use designation from Institutional to Residential Low Density, Residential Medium Density and Open Space. Due to environmental considerations, the revised amendment proposes to designate Lots 1-8 in a dual category where the lands will be designated as Environmental Protection (“EP”), until a proposed Holding provision can be lifted from the Zoning, at which time the Residential – Low Density provisions will apply.

Accordingly, the Zoning By-law Amendment application proposes to change the zoning from Institutional to Residential R2A Site-Specific, Residential Multiple RM1 Site-Specific, Residential Multiple RM2 and Open Space OS Site Specific. To address environmental policies, Lots 1-8 are proposed to be dual-zoned with the site-specific R2A with a Holding (H) provision, and the Environmental Protection (EP) Zone. The Holding Provision will restrict development on these lots until considerations are suitably addressed through the submission of an Environmental Impact Study Addendum to the satisfaction of the Town and Region. If the Holding provision cannot be lifted, the EP Zone requirements will prevail for these lands.

### Draft Plans of Subdivision and Condominium:

The revised Draft Plan of Subdivision proposes 49 lots for single detached dwellings, 1 Condominium Block (6 townhouse blocks containing 25 dwelling units and 45 single detached dwellings), 1 block for stormwater access, 1 block for a stormwater management facility, and 3 blocks for pedestrian connections. The Draft Plan of Vacant Land Condominium application is to establish the intended condominium ownership for the proposed 70 units in Block 50. Staff note, however, that the Draft plan of Condominium (dated March 7, 2024) for Block 50 outlines 69 residential units.

Materials provided with initial applications indicated that an existing school building on the property (located on lands identified in the proposed Draft Plan of Subdivision as “additional lands of the owner”) will be subject to future Official Plan and Zoning By-law Amendment applications to allow for the conversion of this building into a residential apartment building. These lands are not subject to the current applications.

A pre-consultation meeting for the proposed development was held April 14, 2022, where the applicant, the Town and Regional staff were in attendance. Additionally, a meeting discussing environmental requirements for the re-submission of the applications was held on January 22, 2024. The following comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.

April 3, 2023

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## **Summary**

**Regional Growth Strategy and Economic Development Department are able to support the OPA, ZBA and Draft Plan of Condominium applications as they are consistent with and conform to Provincial and Regional policies and plans subject to the Town's confirmation that the proposed EP zoning can be overlaid to the proposed residential zoning as proposed.**

**Staff are, however, unable to support approval of the revised Draft Plan of Subdivision application at this time as environmental features are to be protected from fragmentation. Staff note the revised Draft Plan acknowledges the Significant Woodland feature and its buffer but proposes lot lines through both. Staff anticipate being able to support the application provided the Draft Plan is revised to include Lots 1 to 8 in a single block. Staff have requested confirmation of the extent of Red-Headed Woodpecker habitat on site through submission of a revised Environmental Impact Study to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans; however, in the interim, the feature is not to be fragmented.**

**As such, staff has included preliminary Conditions of Draft Plan of Subdivision and Condominium for information purposes at this time. Revised and/or additional conditions will be provided, including conditions related to natural environment requirements, pending review and approval of the revised EIS.**

## **Provincial and Regional Policies**

Regional comments as provided January 16, 2023, remain applicable.

## **Archaeological Potential**

Regional comments as provided January 16, 2024 regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

A pre-consultation meeting for the proposal was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the

April 3, 2023

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application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (“ROP”) apply to the proposal.

Under the ROP, the subject properties are impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study (“EIS”) was required in support of the application.

Regional environmental planning staff has reviewed the Scoped EIS, prepared by Beacon Environmental Limited (dated December 2022), which indicates that although there is a wooded area located along the southern lot boundary, it does not meet any Regional criteria associated with Significant Woodland. However, the Town has forwarded the Region new information from Beacon Environmental Ltd., (December 2023) indicating the potential presence of Red-headed Woodpeckers within the wooded area located adjacent to the property. As per ROP Policy 7.B.1.5, if Red-headed woodpecker habitat is confirmed present, Significant Woodland criteria associated with both the presence of an endangered species and containing/overlapping with significant wildlife habitat is achieved, resulting in the wooded area meeting Regional significant woodland designation criteria.

As such, until presence/absence of Red-headed woodpecker habitat is confirmed, the adjacent wooded area is to be identified as a Significant Woodland. A minimum 10 m buffer is typically required adjacent to Significant Woodlands. Should the habitat of red-headed woodpecker be confirmed present in the adjacent woodland, a revised EIS will be required to assess the woodland and identify an appropriate buffer as well as recommend an appropriate mitigation strategy to ensure no ecological impacts will result from the proposed development.

As it relates to the proposed OPA and ZBA applications, staff offer no objection as the extent of the Significant Woodland and associated minimum 10 m buffer is identified with an appropriately restrictive designation (Environmental Protection [EP]), and zone (Holding [H] and Environmental Protection [EP]). Further, staff are satisfied that ZBA wording requires the Holding provision to remain in place until such time that an EIS is prepared to the satisfaction of the Town of Fort Erie and the Niagara Region.

As it relates to the proposed Draft Plan of Vacant Land Condominium, staff offer no objection as the subject lands are located a sufficient distance from the Region’s CNHS.

As it relates to the proposed Draft Plan of Subdivision, staff are unable to support the application as development (i.e., lot lines) are currently proposed within the Significant Woodland and associated buffer. Staff anticipate being able to support the application provided the Draft Plan is revised to include Lots 1-8 in a single block. Reconfiguration of the block can be considered when the status of red-headed woodpecker habitat is confirmed.

April 3, 2023

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Staff look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## Servicing

The proposed Draft Plan is within the Nigh Road Sewage Pumping Station (SPS). Based on the 2021 Master Servicing Plan (MSP) the Region provides the following comments:

- The Nigh Road SPS sewershed has been allocated growth out to 2051 in consultation and collaboration with the Town of Fort Erie. The study was completed at a high level and did not allocate capacities to individual properties.
- The current operational firm capacity of the Nigh Road SPS is 25 L/s. The MSP has identified the existing design peak wet weather and the projected 2051 design peak wet weather flow will exceed the current capacity.
- The MSP has identified the need for an upgrade to the station to accommodate future flows to the station.
- An upgrade to the station is in the design process currently. Upgrade of the station is scheduled in 2026 pending Regional budget approval in the capital budget year; however, staff note timing may change due to budget pressures and priorities.
- The MSP can be found at the following link:
  - <https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>

At the Site Plan stage staff require that an updated Functional Servicing Report be provided to include the following calculations and that flow monitoring be completed as part of the Site Plan Agreement and release of securities. The updated brief is required to contain the following calculations:

- Estimated dry weather flow from the proposed development calculated on the current Town of Fort Erie design standards for number of people per unit and estimated flow per person.
- Estimated wet weather flow (at the beginning of the sanitary sewers lifecycle) from the proposed development based on the OPSS 410, which requires testing of public side sewers with allowable leakage of 0.01 L/s/ha (22 L/c/d or 0.075 L/mm/100m of sewer per hour) for pipes. If post monitoring is completed, this will be the acceptable level of wet weather flow portion for the new sanitary sewer system;
- Estimated long term wet weather flow (at the end of the sanitary sewers lifecycle) from the proposed development with a maximum infiltration allowance of 0.286 L/s/ha for the design purpose;
- If the development is to be phased, the calculations should be completed for each phase and the timing of the phases should be detailed in the brief.



Staff additionally note previously provided site servicing conditions have also been included in the attached Appendix.

## **Stormwater Management**

The submitted 'Functional Servicing Report', prepared by Upper Canada Consultants (dated November 2022) includes a conceptual stormwater management ("SWM") plan that proposes the subject development and external areas drain to a communal SWM wet pond to control water quality and quantity prior to discharge to the existing storm sewer on Royal Ridge Drive toward the wetland buffer (i.e. Outlet A). Based on a review of the report, staff offer the following comments:

- General details are needed to clarify the following:
  - How does the 600mm storm sewer capacity compare with pre-development flow of the areas shown on Figure 1?
  - How will the pond's 100-year outflow be accommodated in the storm sewer?
  - Will the overland flow routes direct to Outlet A?
- Will the two-year pre-development flow rate not be exceeded?
- The pond design needs to demonstrate that erosion control will be met. Staff note that the drawdown time of the storage volume for stormwater from a 25mm storm is 24 hours, at minimum.
- Regarding Figure 2, would infill/intensification development in areas A11 and A10 need to be considered in the pond design? Additionally, has the proposed development plan for A13 and A14 been reviewed to ensure the designated imperviousness adequately represents the future land use? Since A16's stormwater will not be directed to the pond, what will the water quality control be if the road is designed with an urbanized cross section?
- The report should identify the Low Impact Development SWM techniques to be implemented.
- It is suggested that a 24-hour 100-year storm be included in storage sizing.
- It is recommended that, under separate cover, a detailed SWM pond inspection and maintenance manual, based on the Ministry of the Environment, Conservation and Parks ("MECP") SWM Manual (2003) Section 6.0 and comments from Town Operation's staff, be prepared for the future owner.

Regional staff acknowledge that the SWM facility is subject to review and approval by the Town to ensure the local storm infrastructure requirements are adequately addressed. The comments above, at the discretion of Town staff, may be addressed as part of the detailed SWM report. Regional staff request that a copy of the completed CLI-ECA be circulated to this office prior to final approval.

April 3, 2023

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Appropriate conditions regarding SWM have been included within the attached Appendix.

## **Waste Collection**

Regional comments as provided January 16, 2024, regarding waste collection remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Conclusion**

In conclusion, Regional Growth Strategy and Economic Development staff would not be opposed to approval of the OPA, ZBA and Draft Plan of Condominium applications in principle subject to the Town's confirmation of the applicability of the EP dual zoning as discussed above.

Accordingly, on this basis, staff would be able to exempt the Official Plan Amendment from Regional Council approval at this time in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP.

Staff, however, are unable to support the approval of the Draft Plan Application at this time from an environmental perspective. As outlined above, until confirmation is provided through the updated EIS with respect to the potential presence of Red-headed Woodpecker within the wooded area, the Red-Headed Woodpecker habitat is considered Significant Woodland and as such, its fragmentation as proposed through lot 1-8, is not supportable.

Should you have any questions or wish to discuss these comments further, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

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

Kind regards,



Valentina Escobar

Development Planner

*April 3, 2023*

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cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and  
Development, Niagara Region

## Appendix I

### Preliminary Regional Conditions of Draft Plan of Subdivision and Condominium Approval

#### 576 Ridge Road North, Fort Erie

1. That the subdivision and condominium agreements between the Applicant/Owner and Town of Fort Erie include the following warning clause:

*“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 Citizenship and Multiculturalism (MCM) (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 Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM 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.”*

2. 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, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed erosion and sedimentation control plans.
3. 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 Condition above.

4. That the owner/developer ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
5. That the owner submit Regional waste collection truck turning templates for review and approval confirming the development is able to accommodate Regional waste collection services.
6. That in order to accommodate Regional Waste Collection service, the plan shall be revised to include waste collection pads for Units 15-24, 35 and 36, as illustrated on the site plan. The waste collection pads shall be designed and located in accordance with the requirements outlined in Niagara Region's Corporate Policy for Waste Collection. Location of pads will need to be reviewed by Regional waste collection staff prior to clearance of this condition and construction.
7. That the following clause be included in the Condominium / Subdivision Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:  
  
*"Owners/Purchasers/Tenants of townhouse units 15-24, 35 and 36 are advised that in order to accommodate Regional Waste Collection Service they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day."*
8. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by 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.
9. That the owner provides a written undertaking to Niagara Region 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.

## **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 Condominium Agreement**

Prior to final approval for registration, a copy of the executed Subdivision / Condominium 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 local municipality. The local municipality 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 local municipality.

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

April 11, 2024

Region File: D.10.01.OPA-23-0042  
D.18.01.ZA-23-0090  
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Curtis Thompson  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Mr. Thompson:

**Re: Regional and Provincial Comments  
Proposed Revised Official Plan Amendment, Zoning By-law Amendment,  
Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium  
Applications  
Town Files: 350302-167, 350309-0567, 305308-131, 350303-0040  
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Staff of the Regional Growth Strategy and Economic Development Department have reviewed the resubmission of Official Plan Amendment (“OPA”), Zoning-By-law Amendment (“ZBA”), Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium applications for 576 Ridge Road North in the Town of Fort Erie. Staff had previously provided comments to the applications on January 16, 2024. The applicant is proposing to develop the site with single-detached and block townhouse dwellings. The development additionally proposes an area for stormwater management, and a mid-block pedestrian connection between Prospect Point Road North and Ridge Road North.

April 11, 2023

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### Official Plan and Zoning By-law Amendments:

The Official Plan Amendment application proposes to change the existing land use designation from Institutional to Residential Low Density, Residential Medium Density and Open Space. Due to environmental considerations, the revised amendment proposes to designate Lots 1-8 in a dual category where the lands will be designated as Environmental Protection (“EP”), until a proposed Holding provision can be lifted from the Zoning, at which time the Residential – Low Density provisions will apply.

Accordingly, the Zoning By-law Amendment application proposes to change the zoning from Institutional to Residential R2A Site-Specific, Residential Multiple RM1 Site-Specific, Residential Multiple RM2 and Open Space OS Site Specific. To address environmental policies, Lots 1-8 are proposed to be dual-zoned with the site-specific R2A with a Holding (H) provision, and the Environmental Protection (EP) Zone. The Holding Provision will restrict development on these lots until considerations are suitably addressed through the submission of an Environmental Impact Study Addendum to the satisfaction of the Town and Region. If the Holding provision cannot be lifted, the EP Zone requirements will prevail for these lands.

### Draft Plans of Subdivision and Condominium:

The revised Draft Plan of Subdivision proposes 49 lots for single detached dwellings, 1 Condominium Block (6 townhouse blocks containing 25 dwelling units and 45 single detached dwellings), 1 block for stormwater access, 1 block for a stormwater management facility, and 3 blocks for pedestrian connections. The Draft Plan of Vacant Land Condominium application is to establish the intended condominium ownership for the proposed 70 units in Block 50. Staff note, however, that the Draft plan of Condominium (dated March 7, 2024) for Block 50 outlines 69 residential units.

Materials provided with initial applications indicated that an existing school building on the property (located on lands identified in the proposed Draft Plan of Subdivision as “additional lands of the owner”) will be subject to future Official Plan and Zoning By-law Amendment applications to allow for the conversion of this building into a residential apartment building. These lands are not subject to the current applications.

A pre-consultation meeting for the proposed development was held April 14, 2022, where the applicant, the Town and Regional staff were in attendance. Additionally, a meeting discussing environmental requirements for the re-submission of the applications was held on January 22, 2024. The following comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.



April 11, 2023

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## **Summary**

**Regional Growth Strategy and Economic Development Department are able to support the OPA, ZBA and Draft Plan of Condominium applications as they are consistent with and conform to Provincial and Regional policies and plans subject to the Town's confirmation that the proposed EP zoning can be overlaid to the proposed residential zoning as proposed.**

**Staff would be in a position to support the proposed Draft Plan of subdivision subject to the registration of lots 1-8 and block 54 being contingent upon the review and approval of an updated Environmental Impact Study by the Town and Region, as outlined through communication with the Town and applicant. Staff note if the feature is deemed a significant woodland and/or a species at risk habitat, along with any protective buffer, then a revised final subdivision plan avoiding feature fragmentation is to be provided to the satisfaction of the Town and the Region as environmental features are to be protected from fragmentation per the NOP.**

**As such, staff has included preliminary Conditions of Draft Plan of Subdivision and Condominium at this time and highlight that revised and/or additional conditions may be provided, including conditions related to natural environment requirements, pending review and approval of the revised EIS.**

## **Provincial and Regional Policies**

Regional comments as provided January 16, 2023, remain applicable.

## **Archaeological Potential**

Regional comments as provided January 16, 2024 regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

A pre-consultation meeting for the proposal was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the

April 11, 2023

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environmental policies of the previous Regional Official Plan (“ROP”) apply to the proposal.

Under the ROP, the subject properties are impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study (“EIS”) was required in support of the application.

Regional environmental planning staff has reviewed the Scoped EIS, prepared by Beacon Environmental Limited (dated December 2022), which indicates that although there is a wooded area located along the southern lot boundary, it does not meet any Regional criteria associated with Significant Woodland. However, the Town has forwarded the Region new information from Beacon Environmental Ltd., (December 2023) indicating the potential presence of Red-headed Woodpeckers within the wooded area located adjacent to the property. As per ROP Policy 7.B.1.5, if Red-headed woodpecker habitat is confirmed present, Significant Woodland criteria associated with both the presence of an endangered species and containing/overlapping with significant wildlife habitat is achieved, resulting in the wooded area meeting Regional significant woodland designation criteria.

As such, until presence/absence of Red-headed woodpecker habitat is confirmed, the adjacent wooded area is to be identified as a Significant Woodland. A minimum 10 m buffer is typically required adjacent to Significant Woodlands. A revised EIS will, therefore, be required to assess the woodland. Should the habitat of red-headed woodpecker be confirmed present in the adjacent woodland, the revised EIS shall identify an appropriate buffer as well as recommend an appropriate mitigation strategy to ensure no ecological impacts will result from the proposed development.

As it relates to the proposed OPA and ZBA applications, staff offer no objection as the extent of the Significant Woodland and associated minimum 10 m buffer is identified with an appropriately restrictive designation (Environmental Protection [EP]), and zone (Holding [H] and Environmental Protection [EP]). Further, staff are satisfied that ZBA wording requires the Holding provision to remain in place until such time that an EIS is prepared to the satisfaction of the Town of Fort Erie and the Niagara Region.

As it relates to the proposed Draft Plan of Vacant Land Condominium, staff offer no objection as the subject lands are located a sufficient distance from the Region’s CNHS.

As it relates to the proposed Draft Plan of Subdivision, staff’s preference is that Lots 1-8 be placed within a single block until the habitat of Red-headed woodpecker is confirmed. However, after communication with the Town, natural heritage conditions of approval are provided in the attached appendix should the Town choose to proceed with supporting the proposed Draft Plan that would facilitate the approval of the proposal while conforming to Regional policies regarding feature fragmentation.

April 11, 2023

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Staff look forward to working with the applicant and are open to meeting to further discuss Regional comments, if desired. Please contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Regional comments as provided April 3, 2024, remain applicable.

## **Stormwater Management**

Regional comments as provided April 3, 2024, remain applicable.

## **Waste Collection**

Regional comments as provided January 16, 2024, regarding waste collection remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Conclusion**

In conclusion, Regional Growth Strategy and Economic Development staff would not be opposed to approval of the OPA, ZBA and Draft Plan of Condominium applications in principle subject to the Town's confirmation of the applicability of the EP dual zoning.

Accordingly, upon receipt of confirmation of zoning in this regard, staff would be able to determine and issue an exemption from Regional Council approval for the Official Plan Amendment in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP.

Further, staff would not be opposed to approval of the Draft Plan of Subdivision in principle subject to Lots 1-8 being placed within a single block until the habitat of Red-headed woodpecker is confirmed through an updated EIS; or alternatively, at the discretion of the Town, inclusion of the natural heritage conditions provided in the attached appendix should the Town choose to proceed with supporting the proposed Draft Plan as discussed above.

Should you have any questions or wish to discuss these comments further, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

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

April 11, 2023

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Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and  
Development, Niagara Region

## Appendix I

### Preliminary Regional Conditions of Draft Plan of Subdivision and Condominium Approval

#### 576 Ridge Road North, Fort Erie

1. That the owner acknowledges that the final approval of the lots, blocks, and streets, including but not limited to, Lots 1 - 8, and Block 54, are contingent upon an updated *Environmental Impact Study* being approved by the Town and Region to evaluate the woodland located around the southern lot line. Should this feature be deemed a *significant woodland* and/or a *species at risk habitat*, along with any protective buffer, then the following conditions shall also apply:
  - a. That the developer shall provide a revised final Subdivision Plan which avoids any fragmentation of the woodland. The Final Plan shall be to the satisfaction of the Town and Region, and the block shall be dedicated to the Town, free and clear of any encumbrances for environmental protection.
  - b. That the developer acknowledges the approved *Environmental Protection (EP) Official Plan* designation, and site-specific *Environmental Protection (EP) Zone* regulations shall remain in effect.
  - c. That the developer shall prepare a Restoration Plan to the satisfaction of the Niagara Region and Town of Fort Erie. The plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
  - d. That the subdivision agreement contain wording wherein the Developer agrees to implement the approved Restoration Plan.
  - e. That the developer provide securities to the Town of Fort Erie in the form of a Letter of Credit in the amount of the estimated cost as approved by the Niagara Region and Town of Fort Erie for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
  - f. That the developer agrees to implement all the recommendations and mitigation measures identified in the approved Environmental Impact Study, to the satisfaction of the Niagara Region and Town of Fort Erie.
  
2. That the subdivision and condominium agreements between the Applicant/Owner and Town of Fort Erie include the following warning clause:

*“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 Citizenship and Multiculturalism (MCM) (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 Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM 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 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, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed erosion and sedimentation control plans.
4. 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 Condition above.
5. That the owner/developer ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with Niagara Region’s Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
6. That the owner submit Regional waste collection truck turning templates for review and approval confirming the development is able to accommodate Regional waste collection services.

7. That in order to accommodate Regional Waste Collection service, the plan shall be revised to include waste collection pads for Units 15-24, 35 and 36, as illustrated on the site plan. The waste collection pads shall be designed and located in accordance with the requirements outlined in Niagara Region's Corporate Policy for Waste Collection. Location of pads will need to be reviewed by Regional waste collection staff prior to clearance of this condition and construction.
8. That the following clause be included in the Condominium / Subdivision Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:  
  
*"Owners/Purchasers/Tenants of townhouse units 15-24, 35 and 36 are advised that in order to accommodate Regional Waste Collection Service they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day."*
9. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by 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.
10. That the owner provides a written undertaking to Niagara Region 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.

## **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 Condominium Agreement**

Prior to final approval for registration, a copy of the executed Subdivision / Condominium 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 local municipality. The local municipality 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 local municipality.



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# Interoffice Memorandum

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April 13, 2024  
Our File: 350309-0567

**To:** Curtis Thompson, RPP, Supervisor, Development Approvals  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
Keegan Gennings, CBCO, Chief building Official  
Mohammad Kamruzzaman, CPT, Zoning Technician  
Jessica Goodings, Senior Fire Prevention Officer  
Tikki Yuen, O.A.L.A., Landscape Architect  
**From:** Brad Johnston, C.E.T., Supervisor, Development Engineering  
**Subject:** OPA / ZBA / Draft Plan of Subdivision  
Development Engineering Comments - REVISED  
**Address:** 576 Ridge Road North

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Development Engineering has had an opportunity to review the proposed submissions of OPA/ZBA/DPS, and offer the following comments and conditions, however the conditions, **unless otherwise stated**, shall apply only to the Draft Plan of Subdivision.

## Roads

**Ridge Road North** is designated a Collector Road as per the Town's Official Plan with a desired rights-of-way width of 23.0m. Its current width is deficient at 20.0m, therefore the Town shall require at 1.50m widening along the frontage of Ridge Road North, to obtain half the required 23.0m width measured from the centerline of the original road allowance, be transferred free and clear of any encumbrances to the Town, to be further dedicated as Public Highway *Ridge Road North*. It is also noted that although Block 51 has been provisioned for a storm water detention facility to be transferred to the Town as Town property, the Town requires the extension of Block 56 for an additional 1.50m widening along the facility frontage, to be transferred free and clear of any encumbrances to the Town, to be further dedicated as Public Highway *Ridge Road North*, delineating the road allowance from facility property.

**Prospect Point Road North** is designated a Local road as per the Town's Official Plan with desired right-of-way widths of 20.0m. The road is currently at sufficient width and therefore the Town shall not require any further widenings for this road allowance as a condition of a future development application.

The Town's Official Plan requires that day-lighting triangles be included and identified at the intersections of streets proposed to connect to Town rights-of-way. In this case, Local road (Ridge Road North and Prospect Point Road North) connections to proposed Local roads (Street 'A') shall be subject to the Owner transferring 4.5m x 4.5m daylighting triangles to the Town, free and clear of any encumbrances, the limits of which to be included as part of the Public Highway *Prospect Point Road North*.

The Owner shall be required to accurately identify the transferred block(s), for review and approval, on a Draft M-Plan, prior to its registration in the Land Registry Office. This land transfer shall be a condition required applicable to the Plan of subdivision application, and applicable Planning applications with respect to the proposed residential connections for the development Blocks 51, 52, 53, 54, 55 & 56.

In new subdivisions, where the future public roads are transferred in ownership to the Town upon the subdivision plan's registration, the lands become the Town's in terms of ownership only, and the Town does not accept maintenance responsibilities for the rights-of-way and services until the subdivision has been assumed and the roads dedicated as Public Highway. Until such time, the Owner is responsible for all required maintenance obligations as well as liabilities for damages. As part of the subdivision development process, the Owner / Developer shall install adequate signage along the roads within and at the limits of the subdivision noting 'Unassumed Roads – Use at Your Own Risk', to which standard signage designs are governed by the Ministry of Transportation.

Although Ridge Road North has been previously identified for urbanization in the Town's Development Charge Background Study, as Project #R2, from Nigh Road to the southerly limit of the Ridgeway Highschool lands, it has not been projected nor budgeted until 2038-2041, and as also a Master Storm Servicing Drainage Strategy has not yet been completed for the ultimate storm drainage area, typically driving the ultimate intent for storm drainage improvements and road urbanizations. As a result of the above considerations, further discussions with the Town's Planning and Engineering staff have determined it is not financially nor practically feasible for Ridge Road North's full urbanization with storm sewers in tandem with this development proposal, the costs front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for the proper design and reconstruction of Ridge Road North, with the ultimate urban cross-section in line with a storm drainage master plan, when complete.

**Conditions for Roads:**

1. The design for the public roads within the development be prepared by a Professional Engineer at a 20.0m right-of-way cross-section standard in accordance with the Town's current standards, as amended to the satisfaction of the Director, Infrastructure Services;
2. The proposed public road Street 'A' shall be named to the satisfaction of the Town of Fort Erie;
3. The Owner identify and transfer to the Town, free and clear of any mortgages, liens, and encumbrances, 4.50m x 4.50m daylighting triangles to be known as Public Highway *Prospect Point Road North*;
4. The Owner identify on the draft plan and transfer free and clear of any encumbrances, a 1.50m widening along the Ridge Road North frontage, to be known as Public Highway *Ridge Road North*;
5. The Owner submit a draft plan accurately identifying the block(s), widenings, and daylighting triangles on the Draft Subdivision Plan, and M-Plan, for review and approval, prior to the M-Plan's registration in the Land Registry Office; and
6. Until assumption of the subdivision secondary services through By-law by the Municipality and the rights-of-way dedicated as Public Highway, the Owner shall install and maintain signage within and at the limits of the subdivision roads noting 'Unassumed Roads – Use at Your Own Risk', to the satisfaction of the Director, Infrastructure Services

## **Transportation Impact Study**

A Transportation Impact Study (TIS) identifies the benefits and impacts of a proposed development or redevelopment, how the proposed development can benefit the existing transportation network and vice versa, and how any transportation impacts associated with the proposed development can be mitigated and addressed against the Town of Fort Erie's existing and future road networks. It also serves as the basis for the identification of existing or proposed safety concerns and evaluates improvements or measures required. The TIS also can address connectivity between the development and the existing transportation networks, for all modes (cars, trucks, transit, cyclists and pedestrians) expected to access or leave the development site.

### ***Conditions for Transportation Impact Study:***

1. A Transportation Impact Study be prepared and certified by a Professional Transportation Engineering Consultant, to the satisfaction of the Director, Infrastructure Services, and any recommendations noted, be implemented as part of the development of the plan of subdivision

## **Sidewalks, Curbs, and Driveway Aprons**

Curbs and sidewalks do not yet exist along the subject land frontages of Ridge Road North and Prospect Point Road North, given that both are currently in a semi-urban cross-section state. A sidewalk link currently exists at the south limit of the subject lands on Ridge Road North, and although noting the above comments in the Roads section regarding the urbanization of the road being premature until the Town's projected budget allotment in 2038-2041, it shall be required that the Owner provision for the design and construction of a 1.50m wide concrete sidewalk from the existing sidewalk link south, to the north limit of the subject lands, in the standard location of 1.0m off street line, to the satisfaction of the Town. Regarding the subdivision lands, sidewalks shall be proposed along the future public roads of Street 'A' and at the standard location of 1.0m off street property line.

Regarding the Prospect Point Road North frontage, no sidewalks currently exist to the north nor to the south of the subject lands, as the existing road is in a semi-urban cross-section state, with larger road-side ditches. Typically, the Town would request the Owner to provision for the construction of a 1.50m wide sidewalk along the frontage of the development lands, in the standard location of 1.0m off street-line. Considering the tops of the ditch slopes are currently within the typical desired location for new sidewalks, this could create challenges for design and construction of sidewalks in tandem with this development, while maintaining the intents of the road side ditches. Only through the detailed design process can it be determined whether sidewalks on Prospect Point Road North can or cannot be constructed, and therefore it is recommended that the Owner be required to design and construct a sidewalk along the frontage of the subject lands, unless otherwise determined through detailed design that a sidewalk cannot be constructed. IN this case, the Owner would provide a cash-in-lieu

payment for future sidewalk design and construction, the costs in accordance with the Town's current average tender document pricing at the time of payment.

All proposed driveway aprons shall also be installed at a minimum with paved hard surface asphalt from the street property lines to the edge of road asphalt. New purchasers shall be advised that sidewalks will be accommodated along their applicable frontages, accordingly.

**Conditions for Sidewalks, Curbs, and Driveway Aprons:**

1. A minimum 1.50m wide sidewalk shall be designed and constructed on the public road frontage of Street 'A', in accordance with the Town's standards, to the satisfaction of the Director, Infrastructure Services;
2. The Owner have their Consulting Engineer provision for the design and construction a 1.50m wide concrete sidewalk along the Ridge Road North frontage of the subject lands, and the Owner be responsible to front-end the design and construction costs associated, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST;
3. The Owner have their Consulting Engineer provision for the design and construction a 1.50m wide concrete sidewalk along the Prospect Point Road North frontage of the subject lands, if achievable, and the Owner be responsible for the design and construction costs associated, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST;
4. If it is determined through the detailed design process, that a 1.50m wide concrete sidewalk along the Prospect Point Road North frontage of the subject lands cannot be constructed, the Owner shall provision for the cash-in-lieu payment for the future design and construction of a 1.50m wide concrete sidewalk, the costs in accordance with the Town's current average tender document pricing at the time of payment; and
5. The subdivision agreement includes a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from edge of road asphalt to the property lines."*

**Geotechnical/Hydro-geotechnical Report**

A soils investigation report shall be required, prepared, and certified by a qualified Geotechnical Engineer/Consultant, containing comments and analysis for existing soils related to the proposed roads, services, and pavement design. A soils investigation report comments on typical soil characteristics to accommodate proposed developments. The report would be expected to provide recommendations and any other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to the proposed services. A chemical component should also always be considered.

**Conditions for Geotechnical/Hydro-geotechnical Report:**

1. The Owner shall submit to the Town for review and approval a Geotechnical report with a hydrogeological component, chemical analysis and pavement design included, for the internal Street 'A' proposed, as well as the Ridge Road North and Prospect Point Road North rights-of-way, prepared by a qualified geotechnical engineering consultant, to the satisfaction of the Director, Infrastructure Services

## Linear Engineering Services

Watermains	Ridge Road North	Prospect Point Road North
	150mm C.I.	150mm C.I.

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, within the future public road(s), and be looped and connected to the Town's existing water distribution system from Street 'A' west through Block 52 & Block 55 to Ridge Road North. Individual water services shall be provisioned with minimum 25mm (1") pipe sizes. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing & Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system, as per the current Consolidated Linear Infrastructure license program.

### **Conditions for Watermains:**

1. The Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town's standards, as amended, and constructed to the satisfaction of the Director, Infrastructure Services; and
2. The Owner's Consulting Engineer submit a **Form 1 – Record of Watermains Authorized as a Future Alteration** form to the satisfaction of the Director, Infrastructure Services; and
3. The Owner adheres to the Town's current Drinking Water Quality Management System Requirements and Criteria

Sanitary Sewers	Ridge Road North	Prospect Point Road North
	200mm AC	200mm AC

The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, a minimum size of 200mm within the future public road(s).

The Owner has previously submitted a Functional Servicing Report prepared and certified by Upper Canada Consultants dated November 2022. It is proposed to service the subdivision development to the existing Prospect Point Road North sanitary sewer to be further conveyed north and west to the Nigh Road Pumping Station. The FSR sanitary sewer component shall be further revised to accommodate the current revised proposal using the Town's current sanitary sewer design standards for people per unit, for further review and comment, prior to approval.

The Town's sanitary sewer consultant, GMBLue Plan, had previously reviewed the downstream system for the earlier proposal on this site, in addition to other proposed developments in the area in a full-build out scenario, in a report dated October 13, 2023. Although the report noted that no local sewer systems would be negatively affected by the proposed full-build out of sewage flows conveyed to the Nigh Road Pumping Station, the proposed built-out flows exceeded the Region's 2051 projected flows.

Provided that confirmation from the Region that sufficient capacity at the Nigh Road Pumping Station exists, there is sufficient capacity in the local sewers to accommodate the current build-out of the existing proposed developments in the area, inclusive of this site. **Although the Town no longer requires the recommendation of a servicing Hold being placed on the development lands, it is recommended that confirmation from the Region be sought to confirm sufficient capacity at the Nigh Road Pumping Station, and the Owner accommodate methods of implementation, if any, at the Region's discretion.**

The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

**Conditions for Sanitary Sewers:**

1. The Owner submits to the Town for review and approval a revised Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, to the satisfaction of the Director, Infrastructure Services; and
2. The Owner shall have the sanitary sewer system and appurtenances and any additional required improvements to the existing system, if any, as determined through the required peer review condition of the approval of the Zoning By-law Amendment application, designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and be constructed at the cost of the Owner, to the satisfaction of the Director, Infrastructure Services; and
3. The Owner's Consulting Engineer adhere to and submit the required sanitary sewer documents applicable to the Town's Consolidated Linear Infrastructure license

**Storm Sewers**

**Ridge Road North**

**Prospect Point Road North**

300mm Conc.  
Outlet to Royal Ridge Drive

300mm Conc. South limit

The Owner shall have an adequately sized storm sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, to outlet expected peak storm flows to a secured and suitable outlet, using the 5-year storm design, and controlled accordingly. The Owner has submitted with these applications, a Stormwater Management Component of the Functional Servicing Report prepared and certified by Upper Canada Consultants dated November 2022. An update to the FSR reflective of the current proposal shall be required, for further review and comment, prior to approval.

Although Ridge Road North has been previously identified for urbanization in the Town's Development Charge Background Study, as Project #R2, from Nigh Road to the southerly limit of the Ridgeway Highschool lands, it has not been projected nor budgeted until 2038-2041, nor has a Master Storm Servicing Drainage Strategy yet been completed for the ultimate storm drainage area, that would normally drive the ultimate intent for storm drainage infrastructure works and road urbanizations. As a

result of the above considerations, further discussions with the Town's Planning and Engineering staff have determined it is not financially nor practically feasible for Ridge Road North's full urbanization with storm sewers in tandem with this development proposal, where the costs would be front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for the proper design and reconstruction of Ridge Road North, with an ultimate urban cross-section standard, in-line with a storm drainage master plan, when completed.

The Owner shall also make themselves familiar with the requirements of the Town's current Storm Sewer and Facility Consolidated Linear Infrastructure licenses, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

**Conditions for Storm Sewers:**

1. A Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director, Infrastructure Services;
2. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge to the storm system or to grade at the front / rear yards only, not the side yards;
3. The Owner's Consulting Engineer adhere to and submit the required storm sewer and facility documents applicable to the Town's Consolidated Linear Infrastructure program; and
4. That the subdivision agreement includes 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 the front yard.*"

**Erosion & Sediment Control**

As a condition of approval, the Owner's Consulting Engineer must submit an outline of a proposed erosion and sediment control plan. This may contain any or all the following measures and must be approved by the Town, to the satisfaction of the Director, Infrastructure Services:

- Sediment traps or temporary retention ponds
- Seeding of topsoil stockpiles
- Isolated stripping of development lands
- Vegetation screens
- Silt and erosion control fencing methods
- Entrance mud mats, and outlet erosion controls, rip rap, filter cloth, etc.
- Construction Staging areas

The Owner shall also make themselves familiar with the requirements of the Town's current Erosion and Sediment Control Plan Consolidated Linear Infrastructure requirements, and ensure these requirements are met, prior to the Town authorizing any construction / grading works on and off-site.

**Conditions for Erosion & Sediment Control:**

1. An Erosion & Sediment Control Plan be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services; and
2. The Owner's Consulting Engineer adhere to and submit the required Erosion and Sediment Control Plan documents applicable to the Town's Consolidated Linear Infrastructure program;

## **Construction Impact Mitigation Strategy**

The Town is committed to ensuring that disruptions to the existing residents and community are minimized, resulting from traffic associated with construction activity. Mitigating the disruptive impacts of construction-related traffic on streets is an important part of the development and construction process. The intent is to provide safe passage for pedestrians, cyclists, and vehicular traffic around or through a construction site, with as little inconvenience, impact, and delay as possible, and with minimal on-street parking removals required. A strategy that outlines how the proponent intends to address construction traffic, shall be required.

### ***Conditions for Construction Impact Mitigation:***

1. A Construction Impact Mitigation Strategy outlining how the proponent intends to address the construction impact mitigation principles as they relate to the site development and surrounding external areas required for municipal improvements, be submitted for review and approval, to the satisfaction of the Director, Infrastructure Services

## **Lot Grading & Stormwater Management**

The Owner shall have an adequately designed Master Grading Control Plan prepared by a qualified Professional Engineer, to the satisfaction of the Director, Infrastructure Services and in accordance with the Town's current standards. The grading control concept for this development shall identify existing grades surrounding the proposed site, and proposed grades on and within the proposed development, identifying overland flow routes, proposed building envelope grades and proposed basement floor elevations for review and acceptance.

Weeping tile discharges via sump pump shall be accommodated towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this and also ensure that rainwater leaders (downspouts) are directed/discharged to the front and rear of the lots only. The location and direction of the roof water discharge pipes and sump pumps must be identified on the Master Lot Grading and Drainage plan.

### ***Conditions for Lot Grading & Stormwater Management:***

1. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services; and
2. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to implement the approved Master Lot Grading Plan to the satisfaction of the Director, Infrastructure Services



3. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to implement the approved Stormwater Management scheme, to the satisfaction of the Director, Infrastructure Services

## **Pre-Construction Condition Survey**

The Owner shall obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on and within the subject lands and lands external to the site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of any claims for damages.

### ***Conditions for Pre-Construction Condition Surveys:***

1. The Owner shall submit to the Town a Pre-Construction Condition survey for all existing abutting properties and structures surrounding all areas of proposed infrastructure installations, to the satisfaction of the Director, Infrastructure Services, prior to the commencement of any construction works

## **Engineering Fees and Securities for Performance**

The Owner shall be required to submit to the Town, Engineering, Inspection, Service Connections, and Water testing fees, and construction / development securities for performance obligations involved with ensuring the design and construction of services to develop the above subject lands are completed and function in accordance with Town's standards for assumption, to the satisfaction of the Director, Infrastructure Services.

### ***Conditions for Engineering Fees and Securities for Performance Obligations:***

1. The Owner submits to the Town the required fees for Engineering, Inspection, Service Connections, and Water testing fees, and construction securities for performance obligations through the means of entering into a pre-servicing and/or subdivision agreement, to the satisfaction of the Director, Infrastructure Services

## **Asset Management**

O. Reg. 588/17 sets the standard for Municipalities to record and report their existing and future tangible capital assets through a comprehensive asset management approach. Digital data shall be provided by the Owner in accordance with the Town of Fort Erie's documents and AutoCAD standards, for compliance to the above.

### ***Conditions for PSAB, Records & Asset Management:***

1. The Owner submits to the Town the digital data for connections, in accordance with the Town of Fort Erie's Standards, and the actual costs of construction of all assets to be assumed by

the Town through the subdivision agreement, to the satisfaction of the Director, Infrastructure Services

## **Engineering Construction, and Geotechnical Compaction Inspections**

The Owner's Engineering Consultant shall be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services to develop the lands, to the satisfaction of the Director, Infrastructure Services. Engineering Inspection shall also include provisions for Geotechnical Compaction testing for municipal servicing installations, when applicable, in accordance with the Town's standards. Weekly reports from both the Engineering Consultant and the Geotechnical Engineering Consultant, shall be forwarded to the Town of Fort Erie as part of the requirements for acceptance of the primary services proposed.

### ***Conditions for Engineering Construction, and Geotechnical Compaction Inspections:***

1. The Owner's Engineering Consultant be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services to develop the lands, to the satisfaction of the Director, Infrastructure Services;
2. The Owner's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services to develop the lands, to the satisfaction of the Director, Infrastructure Services; and
3. The Owner's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director of Infrastructure

## **Utilities**

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for design purposes with respect to proposed works on and along the Owner's property, as well as all off-site utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or off-site works.

Development Engineering have no further comments or conditions to impose regarding the Draft Plan of Subdivision and the Zoning By-law Amendment applications, subject to the above conditions being applicable to the Draft Plan of Subdivision.

Regards,



Brad Johnston, C.E.T., Supervisor, Development Engineering

BJ

*Our File:*  
350309-0567

*576 Ridge Road North*  
*Development Engineering Revised Comments*

*April 13, 2024*

Attachments: Draft Plan of Subdivision (submitted – revised – March 2024)

- c. File No. 350309-0567  
Jordan Frost, Manager of Engineering, IS (email only)  
Mark Iamarino, Manager of Development Approvals, PDS (email only)



# Interoffice Memorandum

November 3, 2023

File No. Official Plan Amendment - 350302-167 (OPA-02-2023)  
Zoning By-law Amendment - 350309-0567 (ZBA-05-2023)  
Draft Plan of Condominium - 350303-0040  
Draft Plan of Subdivision - 305308-131 (SUB-01-2023)

To: Aaron Hair, MCIP, RPP  
Intermediate Development Planner

From: Rachel Daniels, Senior Environmental Planner

Subject: **Environmental Review – Environmental Impact Study – Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPOS) for 576 Ridge Road North**

On April 14, 2022 a Pre-Consultation meeting was held for an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPOS) proposal on the property known as 576 Ridge Road North. The subject property is not impacted by the Town’s Environmental Conservation Overlay, however Staff noted the presence of a potentially Significant Woodland along the southern extent of the property limit and on adjacent lands to the south. As a result of the Pre-consultation meeting, an Environmental Impact Study (EIS) was prepared by the applicant in accordance with OP Policy 8.1 X to evaluate potential impacts to Natural Heritage Features as a result of the proposed development.

Staff have reviewed the EIS prepared by Beacon Environmental (December 2022). The EIS indicated that the area did not meet the criteria to be considered a Significant Woodland under the Regional Official Plan and that Species at Risk (SAR), Significant Wildlife Habitat (SWH), Valleylands and Fish Habitat were absent from the property.

Staff have received additional correspondence from Beacon indicating that the woodland has the potential to function as Red-headed Woodpecker habitat (a species listed as ‘Endangered’ under the Endangered Species Act, 2007), including 21 potential nests that were identified in 2023. Staff note that the EIS does not include Red-headed Woodpecker within the Species at Risk screening. Staff also note that the incidental calls from Red-headed Woodpecker on nearby properties were not included within the EIS, nor was a figure included outlining potential Red-headed Woodpecker nests that were identified in a preliminary screening.

Additionally, the EIS does not outline the results of bat snag surveys within the woodland, including the number of snags or candidate roost trees that were identified. Considering that 21 trees were noted as Candidate red-headed woodpecker habitat, staff inquire as to how many of these trees also function as ‘snags’ or potential roosts and whether the area met the criteria for high quality potential maternity roost habitat (>10 snags/ha). Staff also note that the raw data and summarized data associated with bat acoustic monitoring was not provided with the EIS for Staff to review and confirm the absence of SWH.

The Town's Official Plan notes that the Town places a high priority on the preservation of existing woodlands, thickets and meadowlands within the Municipality, in addition to and separate from those identified on Schedule "C" as Significant Natural Areas, or Locally Significant Wetlands and promotes the retention of these natural areas and the integration of tree cover into the urban and non-urban environments (8.3.3). The Town does not feel that the EIS provided justification that there will be some retention of the important features and functions of these areas, therefore the Town requests that the woodland area contained within the property is evaluated for its retention as a wildlife corridor from west of Ridge Road North to the east side of Prospect Point North.

In summary, Staff are requesting an EIS Addendum based on the following additional clarifications/studies:

- Additional spring Red-headed Woodpecker surveys within the woodland to confirm the presence/absence of individuals/habitat
- Inclusion of a figure and summary table outlining the results of the leaf-on and leaf-off bat snag surveys
- Inclusion of the raw data and summarized acoustic monitoring data
- Re-evaluation of the Significant Woodland Criteria outlined within the Regional Official Plan based on the results of the Red-headed Woodpecker surveys
- Evaluation of the woodland against the Locally Significant Natural Areas Criteria within the Town's Natural Areas Inventory (NAI).
- Evaluation of the woodland within the subject property for its function as a wildlife corridor from west of Ridge Road North to the east side of Prospect Point North.

Please feel free to contact Rachel Daniels, Senior Environmental Planner at 1-905-871-1600 ext. 2510 should you have any questions.

# Interoffice Memorandum

August 29, 2023

To: Aaron Hair, Intermediate Development Planner  
From: Jessica Goodings, Senior Fire Prevention Officer  
Subject: **576 Ridge Rd N**

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Roads shall be constructed to meet the requirements of the Ontario Building Code for a fire department access route.

### 3.2.5.6. Access Route Design

- (1) A portion of a roadway or yard provided as a required access route for fire department use shall,
- (a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
  - (b) have a centreline radius not less than 12 m,
  - (c) have an overhead clearance not less than 5 m,
  - (d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,
  - (e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
  - (f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
  - (g) be connected with a public thoroughfare.

Water supply shall meet the minimum requirements set forth in the Ontario Building Code for all buildings. Provisions for firefighting will only apply to the proposed apartment building.

### 3.2.5.7. Water Supply

- (1) An adequate water supply for firefighting shall be provided for every *building*.
- (2) Hydrants shall be located within 90 m horizontally of any portion of a *building* perimeter that is required to face a *street* in Subsection 3.2.2.

### 3.10.3.4. Provisions for Firefighting

- (1) Except as provided in Sentences (2) and (3), the requirements in Subsection 3.2.5. shall apply.
- (2) Access routes for fire department vehicles shall be provided and shall be not less than 9 m wide.
- (3) Hydrants shall be located in the access routes required in Sentence (2) so that,
- (a) for a *building* provided with a fire department connection for a standpipe system or a sprinkler system,
    - (i) a fire department pumper vehicle can be located adjacent to a hydrant, and
    - (ii) the unobstructed path of travel for the firefighter from the vehicle to the fire department connection is not more than 45 m, and

(b) for a *building* that is not *sprinklered*, a fire department pumper vehicle can be located in the access route so that the unobstructed path of travel for the firefighter is not more than,

- (i) 45 m from the hydrant to the vehicle, and
- (ii) 45 m from the vehicle to every opening in the *building*.

Jessica Goodings  
Senior Fire Prevention Officer

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JG