



December 6, 2023

Ministry of Municipal Affairs and Housing

c/o Hon. Paul Calandra
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3

AND

Niagara Region

c/o Michelle Sergi
Planning and Development Services
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7

Via E-mail: mmahofficialplans@ontario.ca
Paul.Calandra@pc.ola.org

AND

michelle.sergi@niagararegion.ca

Dear Hon. Paul Calandra and Michelle Sergi,

**RE: Request for Amendments to Heritage System Schedules - Niagara Region
Official Plan
Northwest Corner of Dominion and Kraft Road, Fort Erie**

INTRODUCTION

We understand that the Ministry of Municipal Affairs and Housing is seeking feedback on Bill 150, The Planning Statute Law Amendment Act, 2023, that would help ensure that Official Plan decisions support the Province's goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust.

We, as environmental/ecological consultants for Zeljko Holdings Limited, owners of the property at the northwest corner of Dominion Road and Kraft Road in the Kraft neighbourhood and Urban Area of the Town of Fort Erie ("subject site"), are submitting this letter in response to Bill 150's commenting window established through the Environmental Registry of Ontario ("ERO") #019-7885.

In the Niagara Region Official Plan (as modified by the Ministry of Municipal Affairs and Housing – "MMAH" – November 2022) the subject site has been mapped to show a variety of natural heritage system features, which in our view, based on field investigations, is not accurate, and to some extent, prohibitive of residential development on land within the Urban Area boundary.

As such, we request a revision to the Natural Heritage System schedules of the Niagara Region Official Plan for the subject site based on the outcomes of our site investigations. These investigations confirm that substantial portions of the site do not align with the extent of natural heritage features depicted on Schedule C1 (Natural Environment System Overlay and Provincial Natural Heritage Systems), Schedule C2 (Natural Environment System - Individual Components and Features), and Schedule C3 (Key Hydrologic Areas Overlay) of the Region of Niagara Official Plan, as modified by the MMAH in November 2022. Refer to Figure 1 for an illustration of the subject site's location.

Figure 1. Location Map of Subject Site



BACKGROUND AND SITE INVESTIGATIONS

The subject site is within Fort Erie's Urban Area boundary, and spans approximately 38 hectares, with 347 meters and 1,018 meters of frontage along Dominion Road and Kraft Road, respectively.

Current Niagara Region Official Plan Mapping

Designated as a Greenfield Area according to Schedule B of the 2022 Niagara Region Official Plan (Figure 2), the site features various natural heritage system components outlined in Schedules C1, C2, and C3.

Schedule C1 illustrates Natural Environment System Overlay within the Urban Area (Figure 3). Schedule C2 details Other Wetlands, Non-Provincially Significant Wetlands, Provincially Significant Wetlands, and Permanent/Intermittent Streams (Figure 4). Lastly, Schedule C3 highlights Highly Vulnerable Aquifer and Permanent/Intermittent Streams (Figure 5).

Figure 2. Niagara Region OP Schedule B - Regional Structure

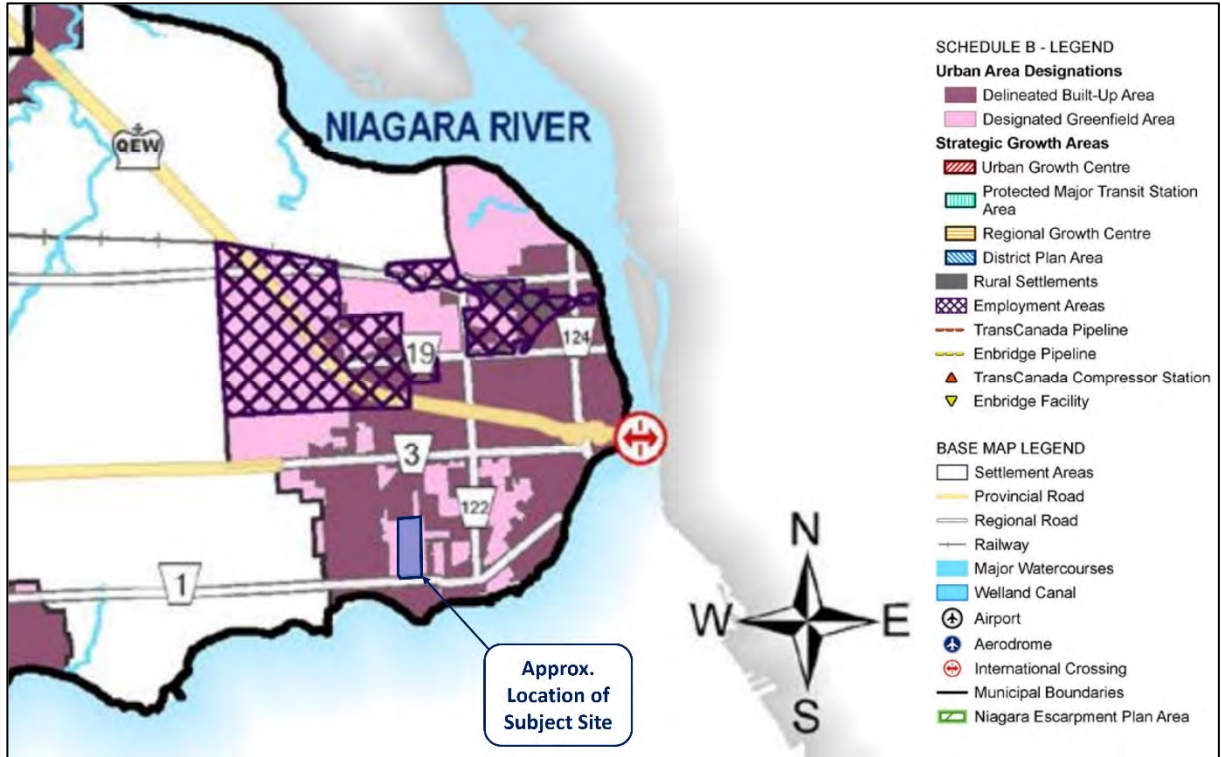


Figure 3. Niagara Region OP Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems



Figure 4. Niagara Region OP Schedule C2 - Natural Environment System - Individual Components and Features

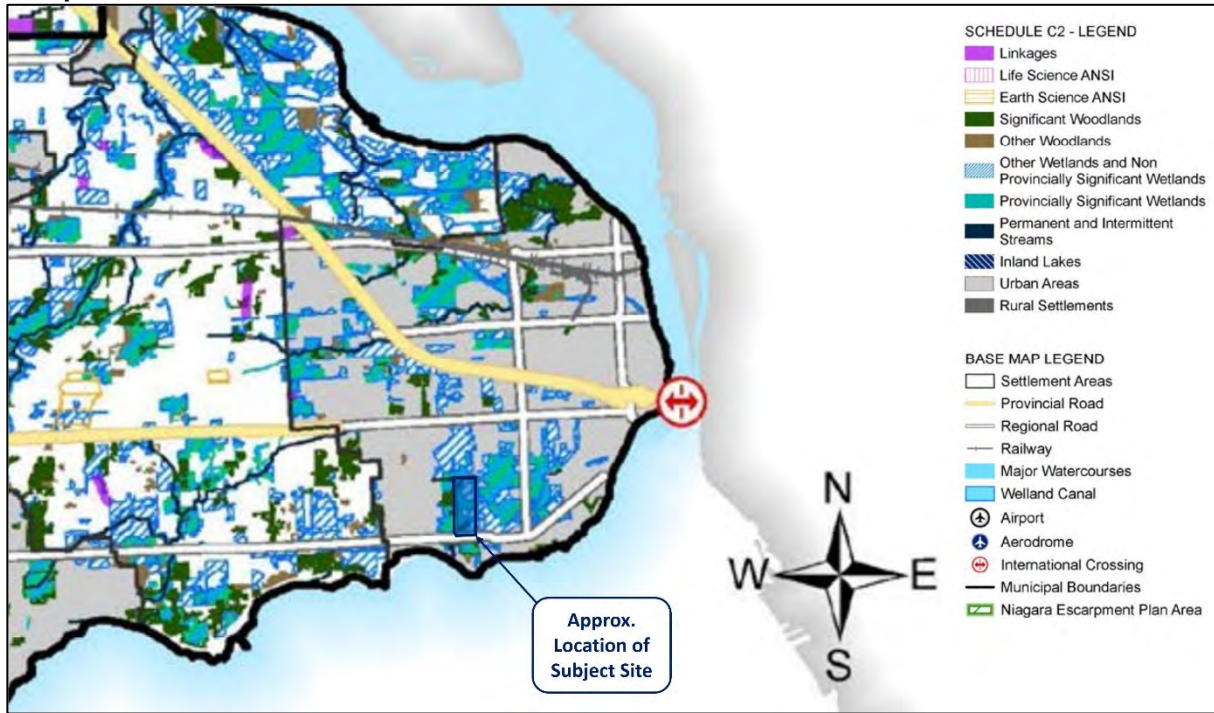
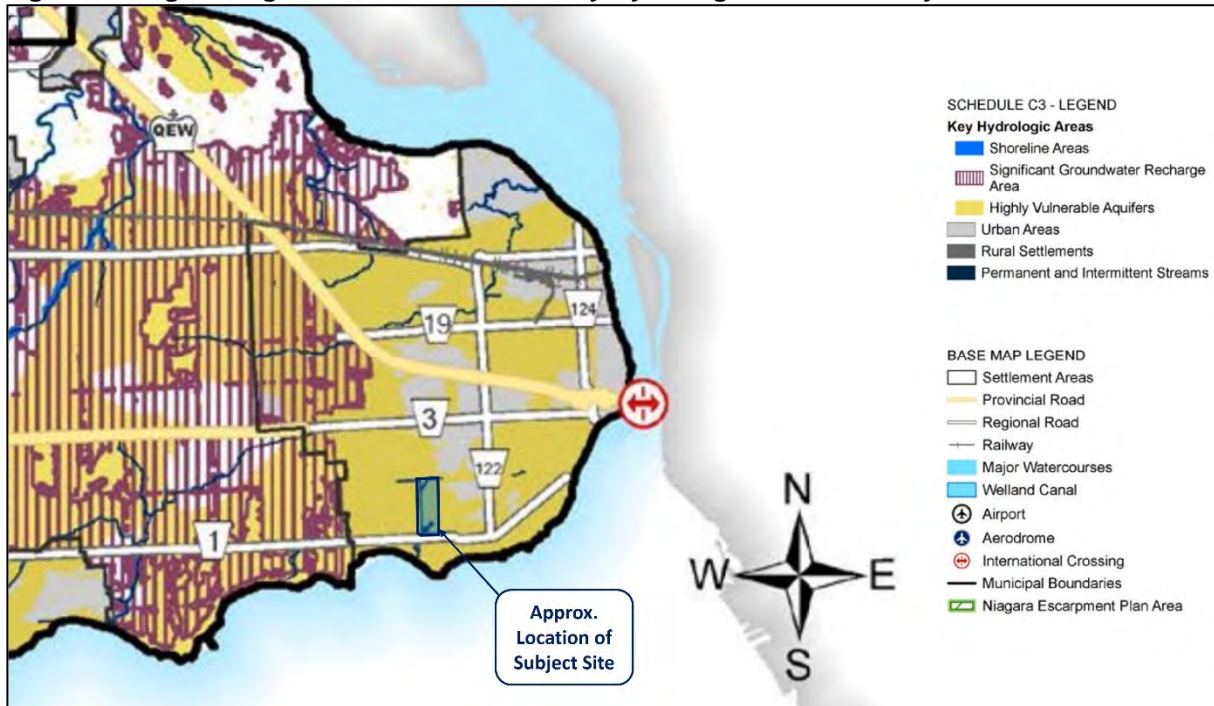


Figure 5. Niagara Region OP Schedule C3 - Key Hydrologic Areas Overlay



RESULTS OF SITE INVESTIGATIONS

Our site investigations confirm extensive Buckthorn coverage on site in areas shown as natural heritage system features per the Niagara Region Official Plan. Wetlands and streams outlined in the Official Plan are often not provincially significant, some being remnants of agricultural drains and less prevalent on-site than indicated in the Official Plan.

In Ontario, Buckthorn is an invasive species and poses ecological challenges by thriving in culturally disturbed lands, impeding native plant growth, and altering soil nitrogen levels. Its prolific seed production and rapid germination hinder the natural growth of native flora. Buckthorn also hosts oat rust, damaging oat yield, and serves as a winter host for the soybean aphid, impacting soybean crops. Moreover, Buckthorn is especially toxic to mammals¹ posing a health risk if ingested, and to amphibians causing larval deformities².

Following the site investigations, we have compiled an updated Natural Heritage System ("NHS") map for the site, more accurately reflecting on-site conditions. The revised figures (6, 7 and 8) delineate NHS features and development buffers with increased precision, deviating from the depiction in the Niagara Region Official Plan schedules.

¹ Lichtensteiger, C.A., Johnston, N.A. and Beasley, V.R., 1997. *Rhamnus cathartica* (buckthorn) hepatocellular toxicity in mice. *Toxicologic pathology*, 25(5), pp.449-452.

² Sacerdote, A.B. and King, R.B., 2014. Direct effects of an invasive European buckthorn metabolite on embryo survival and development in *Xenopus laevis* and *Pseudacris triseriata*. *Journal of Herpetology*, 48(1), pp.51-58.

Figure 6. Vegetation Communities and Rare species



Figure 7. Revised Ontario Wetland Evaluation System (OWES) Mapping with 15m and 30m buffers. Revised OWES scoring is not provincially significant.

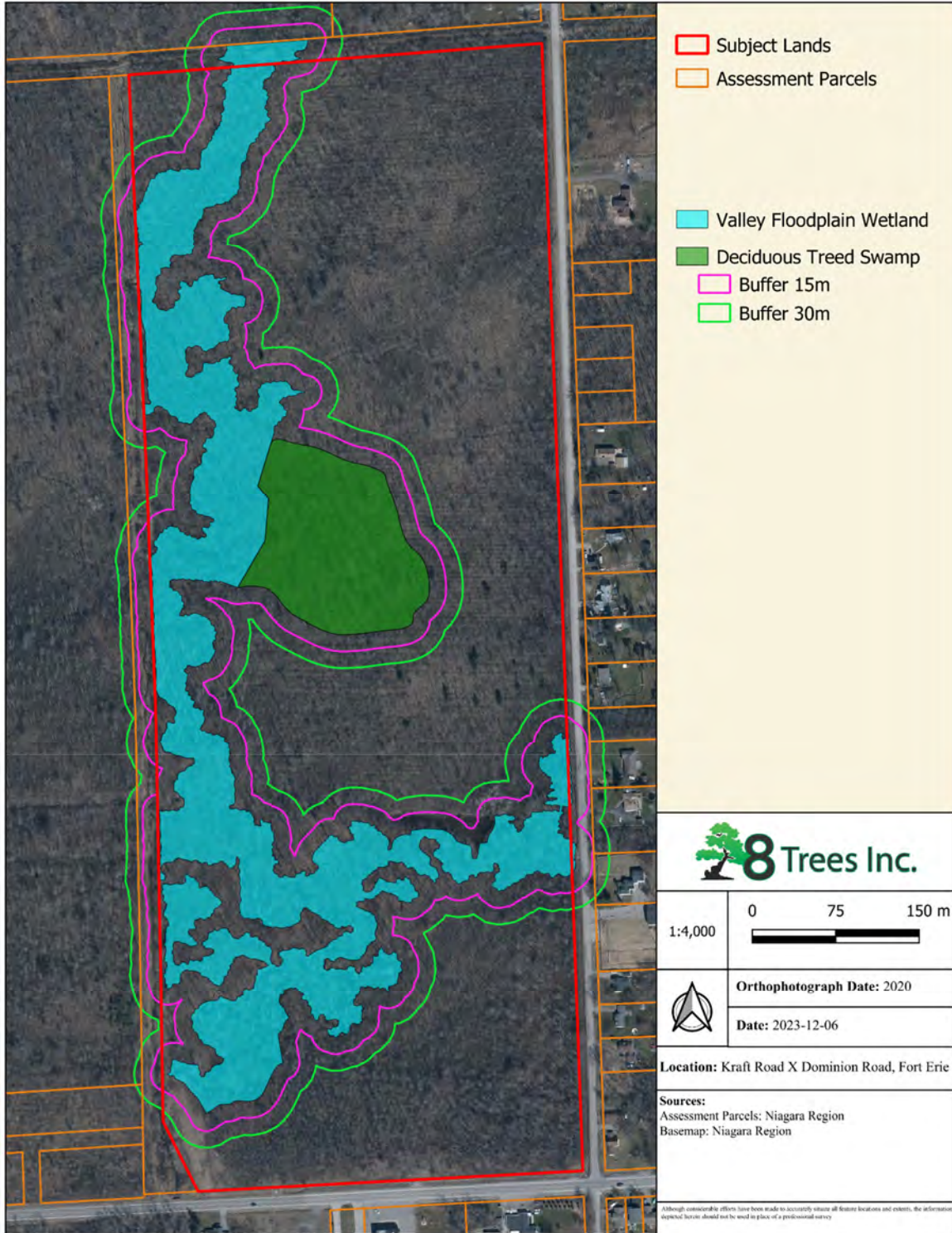
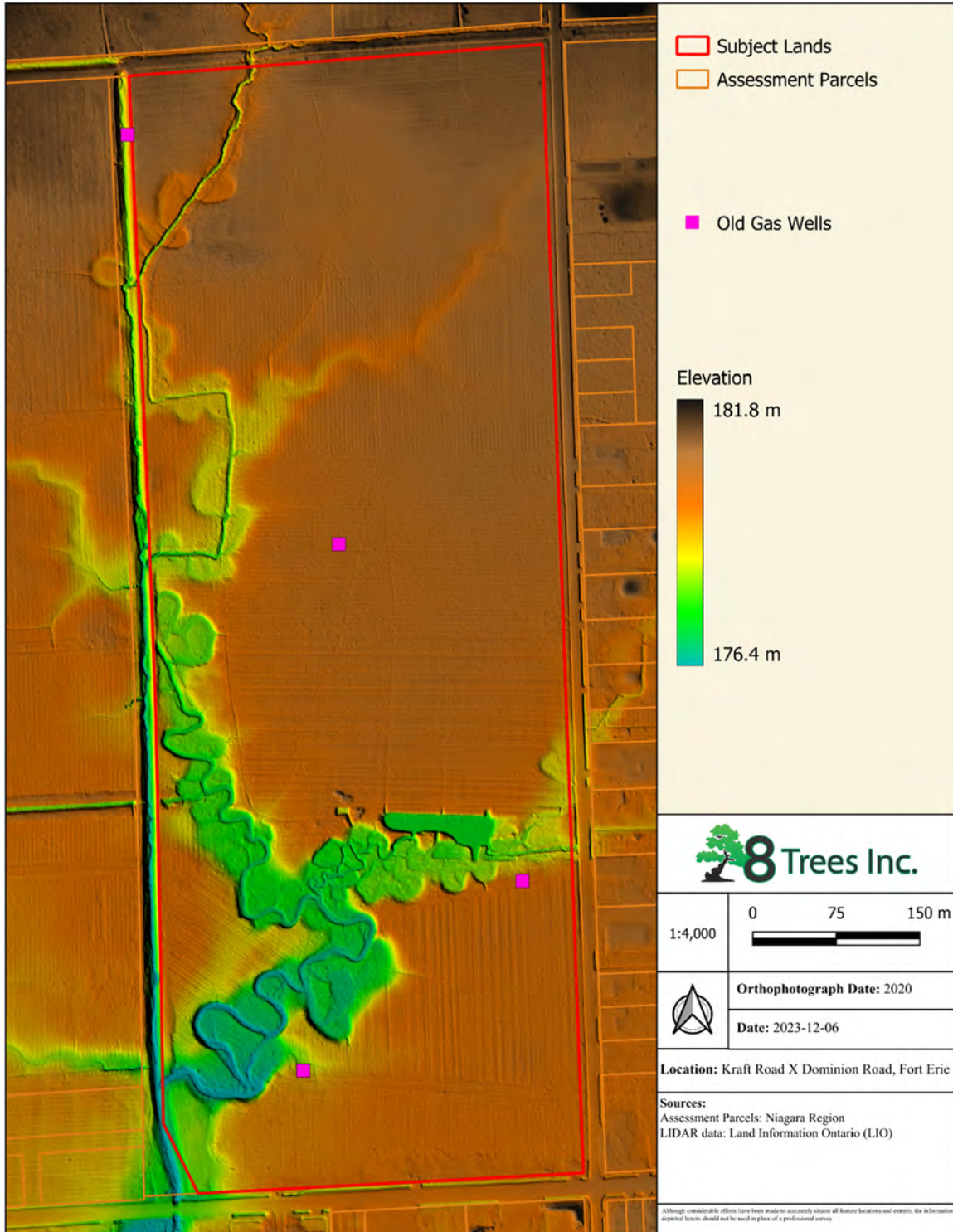


Figure 8. Old Kraft Creek Valley delineation, Aquatic and Other Features



REQUESTED REVISIONS TO NATURAL HERITAGE SYSTEM SCHEDULES

Based on the information provided, we kindly request a reconsideration of the NHS schedules within the Region Official Plan by the Region and MMAH. Specifically, we propose amending NHS Schedules C1, C2, and C3 to align with our mapping which has been verified through on-site validation, accurately delineating the limits of all on-site NHS features.

Aligning the Niagara Region Official Plan's NHS Schedules with our Figures 6 to 8 would establish a new developable area in Fort Erie's Urban Area. This would enable the construction of new homes without adversely impacting any natural heritage system features earmarked for conservation.

Should you wish to delve into further details, we are open to accommodating your schedules for a meeting.

Respectfully submitted,



Anne Yagi, M.Sc., EP, CERP
President
8Trees Inc.

Cc. Zeljko Holdings Limited, The Biglieri Group Ltd.