Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

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File No. 704274

December 4, 2023

By E-Mail Only to *mmahofficialplans@ontario.ca*

Honorable Minister Paul Calandra
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Dear Minister Calandra:

Re: ERO No. 019-7885
Draft Bill 150, *Planning Statute Law Amendment Act, 2023* ("Bill 150")
Provincial Modifications to Region of Niagara Official Plan
Modification #40 - Lands located on Garrison Road between Rosehill Road and Municipal Centre Drive, Town of Fort Erie ("Town")

We are counsel to Mega Canada Ltd. ("**Mega Canada**"), the owner of approximately 19.7 hectares of land located on the south side of Garrison Road between Rosehill Road and Municipal Centre Drive in the Town of Fort Erie (the "**Subject Lands**").

On November 4, 2022, former Minister of Municipal Affairs and Housing ("**Minister**") Steve Clark approved the Region of Niagara Official Plan ("**NOP**") with a series of modifications, including Modification #40 which modified the Schedules and Appendices of the NOP to include the Subject Lands within the Town's Urban Area.

The current draft of Bill 150 proposes to reverse many of the previously approved Provincial modifications to the NOP, including Modification #40 respecting the Subject Lands. We are writing on behalf of Mega Canada to request that Bill 150 be amended to include Modification #40 in the list of Modifications to the NOP that will be maintained.

Prior to the approval of Modification #40, our client submitted a detailed request to the former Minister outlining the positive attributes of the Subject Lands, the demonstrated need for their inclusion within the Urban Area and the significant benefits that would result for the Town, Region and Province. This request included a report prepared by Parcel Economics, which reviewed the Region's Land Needs Assessment and concluded that 21 hectares of additional land were required within the Town's designated Community Area in order to accommodate the forecasted growth in the Town to 2051. The inclusion of the Subject Lands will help to fulfill this unmet need and is necessary in order for the NOP to conform with the requirements of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*.

Our submission letter also provided a review of the history of the Subject Lands' treatment within the Town's Urban Area Boundary Expansion Study and the Region's Settlement Area Boundary Review process. Notably, the Subject Lands were initially recommended for inclusion in the Urban Area by the Town's consultants and staff within an area to be prioritized for residential uses. This recommendation was endorsed by Town Council in February, 2021.

Finally, our letter outlined how the concerns which lead to the subsequent removal of the Subject Lands through the Region's process can be satisfactorily addressed through the future planning process and do not represent a constraint or impediment to the development of the Subject Lands. A copy of our original submission letter dated August 24, 2022 is enclosed with this letter.

We believe that Modification #40 was approved based on the legitimate planning and growth management grounds outlined in our letter, which were also recognized by the Town in the early stages of its Urban Area Boundary Expansion Study. On this basis, we request that Modification #40 be maintained in the NOP and included within the list of Modifications that will apply to the NOP in Column 3 of the Table in Schedule 1.

Since the approval of the NOP and Modification #40, our client has retained professional land use planning firm, Weston Consulting Group and TAES Architects to prepare a concept plan for the future development of the Subject Lands and has commenced discussions with Town staff for this site and other sites owned by Mega Canada within the Town.

Our client is committed to advancing development of the Subject Lands in order to bring new housing to this prime location adjacent to Town Hall and the Town's largest urban area, which is well-served by a variety of commercial businesses along Garrison Road, community and recreational facilities, including schools and parks, and transportation corridors.

Thank you for your consideration of this request. We would be pleased to discuss this further with Ministry staff, should you have any questions or require further information.

Yours truly,
DAVIES HOWE LLP

Meaghan McDermid

Enclosures: DH Letter to Minister
copy: Client

Davies Howe
LAND DEVELOPMENT ADVOCACY & LITIGATION

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File No. 704274

August 24, 2022

By E-Mail Only to *alejandra.perdomo@ontario.ca*

Honourable Steve Clark
Minister of Municipal Affairs and Housing

c/o Regional Director, Central Region
Ministry of Municipal Affairs and Housing
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

Attention: Alejandra Perdomo Ibanez, Senior Planner, Community Planning and Development

Dear Minister Clark:

Re: Region of Niagara Official Plan
Request for Inclusion in Settlement Area
Lands located on Garrison Road between Rosehill Road and Municipal Centre Drive, Town of Fort Erie ("Town")

We are counsel to Mega Canada Ltd., the owner of approximately 19.7 hectares of land located on the south side of Garrison Road between Rosehill Road and Municipal Centre Drive in the Town of Fort Erie (the "**Subject Lands**"). A map showing the location of the Subject Lands is attached as **Attachment 1.**

The Regional Municipality of Niagara ("**Region**") adopted a new Official Plan on June 23, 2022 by By-law No. 2022-47 ("New Official Plan"), which has been forwarded to you for approval. In accordance with the requirements of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)* ("**Growth Plan**"), the Region's new Official Plan is intended to plan for growth in the Region to the year 2051.

On behalf of our client, we are writing to request that, prior to approval, you modify the Region's New Official Plan to include a portion of the Subject Lands within the Settlement Area boundary.

Shortfall of Residential Land in the Town

In the view of our client and its professional consultants, the New Official Plan, as currently adopted, does not conform with the requirements of the Growth Plan and is not consistent

with the *Provincial Policy Statement, 2020*, as it does not designate sufficient land to meet the Region's forecasted population growth to the year 2051, as set out in Schedule 3 and as allocated to the Town.

Enclosed as **Attachment 2** to this letter is a report prepared by Parcel Economics on behalf of our client (the "**Parcel Report**") reviewing the Region's Land Needs Assessment, which provided the foundation for the Settlement Area expansion mapping within the New Official Plan. Notably, the Parcel Report concludes that **21 hectares of additional land** will be required within the Town's designated Community Area in order to accommodate the forecasted growth in the Town to 2051.

The Parcel Report further concludes that the failure to designate additional Community Area lands will result in housing shortages in the Town which will further exacerbate the housing affordability issues that we are currently experiencing in Ontario.

The shortfalls highlighted in the Parcel Report are even more critical to address considering the recent recommendations of your government's Housing Affordability Task Force and others, such as the Smart Prosperity Institute and the Canada Mortgage and Housing Corp., which have identified the need for the construction of a minimum of 1.5 million new homes over the next 10 years. These more recent forecasts have been identified to exceed those prepared by Hemson Consulting in August, 2021, which provide the basis for Schedule 3 population forecasts in the Growth Plan.

With your government's mandate to tackle housing affordability as a top priority, we trust that the shortfalls identified in the Parcel Report will be of great concern to you.

Inclusion of the Subject Lands

The inclusion of the Subject Lands within the Settlement Area boundary would assist in addressing the shortfall of Community Area lands in the Town identified in the Parcel Report.

The Subject Lands were initially recommended for inclusion in the Settlement Area boundary by both the Town through it's Urban Area Boundary ("**UAB**") Expansion Study and the Region through its Settlement Area Boundary Review ("**SABR**") process. The full history of how the Subject Lands have been considered in these processes is detailed in our letters to the Region's Planning and Development Committee ("**PEDC**") dated June 9, 2022 and to Regional Planning Staff dated June 8, 2022, copies of which are attached as **Attachment 3**.

To summarize, in the Town's UAB Study, the Subject Lands were included in one of the two areas (the Spears High Pointe-Crescent Park Area) recommended to be prioritized for residential uses and were identified as the second priority parcel within this Area and 7th in priority overall in the Town. These recommendations were endorsed by Town Council in February, 2021 and forwarded to the Region for consideration.

In the Region's SABR process, the Subject Lands (SABR ID: 1151) were within one of the three areas originally recommended for inclusion in the Settlement Area in the December, 2021 Regional Staff recommendations (Report PDS 41-2021) which were received by PEDC and Council.

It is undeniable that the Subject Lands are a prime candidate for Settlement Area expansion owing to their location immediately adjacent to the Town Hall and the Town's largest urban area, which is well-served by a variety of commercial businesses along Garrison Road, community and recreational facilities, including schools and parks, and transportation corridors.

In fact, in the Region's December 8, 2021 SABR report, the Subject Lands were identified as providing the highest contribution to a complete community due to their size and location adjacent to facilities and transit and their inclusion was considered to be highly favourable to address land need for the community. A copy of the December SABR assessment sheet for the Subject Lands is attached as **Attachment 4**.

The Subject Lands are also located directly across from the large Settlement Area expansion on the north side of Garrison Road which has been included in the New Official Plan. The inclusion of the Subject Lands at this time will allow for them to be included in the comprehensive strategic planning exercise with the new Community Area on the north side of Garrison Road, which is expected to include sub-watershed, servicing and transportation studies for the area to coordinate future development.

However, despite the obvious and recognized benefits of the inclusion of the Subject Lands, Regional staff subsequently, and with little notice to our client, revised their recommendations in the March 9, 2022 SABR Report PDS 6-2022 to remove the Subject Lands from the proposed Settlement Area expansion. This removal was carried forward into the adopted version of the new Official Plan. It is our understanding that the Region's reasons for removing the Subject Lands related to concerns regarding environmental features on the lands and potential servicing constraints.

In consideration of Regional staff's concerns regarding the environmental features on the Subject Lands, our client has refined its request to propose that only the developable portion of the lands which are outside of the Region's Natural Environment System mapping, comprising approximately 9.8 hectares, be included in the Settlement Area boundary. The environmental constraint mapping for the Subject Lands prepared by our client's environmental consultant, Colville Consulting Inc. following their preliminary site investigations is included in our submission letter to PEDC provided in Attachment 3. We are advised that this mapping is generally consistent with that prepared by the Region's environmental consultant North South Environmental, which formed the basis for the Region's Natural Environment System mapping in the New Official Plan.

Our client's proposal to include only the developable portion of the Subject Lands will allow for strong protection of the environmental features on the Subject Lands, consistent with Provincial policy direction, while still providing a sufficiently large area of land that can be developed with a range of housing types to assist in accommodating the Town's growth needs and creating a complete community.

With respect to servicing, it is our understanding that the Region's concerns about servicing capacity relate only to sanitary infrastructure such as the pumping station and collection system and that capacity in the wastewater treatment plant and municipal water services are available to accommodate future development of the Subject Lands. Our client's consultants have advised that options exist to provide sanitary servicing to the Subject Lands through upgraded or new pumping station infrastructure, which would be expected to be assessed through the Region's update to its Water and Wastewater Master Servicing Plan. There are no servicing constraints which are unresolvable or serious enough to preclude any growth on the Subject Lands over the 30-year time horizon of the New Official Plan.

Given that the Region's concerns which led to the removal of the Subject Lands from the Settlement Area expansion either have or will be addressed through the refined proposal and future planning processes, it is appropriate to re-include the Subject Lands in the Settlement Area to address the identified shortfall in Community Area in the Town.

Inclusion of the Subject Lands will ensure that comprehensive community planning can occur with the larger Settlement Area expansion lands on the north side of Garrison Road. Exclusion of the Subject Lands from the Settlement Area would detract from a complete community planning approach and would undermine the ability to ensure a coordinated land use and servicing plan for the Garrison Road corridor.

Conclusion and Requested Modification

For the reasons outlined above and in our attached materials, our client requests that the New Official Plan be modified to include the developable portion of the Subject Lands (approximately 10 hectares) within the Settlement Area boundary.

Our client's request would require the following modifications:

- Modify all Schedules A through K to include the developable area of the Subject Lands within the Settlement Area of Fort Erie;
- Modify Schedule B to include the developable area of the Subject Lands within the Designated Greenfield Area;
- Modify Appendix 2 to include the developable area of the Subject Lands within the Urban Area Expansion Area as part of the Urban Area

Enclosed as **Attachment 5** is a copy of our client's proposed modifications to Appendix 2, which illustrate the modifications that would be required to the remainder of the above-noted Schedules.

Should you have any questions or require any further information in respect of our client's request, please contact me. Further, we would welcome the opportunity to meet with Ministry staff to discuss our client's concerns with the New Official Plan and the requested modifications further.

We request notice of any decision made in respect of this matter.

Yours truly,
DAVIES HOWE LLP

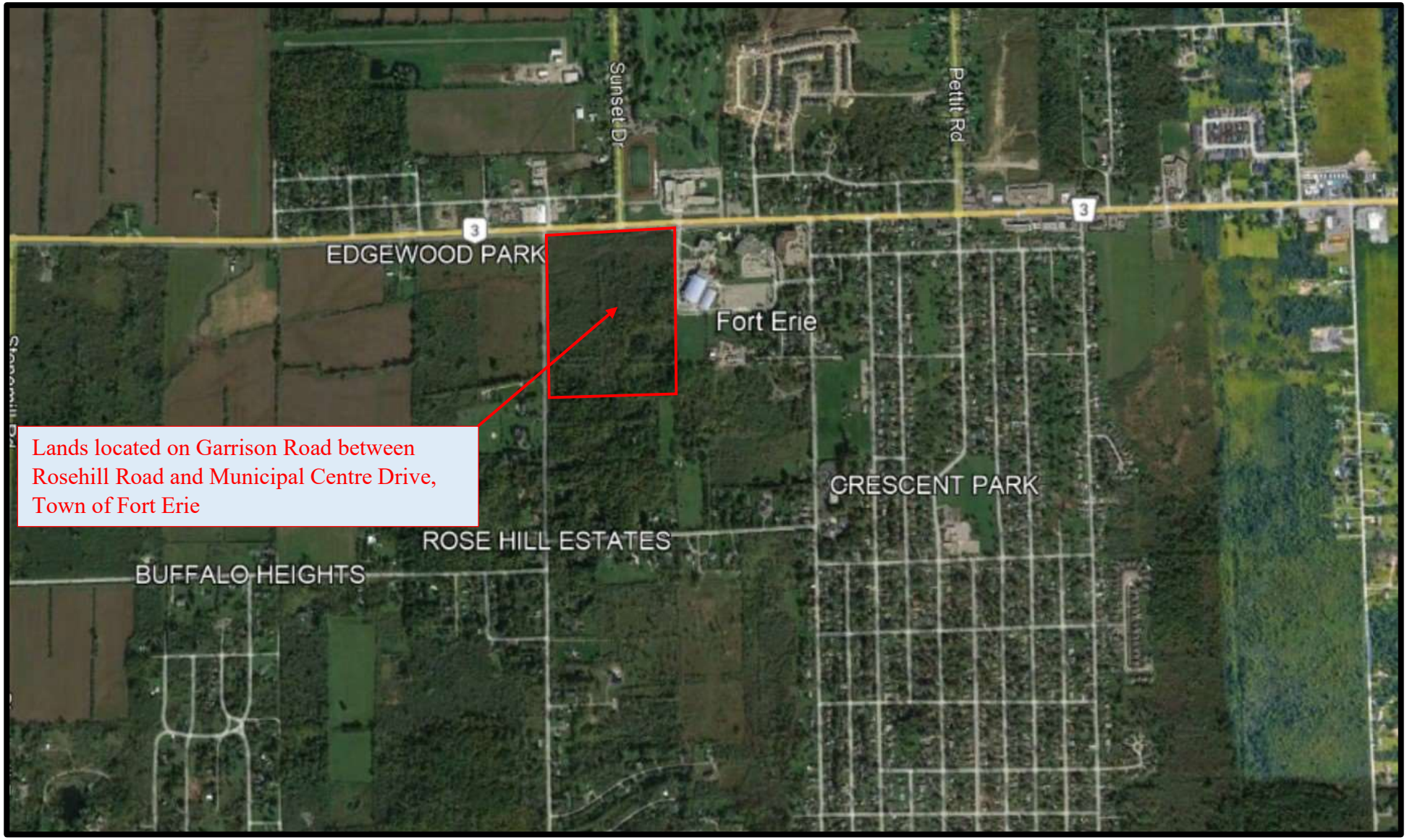
Meaghan McDermid

MM

Enclosures: Attachments 1 to 5, as above

copy: Ms. Erika Ivanic, Senior Planner, Ministry Municipal Affairs & Housing
Ms. Heather Watt, Manager, Community Planning & Development, Ministry of Municipal Affairs & Housing
Client
Mr. Maurizio Rogato, Blackthorn Development Corp.
Mr. Craig Ferguson, Parcel Economics

Location Map



Parcel

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Alejandra Perdomo Ibáñez
Senior Planner (A), Community Planning and Development

August 17, 2022

Central Municipal Services Office, Ministry of Municipal Affairs and Housing

RE: Garrison Road and Rose Hill Road – Review of Niagara Region Land Needs Assessment

Parcel Economics Inc. ("Parcel") has been retained by Mega Canada Ltd., who is the owner of 19.7 hectares of land located on the south side of Garrison Road, between Rose Hill Road and Municipal Centre Drive in the Town of Fort Erie, hereafter referred to as the subject site. The subject site is located immediately adjacent to the Urban Area Boundary ("UAB") for the Crescent Park Neighbourhood. The Crescent Park Neighbourhood includes a variety of facilities that are available to support population growth on the subject site, including commercial shopping along Garrison Road and community facilities such as the Fort Erie Town Hall, Leisureplex, Boys and Girls Club of Niagara and the Greater Fort Erie Secondary School.

The purpose of our retainer has been to review the methodology and assumptions used in the preparation of the *PDS 17-2022 – Appendix 3, Niagara Official Plan 2051 Land Needs Assessment*, June 2022 (the "June 2022 LNA") and other materials prepared to support the recently adopted Regional Municipality of Niagara Official Plan.

Based on our review of the materials supporting the recently adopted Regional Municipality of Niagara Official Plan, it is evident that the Fort Erie Designated Greenfield Area ("DGA") identified in Schedule B – Regional Structure is not sufficient to accommodate growth allocated to the Town of Fort Erie to 2051.

As summarized in the following memorandum, the Community Area DGA lands in Fort Erie needs to be **expanded by an additional 21 hectares** to accommodate growth to 2051. Our conclusions are based on the following:

1. **Community Area Mapping Does Not Reflect the Results of the June 2022 LNA** – The recommended Community Area mapping in the adopted Regional Municipality of Niagara Official Plan was completed based on the results of a previous land needs assessment that identified the need for 105 hectares of additional Community Area lands in Fort Erie. However, the June 2022 LNA identified the need for 115 hectares of additional Community Area lands in Fort Erie, **a 10-hectare increase** over the previous land needs assessment. Despite the identified need for additional Community Area lands in Fort Erie, the mapping for Community Area Expansion lands has not been increased to reflect the larger expansion area.

2. **The 50% Intensification Target Identified for Fort Erie in the June 2022 LNA is Not Achievable -** There is not sufficient intensification potential to accommodate a 50% intensification target in Fort Erie, as identified in the June 2022 LNA, while still accommodating a market-based range and mix of housing. Our detailed intensification analysis demonstrates that a 36% intensification target could be achieved in Fort Erie, which represents an improvement over the current 15% intensification target in Fort Erie. The 36% intensification target in Fort Erie would still allow the Region to achieve an overall intensification target of 60%. Based on a 36% intensification target, Fort Erie would require an **additional 11-hectares** of DGA Community Area lands to accommodate growth to 2051.

By not expanding the Community Area by an additional 21 hectares in Fort Erie for the reasons identified above, it will result in housing shortages that would lead to housing affordability issues, as identified in the *Land Needs Assessment Methodology for the Greater Golden Horseshoe* (the "Provincial Land Needs Methodology").

Background

The subject site is approximately 19.7 hectares. However, only 9.8 hectares are developable and are being proposed for inclusion within the settlement area boundary. The subject site was originally identified for inclusion within the future Fort Erie Community Area in the *Town of Fort Erie Urban Boundary Expansion Study*, which was a study completed on behalf of the Town in February 2021. In the *Town of Fort Erie Urban Boundary Expansion Study*, the subject was identified as Spears High Pointe – Crescent Park Area 2.

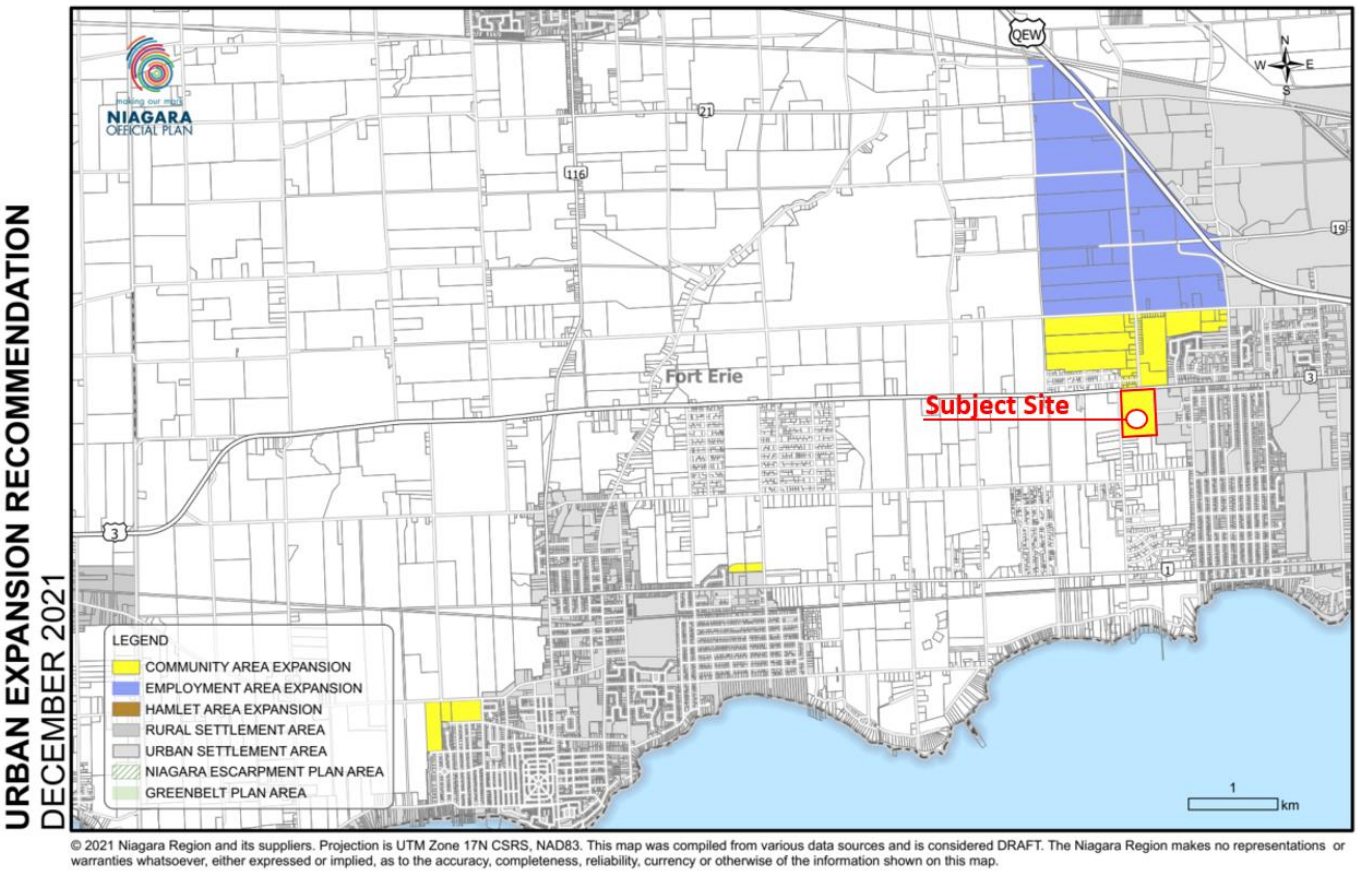
As part of the Regional Municipality of Niagara Municipal Comprehensive Review ("MCR") the subject site was also identified as a site recommended for inclusion within the Community Area expansion area of Fort Erie, to accommodate population and employment growth to 2051. Figure 1 identifies the location of the subject site based on Appendix 2 of PDS 41-2021, which was a report to Niagara Region Planning and Economic Development Committee on December 8, 2021 that provided staff's recommendations for boundary changes in Niagara Region to accommodate growth to 2051. PDS 41-2021 also included a *2051 Land Needs Assessment* in Appendix 3 (the "December 2021 LNA") where Table 12 identified the need for an additional 105 hectares of Community Area lands to accommodate growth to 2051 in Fort Erie.

In June 2022, a new land needs assessment was released by the Region as part of PDS 17-2022. This revised June 2021 LNA identified a Community Area expansion of 115 hectares for Fort Erie in Table 13[1]. **This represents a 10-hectare increase when compared to the December 2021 LNA** (105-hectare expansion).

[1] Table 13 identified a 135 hectare Community Area expansion, which includes 20 hectares of existing development on private services, which were identified as Area #3 in PDS 6-2022. Therefore, the "net" expansion is 115 hectares.

Figure 1

Recommended Locations for Community Expansion - December 2021

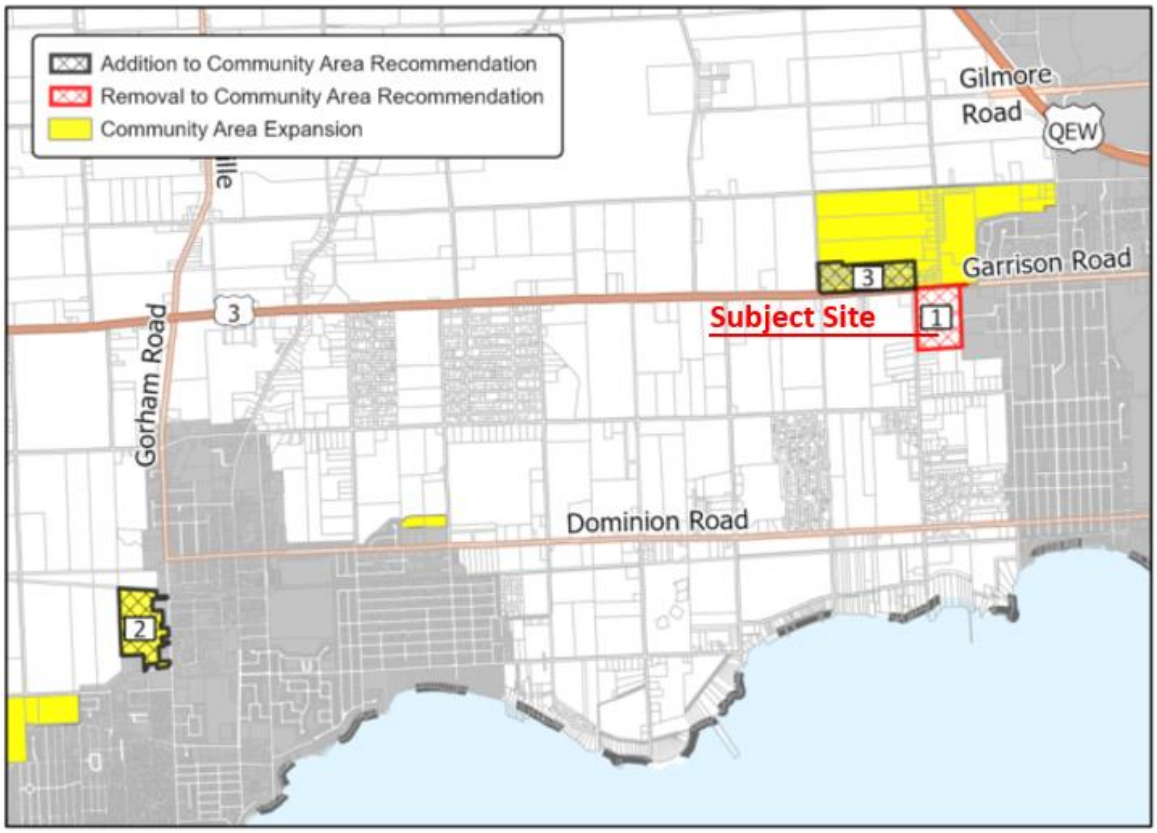


Source: Parcel based on information from Niagara Region PDS 41-2021

There have been significant changes made to the Community Area Expansion since the recommendations in December 2021. When the settlement area boundary review reports were updated in March 2022, the subject site was excluded from the Fort Erie Settlement Area expansion. Figure 2 identifies the location of the subject site based on PDS 6-2022, which was a report to Niagara Region Planning and Economic Development Committee on March 9, 2022, that provided staff's preferred recommendations for boundary changes in Niagara Region to accommodate growth to 2051. As shown, based on Figure 2, the subject site is recommended for removal from the Community Area expansion, while lands on the north side of Garrison Road (shown as Area #3 in Figure 2), as well as lands in Crystal Beach, on the west side of Gorham Road (shown as Area #2 in Figure 2), were added to the proposed settlement area.

Figure 2

Preferred Fort Erie Settlement Area Boundary Expansion Recommendation – March 2022



Source: Parcel based on information from Niagara Region PDS 6-2022

It is notable that Area #3 is approximately 20 hectares of land that includes a mix of existing homes and businesses on rural servicing. These lands were previously recommended for inclusion in the Community Area in December 2021 (PDS 41-2021) and therefore do not represent a net increase in land area to accommodate growth to 2051.[2] Area #2, located at 171 Gorham Road, is identified in PDS 6-2022 as being approximately 11 developable hectares[3], which is approximately equal to the 9.8 hectares of developable lands on the subject site. Therefore, the revised Community Area Expansion lands identified in PDS 6-2022, which were ultimately included in Schedule B of the new Regional Municipality of Niagara Official Plan result in no net increase in land area, when compared to the previous mapping in December 2021 (PDS 41-2021).

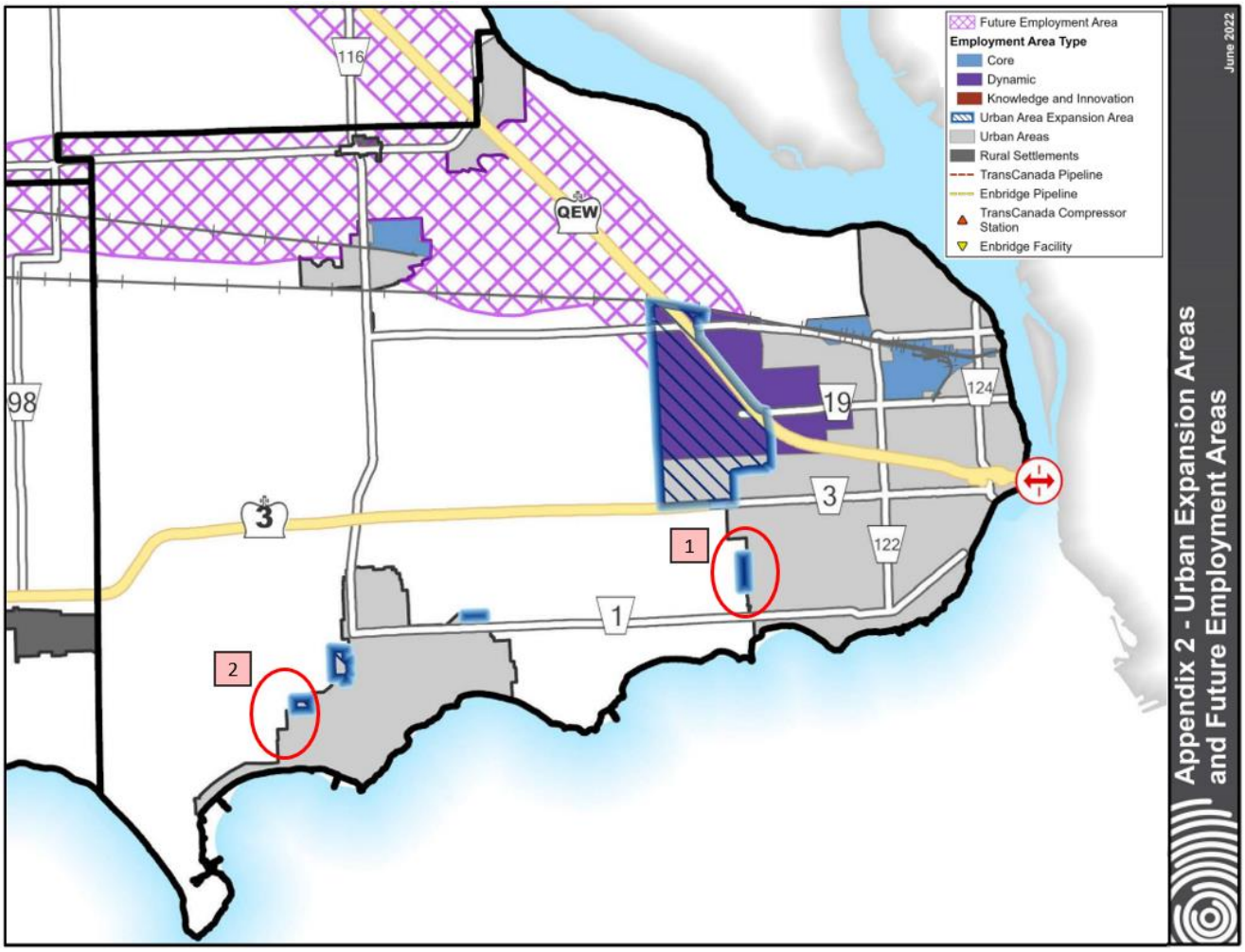
[2] Further to this point, the June 2022 LNA increases the expansion area by an additional 20 hectares to account for lands that contain the existing homes and businesses. Therefore, these 20 hectares of land do not count towards the 115 hectares identified in the June 2022 LNA.
[3] It is notable that 171 Gorham Road has a land area of 21.1 hectares, of which approximately 11 hectares are developable based on PDS 6-2022.

When mapping for the Regional Municipality of Niagara Official Plan was released in June 2022, Appendix 2 – Urban Expansion Areas included additional changes to the Community Area Expansion in Fort Erie. Figure 3 summarizes the final Urban Expansion Areas for Fort Erie. As shown in Figure 3, the June 2022 mapping shows two changes to the Urban Expansion Area in comparison to the March 2022 mapping shown previously in Figure 2.

Area #1 includes the addition of lands located at 0 Nigh Road, which are 10.5 hectares, of which only approximately 6 hectares are developable as the remaining lands are designated Natural Environment System Overlay in Schedule C1 of the adopted Regional Municipality of Niagara Official Plan.

Figure 3

Urban Area Expansions – Fort Erie – June 2022



Source: Parcel based on information from Niagara Regional Official Plan, Appendix 2 (full map shown in Appendix A).

Also shown is Area #2, which includes the removal of approximately 12.5 hectares of land located at 4269 Michener Road and 4337 Michener Road. Figure 4 summarizes the changes in land needs the occurred between the December 2021 and June 2022 LNA. As shown, subsequent to the release of the December 2021 LNA, approximately 31.8 hectares of lands were added to the Fort Erie Community Area Expansion, while 32.2 hectares were removed from the Fort Erie Community Area Expansion for a net reduction of 0.4 hectares of Community Area lands.

Overall, despite the June 2022 LNA identifying the need for an additional 10 hectares of Community Area land in Fort Erie, the corresponding land area for Community Area mapping in Fort Erie was virtually unchanged. This results in a shortfall of 10 hectares of Community Area lands to accommodate growth to 2051. As the subject site includes 9.8 hectares of developable land, it is well suited to accommodate this shortfall in Community Area lands.

Figure 4

Fort Erie Community Area Lands Summary

	Hectares[1]
Community Area Land Needs	
December 2021 LNA	105.0
June 2022 LNA[2]	115.0
Increase / (Decrease)	10.0
Community Area Land Revisions After December 2020 LNA	
Lands Added to Community Area	
171 Gorham Road	21.1
0 Nigh Road	10.7
Sub-Total	31.8
Lands Removed From Community Area	
0-12016 Rosehill Road (Subject Site)	(19.7)
4337 Michener Road	(9.7)
4269 Michener Road	(2.8)
Sub-Total	(32.2)
Net Increase / (Decrease) in Community Land Area Since December 2021	**(0.4)**

[1] Includes undevelopable lands with environmental constraints.

[2] Excludes 20 ha of existing development on private services brought into the urban area to allow change to urban servicing and logical Settlement Area boundary.

Source: Parcel.

Review of Land Needs Assessment

Parcel has also completed a detailed review of the June 2022 LNA to determine if the analysis, methodology and assumptions are fair, reasonable and would result in a sufficient Community Area expansion to accommodate growth to 2051. The following paragraphs summarize the results of our detailed analysis, with accompanying tables included in Appendix B to this memorandum.

Built-Up Area Intensification Analysis

The June 2022 LNA assumed that between 2021 and 2051, Fort Erie will accommodate 3,680 units within the built-up area ("BUA"), representing a 50% intensification target. Based on our review, **it does not appear that the Region has completed an analysis to determine if the 50% intensification target could be achieved in Fort Erie**. Also, for context, the intensification target for Fort Erie in the current Niagara Region Official Plan is 15%. Therefore, the 50% intensification target in the June 2022 LNA represents a significant departure from past trends.

To determine if the 50% intensification target assumed in the June 2022 LNA is reasonable, Parcel reviewed potential intensification sites in the Fort Erie BUA. As part of this review, we have identified 1,202 units within active applications in the Fort Erie BUA. Further, we have identified approximately 42 hectares of vacant and underutilized lands that are not under application, but could accommodate growth within the BUA to 2051. Based on reasonable density assumptions, these vacant lands without applications could accommodate an additional 1,471 units. Comparing the total growth of 3,680 units to the supply of 2,673 units in Figure 5 demonstrates that there would still be a shortfall of 1,007 units within the BUA to accommodate growth to 2051. **The detailed analysis by Parcel demonstrates the 50% intensification target included in the June 2022 LNA is excessive and cannot be achieved in Fort Erie.**

Further, we consider our intensification analysis to be very conservative as it includes 15.8 hectares of land located in Bridgeburg Secondary Plan, which are designated *Policy Area 2 – West Jarvis Brownfield Site* and *Policy Area 3 – Horton Residential Revitalization Area*. These policy areas are brownfield sites that contain active industrial uses, which could impact their ability to redevelop by 2051. If these lands are not developable by 2051, it would result in an even larger shortfall in the BUA, contributing to housing shortages that will ultimately impact affordability in Fort Erie.

Figure 5

BUA Growth and Intensification Analysis – 50% Intensification Target

	Single/Semi	Row	Apartment	Total
BUA Share of Total Houshold Growth	37%	60%	90%	50%
BUA Household Growth 2021-2051[1]	1,520	1,620	540	3,680
BUA Unit Supply				
Units in Active Applications - Mid-2021[2]	556	646	0	1,202
Units on Vacant Lands not Under Application[3]	79	851	541	1,471
Total BUA Unit Supply	635	1,497	541	2,673
Surplus / (Shortfall)	(885)	(123)	1	(1,007)

[1] Based on *Niagara Official Plan 2051 Land Needs Assessment*, June 2022.

[2] Based on Fort Erie Report No. PDS-68-2021 Development, Building and By-Law Statistical Reporting – Second Quarter.

[3] Details of vacant land supply analysis included in Appendix A.

Source: Parcel based on information from Niagara Region PDS 17-2022 – Appendix 3 and Town of Fort Erie PDS-68-2021.

Recognizing the shortfalls in the BUA analysis completed as part of the June 2022 LNA, it is appropriate to revise the intensification target for Fort Erie. As shown in Figure 6, an intensification target of 36% in Fort Erie is achievable and would result in 2,634 units being allocated to the BUA. Further, the 36% intensification target would represent a substantial increase over the 15% intensification target for Fort Erie included in the existing Regional Municipality of Niagara Official Plan.

Figure 6

BUA Growth and Intensification Analysis – 36% Intensification Target

	Single/Semi	Row	Apartment	Total
BUA Share of Total Houshold Growth	15%	55%	90%	36%
BUA Household Growth 2021-2051	609	1,485	540	2,634
BUA Unit Supply				
Units in Active Applications - Mid-2021[1]	556	646	0	1,202
Units on Vacant Lands not Under Application[2]	79	851	541	1,471
Total BUA Unit Supply	635	1,497	541	2,673
Surplus / (Shortfall)	26	12	1	39

[1] Based on Fort Erie Report No. PDS-68-2021 Development, Building and By-Law Statistical Reporting – Second Quarter.

[2] Details of vacant land supply analysis included in Appendix A.

Source: Parcel based on information from Niagara Region PDS 17-2022 – Appendix 3 and Town of Fort Erie PDS-68-2021.

The revised intensification target of 36% in Fort Erie would still result in Niagara Region exceeding the regional 50% intensification target identified in Policy 2.2.2.1.a) of the Growth Plan. As shown in Column B of Figure 7, a 36% intensification target in Fort Erie would still allow the Region to achieve an overall intensification rate of 60%, far exceeding the requirement in the Growth Plan.

Figure 7

Shares of Household Growth by Policy Area

		Column A		Column B	
		LNA June 2022[1]		Revised Fort Erie Intensification Target	
Municipality	**Total Units**	**BUA Units**	**BUA %**	**BUA Units**	**BUA %**
Fort Erie	7,360	3,680	50%	2,634	36%
Grimsby	4,590	4,498	98%	4,498	98%
Lincoln	9,815	8,834	90%	8,834	90%
Niagara Falls	20,210	10,105	50%	10,105	50%
Niagara -on-the-Lake	4,600	1,150	25%	1,150	25%
Pelham	4,130	1,033	25%	1,033	25%
Port Colborne	2,300	690	30%	690	30%
St. Catharaines	19,770	18,782	95%	18,782	95%
Thorold	6,450	1,613	25%	1,613	25%
Wainfleet	460	-	0%	-	0%
Welland	14,350	10,763	75%	10,763	75%
West Lincoln	8,730	1,135	13%	1,135	13%
Niagara Region	**102,765**	**62,283**	**61%**	**61,237**	**60%**

[1] Based on *Niagara Official Plan 2051 Land Needs Assessment*, June 2022.

Source: Parcel based on information from Niagara Region PDS 17-2022 – Appendix 3

Designated Greenfield Area Analysis

Based on a 36% intensification target, the DGA of Fort Erie would be required to accommodate 14,359 persons and jobs between 2021 and 2051, as shown in Line F of Figure 8.

As shown in Figure 8, this would result in the need to accommodate 9,779 persons on unplanned DGA lands (Line L). Based on a DGA density of 50 persons and jobs per hectare, which is consistent with the June 2022 LNA and our analysis of active applications, this results in the need for 196 hectares of Community Area DGA lands to accommodated growth between 2021 and 2051 (Line N). After removing 70 hectares of vacant unplanned Community Area DGA lands within the existing urban area boundary (Line O), it results in a required Community Area expansion of 126 hectares in Fort Erie (Line P). This exceeds the 115-hectare expansion identified in the June 2022 LNA. **Therefore, an additional 11 hectares of Community Area DGA lands are required to accommodate growth between 2021 and 2051 when using a 36% intensification target.**

Figure 8

Required Community Area Expansion

		Single/Semi	Row	Apartment	Total
A	Unit Growth	3,431	1,215	60	4,706
B	Persons Per Unit (PPU)[1]	2.92	2.09	1.69	
C = A * B	Persons	10,019	2,543	101	12,663
D	DGA Community Area Job Share[2]				13%
E = C * D	DGA Community Area Jobs				1,696
F = C + E	DGA Persons and Jobs				14,359

		Single/Semi	Row	Apartment	Total
	Planned DGA Lands				
G	Units in Active Applications	667	419	719	1,805
H	Persons Per Unit (PPU)[1]	2.92	2.09	1.69	
I = G * H	Persons in Active Applications	1,948	877	1,215	4,040
J = I * D	Community Area Jobs in Active Applications[2]				541
K = I + J	Persons and Jobs Accommodated on Planned DGA Lands				4,581
L = F - K	Persons and Jobs Accommodated on Unplanned DGA Lands				9,779
M	DGA Density Target (persons and jobs per hectare)[3]				50
N = L / M	Community Area Land Needs (Ha)				196
O	Vacant Community Area Lands within Urban Area Boundary (Ha)[4]				70
P = N - O	**Required Community Area Expansion (Ha)**				**126**

[1] Based on person per unit factors included in *Development Charges Background Study, Regional Municipality of Niagara*, May 30, 2022.

[2] Based on Community Area Job to Population ratio included in the *Niagara Official Plan 2051 Land Needs Assessment*, June 2022.

[3] Based on DGA density target in the *Niagara Official Plan 2051 Land Needs Assessment*, June 2022 and confirmed by Parcel.

[4] Based on *Niagara Official Plan 2051 Land Needs Assessment*, June 2022 and confirmed by Parcel

Source: Parcel based on information from Niagara Region PDS 17-2022, Niagara Region Development Charges Background Study (May 2022)

Conclusions

As summarized in this memorandum, the Community Area DGA lands in Fort Erie need to be **expanded by an additional 21 hectares** to accommodate growth to 2051. The expanded Community Area is required to adjust for the more recently completed June 2022 LNA and a reduced intensification target that accurately reflects the housing potential within the BUA. It is important to note that the lower intensification target of 36% in Fort Erie still represents an improvement over the current 15% intensification target and would still allow the Region to achieve an overall intensification target of 60%.

By not expanding the Community Area by an additional 21 hectares in Fort Erie for the reasons identified above, it will result in housing shortages that would lead to housing affordability issues, as identified in the Provincial Land Needs Methodology. The subject site, which includes 9.8 hectares of developable lands, is well positioned to accommodate a portion of this expansion, as it is located immediately adjacent to the Urban Area Boundary ("UAB") for the Crescent Park Neighbourhood. The Crescent Park Neighbourhood includes a variety of facilities that are available to support population growth on the subject site, including commercial shopping along Garrison Road and community facilities such as the Fort Erie Town Hall, Leisureplex, Boys and Girls Club of Niagara and the Greater Fort Erie Secondary School.

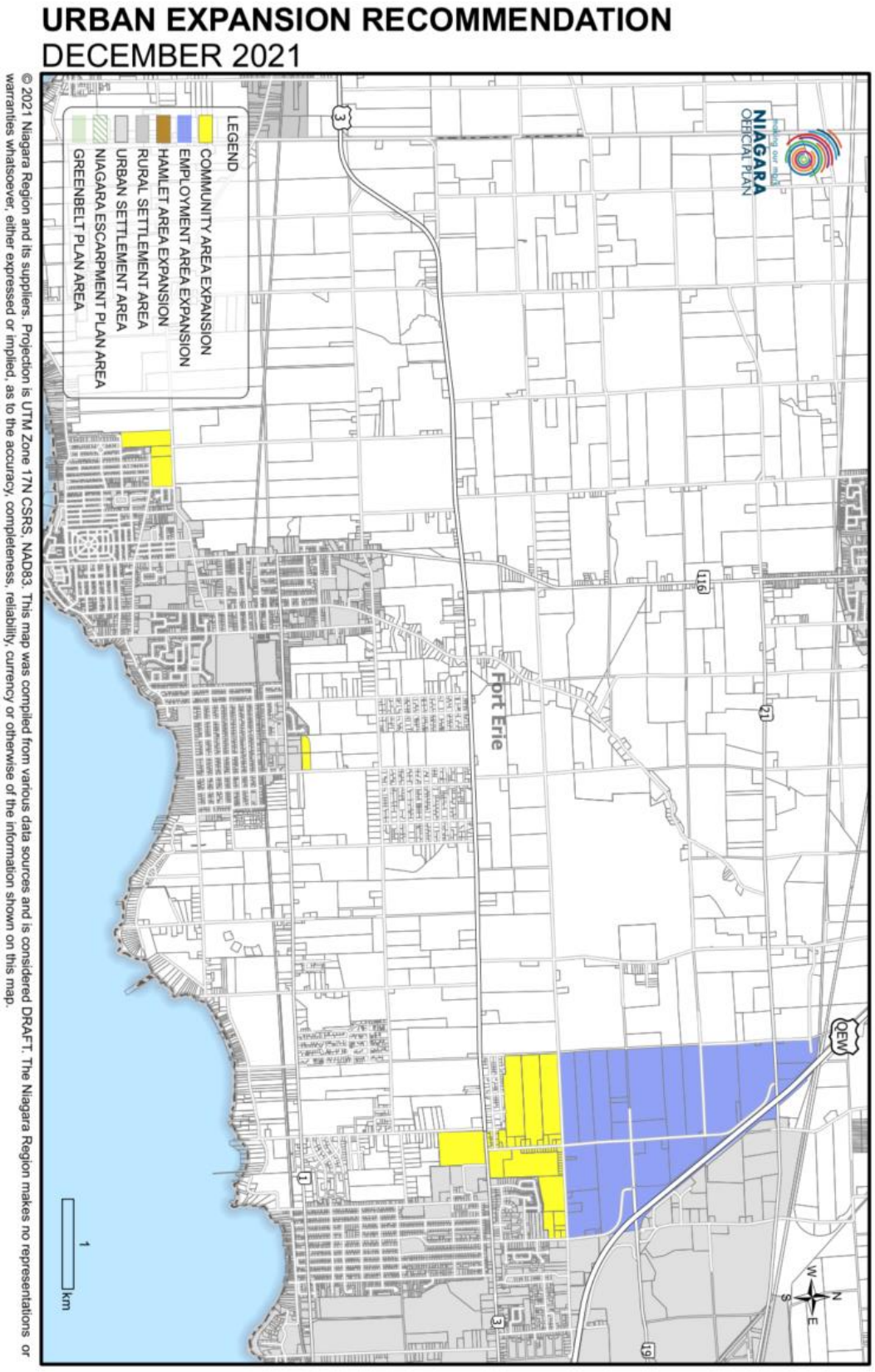
Sincerely,

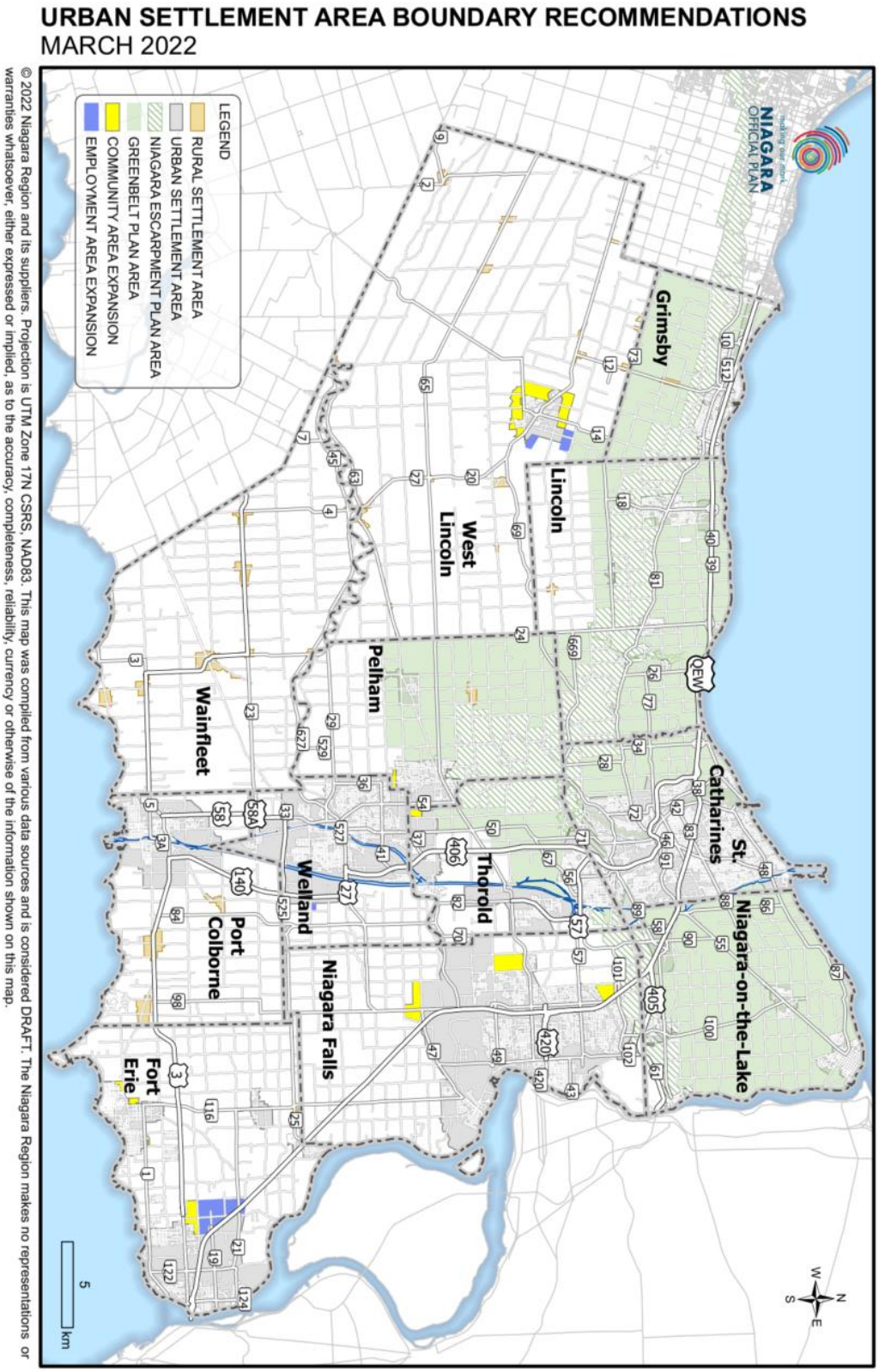
Parcel

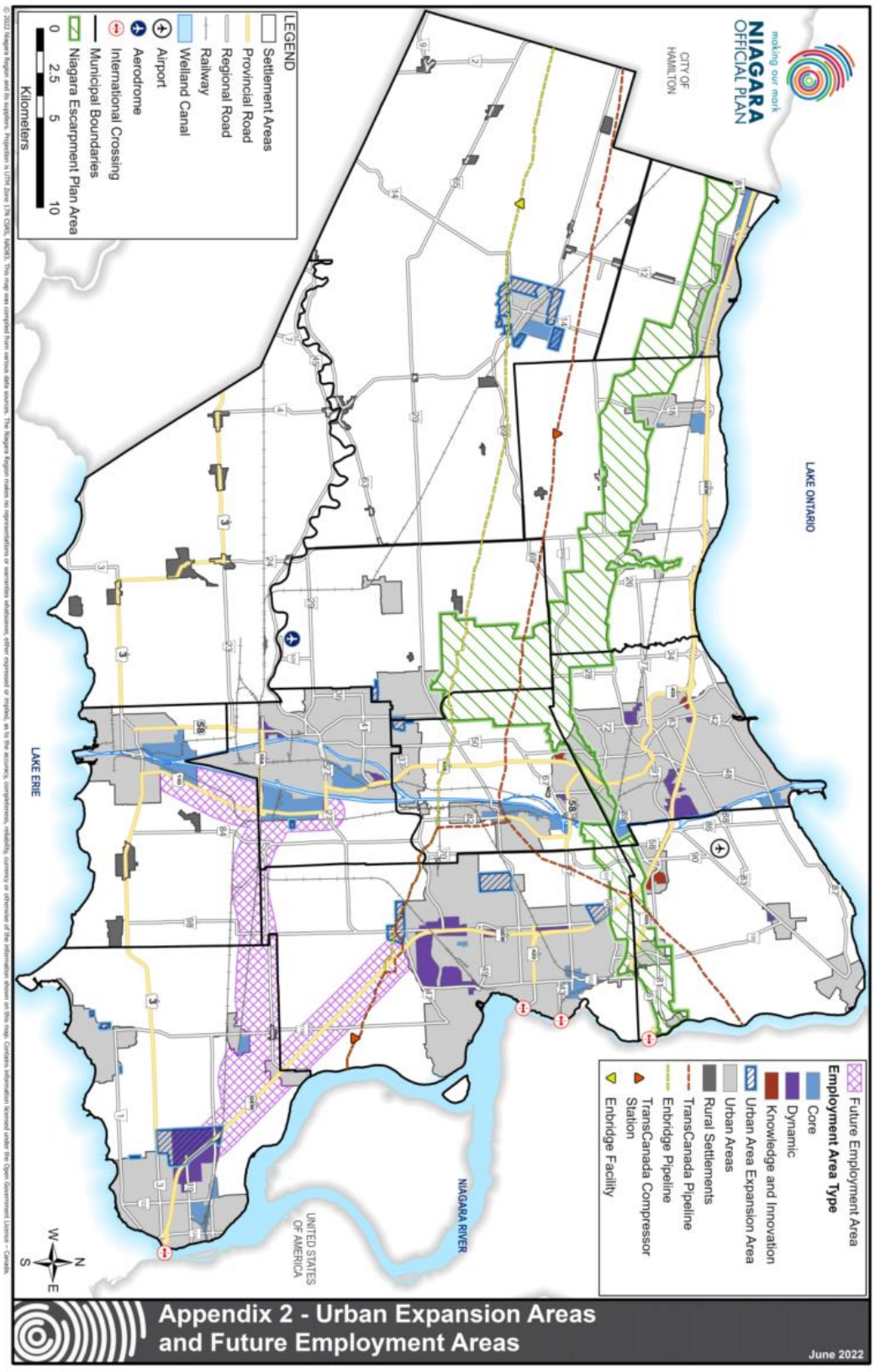
Parcel Economics Inc.

Craig Ferguson
Principal

Appendix A:
Regional Official Plan Mapping


URBAN EXPANSION RECOMMENDATION
DECEMBER 2021
NIAGARA OFFICIAL PLAN
LEGEND
COMMUNITY AREA EXPANSION
EMPLOYMENT AREA EXPANSION
HAMLET AREA EXPANSION
RURAL SETTLEMENT AREA
URBAN SETTLEMENT AREA
NIAGARA ESCARPMENT PLAN AREA
GREENBELT PLAN AREA
Fort Erie
QEW
1
km
© 2021 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources and is considered DRAFT. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.


URBAN SETTLEMENT AREA BOUNDARY RECOMMENDATIONS
MARCH 2022
LEGEND
RURAL SETTLEMENT AREA
URBAN SETTLEMENT AREA
NIAGARA ESCARPMENT PLAN AREA
GREENBELT PLAN AREA
COMMUNITY AREA EXPANSION
EMPLOYMENT AREA EXPANSION
NIAGARA OFFICIAL PLAN
Grimsby
Lincoln
West Lincoln
Pelham
Wainfleet
Welland
Port Colborne
Niagara Falls
Fort Erie
Thorold
St. Catharines
Niagara-on-the-Lake
QEW
405
420
5
km
© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources and is considered DRAFT. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.


making our mark
NIAGARA OFFICIAL PLAN
CITY OF HAMILTON
LAKE ONTARIO
LAKE ERIE
NIAGARA RIVER
UNITED STATES OF AMERICA
LEGEND
Settlement Areas
Provincial Road
Regional Road
Railway
Welland Canal
Airport
Aerodrome
International Crossing
Municipal Boundaries
Niagara Escarpment Plan Area
0 2.5 5 10
Kilometers
Employment Area Type
Core
Dynamic
Knowledge and Innovation
Urban Area Expansion Area
Urban Areas
Rural Settlements
TransCanada Pipeline
Enbridge Pipeline
TransCanada Compressor Station
Enbridge Facility
Future Employment Area
W
N
S
E
Appendix 2 - Urban Expansion Areas and Future Employment Areas
June 2022

Appendix B:
Details of Land Needs Assessment

Appendix Figure 1

Fort Erie, Units in Active Applications – Mid 2021

Status	Plan Number	Plan Name	Location	Single-Detached	Semi-Detached	Row	Apartment	Total Units
Draft Approved Plan of Subdivision	D01	Alliston Woods	BUA	170		134		304
Draft Approved Plan of Subdivision	D02	Hershey Estates	Rural	17				17
Draft Approved Plan of Subdivision	D03	Schooley Road Condominiums	BUA			53		53
Draft Approved Plan of Subdivision	D04	Hazelwood Condominiums	BUA			12		12
Draft Approved Plan of Subdivision	D05	Creekside Estates	DGA	31				31
Draft Approved Plan of Subdivision	D06	Abino Dunes Condominium	Rural	27				27
Draft Approved Plan of Subdivision	D07	Nigh Road Subdivision	Rural	19				19
Draft Approved Plan of Subdivision	D08	Elizabeth St. Subdivision	BUA	28				28
Draft Approved Plan of Subdivision	D09	Royal Ridge	BUA		12	27		39
Draft Approved Plan of Subdivision	D10	Fort Erie Hills	DGA	30	134	127	609	900
Draft Approved Plan of Subdivision	D11	Lu Long Ping Ph 2	BUA	7				7
Draft Approved Plan of Subdivision	D12	Southridge Meadows	DGA	4	54			58
Draft Approved Plan of Subdivision	D13	Peace Bridge Village Phase 2	BUA	38		50		88
Draft Approved Plan of Subdivision	D14	South Coast Village Condominium	BUA			73		73
Draft Approved Plan of Subdivision	D15	Bridgeview Townhouse Condominium	BUA			26		26
Draft Approved Plan of Subdivision	D16	Royal Ridge Ph. 2	BUA	1	6	40		47
Active Plans in Process	A01	Harbourtown Village	DGA	55	2	65	110	232
Active Plans in Process	A02	613 Helena	DGA	46	121	184		351
Active Plans in Process	A05	Peace Bridge Village Phase 3 (Condo)	BUA			24		24
Registered with Units Remaining	R01	Jetmar Subdivision	DGA	46				46
Registered with Units Remaining	R02	Garrison Village Phase II	BUA	4		4		8
Registered with Units Remaining	R03	Country Squire Estates I	Rural	2				2
Registered with Units Remaining	R04	Crystal Beach Y & T Club	BUA	32				32
Registered with Units Remaining	R05	NEYE Plan Phase I	Rural	1				1
Registered with Units Remaining	R06	Ridgeway Shores Phase 1	DGA	2				2
Registered with Units Remaining	R07	Hill Estates South	BUA	1				1
Registered with Units Remaining	R08	Erie Beach Phase 1B	BUA	3				3
Registered with Units Remaining	R09	Brian Street Development	DGA	10				10
Registered with Units Remaining	R10	Bay Ridge Crossing 1	BUA	1				1
Registered with Units Remaining	R11	Bay Beach Woods	DGA	13				13
Registered with Units Remaining	R12	Bay Ridge Crossing Phase 3	DGA	1				1
Registered with Units Remaining	R13	South Coast Village Phase 1	BUA	2				2
Registered with Units Remaining	R14	South Coast Village Phase 2	BUA	1		82		83
Registered with Units Remaining	R15	Village Creek Estates Phase 3	BUA	13		10		23
Registered with Units Remaining	R16	River Trail Phase 2	BUA	34				34
Registered with Units Remaining	R17	Parklane Place	BUA		2	6		8
Registered with Units Remaining	R18	The Oaks at 6 Mile Creek	BUA	51	8	25		84
Registered with Units Remaining	R20	High Pointe Subdivision	DGA	32		16		48
Registered with Units Remaining	R21	Brydgeview	BUA			26		26
Registered with Units Remaining	R22	Crystal Ridge Landing	DGA	10				10
Registered with Units Remaining	R23	Lu Long Ping Phase 1	DGA	76		27		103
Registered with Units Remaining	R24	Peace Bridge Village Phase 1	BUA	4		8		12
Registered with Units Remaining	R25	River Lea Estates	Rural	2				2
Registered with Units Remaining	R26	Black Creek Signature	BUA	112	14	46		172
Registered with Units Remaining	R27	Kettle Court	BUA	12				12
Total				**938**	**353**	**1,065**	**719**	**3,075**

Appendix Figure 2

Fort Erie Intensification Lands Not Under Application

Neighbourhood	Property Address	Parcel Size (sq.m.)	Total Developable Area (sq.m.)	EC Overlay (sq.m)	Area Less EC Overlay (sq.m.)	Area Less EC Overlay (ha)
Bridgeburg	254 COURTWRIGHT STREET	11,755.78	11,756.96		11,756.96	1.18
Bridgeburg	275 LEWIS STREET	18,042.58	18,044.38		18,044.38	1.80
Bridgeburg	411 JENNET STREET	79,606.88	79,614.84		79,614.84	7.96
Bridgeburg	469 CENTRAL AVENUE	12,139.97	12,141.18		12,141.18	1.21
Bridgeburg	465 CENTRAL AVENUE	11,068.22	11,069.33		11,069.33	1.11
Bridgeburg	475 CENTRAL AVENUE	2,857.46	2,857.75		2,857.75	0.29
Bridgeburg	479 CENTRAL AVENUE	11,199.66	11,200.78		11,200.78	1.12
Bridgeburg	77 BOWDEN STREET	3,532.06	3,532.41		3,532.41	0.35
Bridgeburg	221 LEWIS STREET	646.94	647.00		647.00	0.06
Bridgeburg	505 CENTRAL AVENUE	5,309.96	5,310.49		5,310.49	0.53
Bridgeburg	0-2423 LEWIS STREET	594.77	594.83		594.83	0.06
Bridgeburg	88 WINTEMUTE STREET	1,170.52	1,170.64		1,170.64	0.12
Bridgeburg	82 WINTEMUTE STREET	3,890.57	0.00		0.00	0.00
Fort Erie	263 NIAGARA BOULEVARD	963.63	963.73		963.73	0.10
Fort Erie	221 NIAGARA BOULEVARD	1,515.00	1,515.15		1,515.15	0.15
Fort Erie	215 NIAGARA BOULEVARD	663.52	663.59		663.59	0.07
Fort Erie	0-1472 LAVINIA STREET	1,919.54	1,919.73		1,919.73	0.19
Fort Erie	0-1473 LAVINIA STREET	960.4	960.50		960.50	0.10
Fort Erie	0-1062 HAGEY AVENUE	1,207.35	1,207.47		1,207.47	0.12
Fort Erie	0-1061 HAGEY AVENUE	1,207.48	1,207.60		1,207.60	0.12
Fort Erie	0-894 GODERICH STREET	1,655.13	1,655.30		1,655.30	0.17
Fort Erie	33 PRINCESS STREET	3,567.56	3,567.92		3,567.92	0.36
Fort Erie	198 BERTIE STREET	12,569.92	12,571.18		12,571.18	1.26
Gateway	0-310 KING STREET	3,067.75	3,068.06		3,068.06	0.31
Gateway	200 GARRISON ROAD	48,496.20	35,575.96		35,575.96	3.56
Gateway	1-1 ALBANY STREET	4,726.98	4,727.45		4,727.45	0.47
Gateway	321 GARRISON ROAD	5,782.48	2,967.11		2,967.11	0.30
Gateway	315 GARRISON ROAD	8,447.54	4,688.37		4,688.37	0.47
Gateway	0-350 GARRISON ROAD	11,600.11	4,912.49		4,912.49	0.49
Gateway	255 GARRISON ROAD	11,572.68	4,285.73		4,285.73	0.43
Spears-High Pointe	0-10939 GARRISON ROAD	912.78	912.87		912.87	0.09
Spears-High Pointe	0-11109 BENNER AVENUE	1,818.23	1,818.41	565.00	1,253.41	0.13
Spears-High Pointe	0-11110 BENNER AVENUE	809.02	809.10	581.00	228.10	0.02
Spears-High Pointe	1197 FLORENCE DRIVE	6,045.11	6,045.71		6,045.71	0.60
Ridgeway-Thunder Bay	3770 HAZEL STREET	27,164.60	27,167.32		27,167.32	2.72
Ridgeway-Thunder Bay	0-8469 PROSPECT POINT RO/	4,475.94	4,476.39		4,476.39	0.45
Ridgeway-Thunder Bay	0-8468 PROSPECT POINT RO/	5,305.29	5,305.82		5,305.82	0.53
Ridgeway-Thunder Bay	440 RIDGE ROAD NORTH	10,084.42	7,396.64		7,396.64	0.74
Ridgeway-Thunder Bay	402 RIDGE ROAD NORTH	11,787.56	7,372.24		7,372.24	0.74
Ridgeway-Thunder Bay	3819 HIBBARD STREET	5,397.03	5,397.57		5,397.57	0.54
Stevensville	0-14166 HENDERSHOT DRIVE	9,400.33	9,401.27		9,401.27	0.94
Bridgeburg	255 EMERICK AVENUE	7,729.44	7,729.44		7,729.44	0.77
Bridgeburg	254 PHIPPS STREET	5,014.31	5,014.31		5,014.31	0.50
Lakeshore	0-210 YORK STREET	17,778.31	17,778.31		17,778.31	1.78
Gateway	112 ALBANY STREET	1,187.60	1,187.72		1,187.72	0.12
Gateway	104 ALBANY STREET	1,153.19	0.00		0.00	0.00
Ridgeway-Thunder Bay	3285 THUNDER BAY ROAD	46,371.24	38,739.81		38,739.81	3.87
Ridgeway-Thunder Bay	0-7385 YACHT HARBOUR RO/	2,219.02	2,219.24		2,219.24	0.22
Ridgeway-Thunder Bay	0-7390 YACHT HARBOUR RO/	2,400.86	2,401.10		2,401.10	0.24
Crystal Beach	0-15850 REBSTOCK ROAD	15,033.98	15,033.98		15,033.98	1.50
Crystal Beach	0-15097 CRYSTAL BEACH DRI	1,916.26	1,916.26		1,916.26	0.19
Crystal Beach	0-17074 ASHWOOD AVENUE	4,382.43	4,382.43		4,382.43	0.44
Crystal Beach	0-17073 ASHWOOD AVENUE	4,533.62	4,533.62		4,533.62	0.45
		474,659.21	**421,437.47**	**1,146.00**	**420,291.47**	**42.0**

Appendix Figure 3

Details of Fort Erie 50% Intensification Analysis

	Single/Semi	Row	Apartment	Total
LNA Household Growth - 2021-2051	4,060	2,700	600	7,360
Rural Share	0.50%	0%	0%	0.3%
Intensification Units	37.4%	60.0%	90.0%	50.0%
BUA Household Growth	1,520	1,620	540	3,680
BUA Unit Supply				
Units in Active Applications - Mid-2021	556	646	0	1,202
Vacant Designated Lands Not Under Application (Ha)				
Gross Land Area (Ha)	4.8	26.2	11.1	42.1
Net to Gross Assumption				65%
Net Land Area (Ha)	3.15	17.02	7.22	27
Units Per Net Hectare	25	50	75	
Units on Vacant Lands not Under Application	79	851	541	1,471
Supply	635	1,497	541	2,673
Surplus / (Shortfall)	-885	-123	1	-1,007

Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

Meaghan McDermid
meaghanm@davieshowe.com
Direct: 416.263.4514
Main: 416.977.7088
Fax: 416.977.8931
File No. 704274

June 9, 2022

By E-Mail Only to *clerk@niagararegion.ca*

Planning and Economic Development Committee
Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Committee Chair Huson and Members of Committee:

Re: Request for Re-Inclusion in Settlement Area
SABR ID: 1151 – Lands located on Garrison Road between Rosehill Road and Municipal Centre Drive, Town of Fort Erie
Agenda Item 5.2 - June 15, 2022 Committee Meeting
PDS 17-2022 Niagara Official Plan: Recommendation Report for Adoption

We are counsel to Mega Canada Ltd., the owner of approximately 19.7 hectares of land located on Garrison Road between Rosehill Road and Municipal Centre Drive in the Town of Fort Erie (the "**Subject Lands**"). The Subject Lands have been identified as SABR ID: 1151 in the Region's Settlement Area Boundary Review ("**SABR**") process.

The Subject Lands were one of the sites recommended for Settlement Area expansion first by the Town of Fort Erie ("**Town**") Council on February 22, 2021 and then by Regional Staff in their December 8, 2021 SABR report PDS 41-2021 (the "**December SABR**"). It was intended that the Subject Lands would form part of the Spears High Pointe Crescent Park settlement expansion area which includes lands directly across the road from the Subject Lands on the north side of Garrison Road.

However, in Regional Staff's March 9, 2022 updated report PDS 6-2022 (the "**March SABR**"), the Subject Lands were removed from the recommended Settlement Area expansion and remain excluded in the Official Plan which is now before this Committee for endorsement. The reasons given for the removal were based on the presence of environmental features on the Subject Lands and servicing constraints.

Our client strongly disagrees with the decision to remove the Subject Lands from the recommended Settlement Area expansion and, through its representatives and consultants, has met with Regional Staff on two occasions, March 7, 2022 and June 7, 2022, to discuss the concerns.

Based on these discussions and the study undertaken by our client's expert land use planning, environmental and engineering consultants, our client now revises its request to include only a 10 hectare portion within the Settlement Area, representing the developable area of the Subject Lands.

Detailed rationale for our client's request and our response to the Regional Staff concerns outlined in the March SABR has been shared with Regional Staff verbally and through written correspondence, a copy of which is attached. We encourage the Committee to review the attached correspondence which sets out in detail the history of the Subject Lands' inclusion in the Settlement Area recommendations at both the Town and Regional level and provides detailed responses to the environmental, servicing and growth management issues raised.

In summary, we highlight the following:

- The Subject Lands were recommended by the Town as a priority within the Spears High Pointe Crescent Park Area, one of the two areas which were recommended for inclusion in the Settlement Area, along with two individual sites. These recommendations were endorsed by Town Council on February 22, 2021 and forwarded to the Region for input into the Municipal Comprehensive Review and SABR process.

- The Subject Lands were originally included within the expansion area identified as Recommendation No. 2 in the Region's December SABR, along with lands to the north of Garrison Road. The site-specific assessment indicated that servicing was feasible, and although approximately half the Subject Lands contain environmental features, the site would provide the highest contribution to a complete community and its inclusion was highly favourable to address the Town's land need.

<u>Environmental</u>

- Our client's environmental consultant, Colville Consulting Inc. has conducted preliminary, on-site environmental investigations and constraint mapping, which identifies that approximately 9.8 hectares of the site are developable after protecting for environmental features and their minimum vegetation protection zones.

- The Colville mapping is generally consistent with that prepared by the Region's consultant North South Environmental which informed the Natural Environment System mapping in the proposed Official Plan, with only minor discrepancies on the size of the woodland. While the Colville mapping is based on more thorough field investigation and therefore provides a more refined delineation of the environmental features on the site, both maps indicate that slightly less than 10 hectares of the Subject Lands are unconstrained and available for development.

- Many, if not all, of the expansion areas identified in the Town contain environmental features to some extent. The remaining developable area on the Subject Lands is consistent with, and in some cases larger than, the size of the developable areas on other proposed expansion sites.

Servicing

- The servicing concerns raised in respect of the Subject Lands relate only to sanitary infrastructure such as the pumping station and collection system. Capacity in the wastewater treatment plant and municipal water services are available to accommodate future development of the Subject Lands.

- Options exist to provide sanitary servicing to the Subject Lands through upgraded or new pumping station infrastructure, which would be expected to be assessed through the Region's update to its Water and Wastewater Master Servicing Plan. There are no servicing constraints which are unresolvable or serious enough to preclude any growth on the Subject Lands over the 30 year time horizon of the Official Plan.

Growth Management

- The Subject Lands represent a prime location for expansion and a logical extension of the current Settlement Area. The lands are already well-served due to their location adjacent to the Town's largest urban area with existing community facilities, services and transportation corridors available in the immediate vicinity. They will form part of the larger expansion area with the lands to the north, allowing for comprehensive community planning to occur. Exclusion of the Subject Lands from the Settlement Area would detract from a complete community planning approach for the Garrison Road corridor.

- At approximately 10 hectares in size, the developable area of the Subject Lands provides a sufficiently large parcel of land, consistent with the size of other proposed expansion areas in the Town, which will assist in accommodating the Town's future growth and can be developed with a range of housing types well within the planning horizon of the Official Plan.

- Minor adjustments to the Land Needs Assessment are permitted, as was done with the recent inclusion of the 0 Nigh Road parcel which is now being recommended for the expansion area in Region Staff Report PDS 17-2022. Re-inclusion of a portion of the Subject Lands would also represent a minor adjustment which would not require any removal of other lands from the proposed Settlement Area.

Conclusion

The Subject Lands have been the subject of thorough study and assessment throughout the Town's and Region's studies, both of which resulted in positive recommendations to support their inclusion with the Urban Settlement Area.

The reasons for removal identified by Regional Staff in the March SABR can be resolved by including only the 10 hectare developable area of the Subject Lands to ensure strong protection of the environmental features on the site and more accurately reflect the Subject Lands' contribution to the needed land supply. Inclusion of the Subject Lands will allow for comprehensive planning with the other expansion lands to the north to create a complete community that will meet the Town and Region's future growth needs.

In consideration of the above and the attached comment letter, our client respectfully requests that the proposed Official Plan mapping be revised prior to final adoption to identify the 10 hectare developable portion of the Subject Lands within the Urban Area as Designated Greenfield Area on proposed Schedule B.

We request notice of any decision made by the Committee or Regional Council in respect of this matter.

Yours truly,
DAVIES HOWE LLP

Meaghan McDermid

MM:MM

copy: Client
Mr. Maurizio Rogato, Blackthorn Development Corp.

Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

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File No. 704274

June 8, 2022

By E-Mail Only to *diana.morreale@niagararegion.ca*

Ms. Diana Morreale
Acting Director, Community and Long Range Planning
Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Morreale,

Re: Request for Settlement Area Re-Inclusion
SABR ID: 1151 – Lands located on Garrison Road between Rosehill Road and Municipal Centre Drive, Town of Fort Erie

We are counsel to Mega Canada Ltd., the owner of approximately 19.7 hectares of land located on Garrison Road between Rosehill Road and Municipal Centre Drive in the Town of Fort Erie (the "**Subject Lands**"). The Subject Lands have been identified as SABR ID: 1151 in the Region's Settlement Area Boundary Review ("**SABR**") process.

We are writing further to our review of Region Staff Report PDS 17-2022, your meetings with our client representative Mr. Huo on March 7, 2022 and more recently with our client's planning consultant Mr. Rogato on June 7, 2022. As discussed in your recent meeting, and for the reasons set out herein, our client is requesting that Regional Staff recommend that a portion of the Subject Lands be re-included in the Region's Settlement Area prior to adoption of the new Official Plan by Council.

As you know, the Subject Lands were recommended for inclusion in the Settlement Area by the Town of Fort Erie ("**Town**") and originally, by Regional Staff in your December 8, 2021 report PDS 41-2021, before being removed from the recommended Settlement Area expansion lands in your March 9, 2022 report PDS 6-2022.

We note that, with the exception of one other site (the Horse and Pony Rescue Operation in Crystal Beach) which was recently removed at the request of the property owner, the Subject Lands are the only site out of more than 1,000 hectares of expansion land across four local municipalities which was removed following the original December, 2021 SABR recommendations.

We understand that the reasons given for removal of the Subject Lands relate to the presence of environmental features and servicing issues. Our client and its expert land use planning, environmental and engineering consultants have reviewed these concerns, studied the site and refined the request for inclusion to apply to only an approximately 10 hectare portion of the Subject Lands, which is expected to be unconstrained and available for development, and which is worthy of inclusion in the Settlement Area, consistent with the original Staff recommendations.

Background

While we know that you are intimately familiar with the details of the Region's Municipal Comprehensive Review ("**MCR**") process and SABR analysis, the history as it relates to the Subject Lands bears repeating for context.

Town UAB Study

In early 2021, the Town undertook an Urban Boundary Expansion Study to provide the Region with its recommended expansion locations to meet the Town's community land need of 105 hectares, as identified through the Region's MCR and Land Needs Assessment (**"LNA**").

On February 22, 2021, Town Council endorsed the recommendations in Town Staff Report PDS-14-2021 and the Urban Area Boundary Expansion Study Addendum #1 prepared by WSP (the "**Town UAB Study**") and directed that it be forwarded to the Region to inform the MCR.

The Town UAB Study recommended that two areas, the Ridgeway-Crystal Beach Area and Spears High Pointe-Crescent Park Area ("**Spears High Pointe Area**"), and two individual sites (171 Gorham Road and 0 Nigh Road) be prioritized for residential uses. The Subject Lands are located within the Spears High Pointe Area (identified as Area 2) and were recommended as the second priority parcel within this Area and 7th highest priority parcel overall in the Town.

The Town's UAB Study concluded the following about the Subject Lands: "Area 2 should be prioritized, as it is serviced, accessible and does not require environmental study".

Of note, lands on the north side of Garrison Road, west of Sunset Drive (identified as the "Sunset Road" parcel in the Town's UAB Study), which have been included in the Region's recommended Settlement Area expansion, were not identified as a priority for inclusion by the Town due to lack of sanitary servicing and notable environmental constraints, among other reasons.

A subsequent Town Staff Report PDS-41-2021 and Urban Area Boundary Expansion Study – Addendum #2 prepared by WSP ("**Addendum 2**") was considered and endorsed by Town Council on May 31, 2021. The purpose of this report was to identify candidate

lands that may be considered for UAB expansion outside of the MCR process. The four parcels identified in Addendum 2 (totalling only 52.6 ha) did not include the Subject Lands.

Addendum 2 noted that the Spears High Pointe Area was not identified as a priority in the near-term due to significant servicing constraints, but if the lands gain access to servicing, they could be developed as a priority as they are contiguous to existing development, representing a logical extension to the settlement area boundary.

Addendum 2 did not change Town Council's position that the Subject Lands should be included in the UAB through the Region's MCR as identified in the February 22, 2021 recommendations. The purpose of Addendum 2 was to identify lands for expansion outside of the MCR and within a shorter time frame, whereas the Region's MCR is intended to plan for growth over a 30 year period to the year 2051.

Region SABR

The Region's August, 11, 2021 Made-in-Niagara Forecast and Revised LNA identified that 105 hectares of community land is required in the Town to meet the Region's population growth forecasts for the Town to the year 2051.

The December 8, 2021 Region Staff Report PDS 41-2021 *Settlement Area Boundary Review Urban Recommendations* (the "**December SABR**") recommended three expansion areas in the Town to meet the identified community land need. Recommendation No. 2 identified 93 hectares of land which included the Town's priority Spears High Pointe Areas 1 and 2 (the latter being the Subject Lands), the Sunset Road parcel and additional lands to the north of that parcel which were not assessed in the Town's UAB Study and for which we could not locate a SABR Assessment Sheet.

The December SABR identified that a comprehensive strategic planning exercise including sub-watershed, servicing and transportation would be expected to be undertaken to coordinate future development of the Recommendation No. 2 area.

In respect of the Subject Lands, the individual SABR assessment identified the following:

- Some growth capacity to service the site available at Anger Ave WWTP;
- Sanitary and water servicing is feasible;
- Access to major transportation corridors, expansion of transit and active transportation facilities are feasible;
- Approximately half of the site is shown as Natural Heritage System ("**NHS**"), but it is outside of the Provincial NHS;
- The inclusion of the site would provide the highest contribution to a complete community due to its size and location immediately adjacent to facilities and transit, even though environmental features on the lands could limit some development potential; and

- The inclusion of the site was highly favourable to address land need for the community.

The December SABR recommendations were received by the Planning and Economic Development Committee ("**PEDC**") on December 8, 2021 and by Regional Council on December 16, 2021.

Then, shortly after your meeting with our client, Region Staff Report PDS 6-2022 dated March 9, 2022 (the "**March SABR**") recommended revisions to the Settlement Area recommendations to remove only the Subject Lands from the Recommendation No. 2 Area and in its place, add an additional 11 hectare site at 171 Gorham Road and an additional 19 hectares of land on the north side of Garrison Road between Rosehill Road and Laur Road, the majority of which is already developed with rural homes and businesses.

The March SABR indicated that the Subject Lands were recommended to be removed from the Settlement Area due to the identification of environmental features on approximately half of the property and servicing constraints. The SABR assessment sheet was updated with the following:

- Sanitary servicing is identified as low feasibility. Inclusion of the lands within a new servicing strategy for lands north of Garrison Road is no longer feasible and the lands would be directed to Dominion Road pumping station which currently has challenges;
- More than half of the site is shown as NHS;
- The site will provide a lower contribution to a complete community because the extent of environmental features present challenges to development and there are servicing constraints;
- The inclusion of the site is of lower favourability to address land need because there is a reduced area of developable land given the natural features present.

We understand from Region Staff Report PDS 17-2022 dated June 15, 2022 (the "**June Report**") that is to be considered by PEDC on June 15, 2022 that an additional site located at 0 Nigh Road consisting of 10.5 hectares is now being recommended for inclusion in the Town's Settlement Area as a result of a minor adjustment in the LNA. The Final LNA was not available for review at the time of writing.

The Subject Lands

Environmental

Our client has retained Colville Consulting Inc., who have conducted preliminary, on-site environmental investigations and constraint mapping. A copy of Colville's preliminary constraint mapping is attached as Attachment 1. Of course, the exact limits of

development would be determined in the future in accordance with the Region's and Town's Official Plan policies and following more detailed analysis to be conducted and reviewed through future development applications.

Colville's preliminary investigations indicate that, after protecting for environmental features and their minimum vegetation protection zones, approximately 9.8 hectares of the Subject Lands are developable (the "**Developable Area**").

You previously shared with our client a copy of the North South Environmental mapping for the Subject Lands which we understand served as the basis for the Official Plan's Natural Environment System mapping on proposed Schedules C1 and C2. A copy of the North South Environmental mapping for the Subject Lands is attached as Attachment 2.

Notably, the Colville mapping is generally consistent with the North South Environmental mapping, with only minor discrepancies in the size of the woodland. In our view, the Colville mapping provides a more refined delineation of the environmental features on the site, as it is based on more thorough field investigation.

We had understood that the North South Environmental mapping was developed through a desktop review, as is typical for an Official Plan level assessment. In your meeting with Mr. Rogato, he was advised that North South Environmental may have conducted an on-site review of the Subject Lands. We trust that this "on-site" visit was conducted from the public realm, as we our advised by our client that no authorization has been sought or granted for North South Environmental to attend on the Subject Lands. Given that the area of discrepancy between the North South Environmental and Colville mapping is primarily in the interior of the site, the Colville mapping, completed with full access to the Subject Lands, should therefore be considered more accurate.

Regardless, whether the Colville or North South Environmental mapping is relied on, it is clear that both agree that slightly less than 10 hectares of the Subject Lands are unconstrained and available for development.

Therefore, to address Regional Staff's concerns and ensure the future protection of environmental features, our client seeks to have only the Developable Area of the Subject Lands (approximately 10ha) re-included within the Region's Settlement Area.

The presence of environmental features on a portion of the Subject Lands should not constitute a sufficient reason to exclude the entire parcel from the Settlement Area, particularly given the size of the remaining Developable Area, which is consistent with or larger than other recommended expansion areas in the Town, and our client's revised request to exclude the environmental features from the expansion area.

Many, if not all, of the expansion areas in the Town have been identified to contain environmental features to some extent. For example, the recently added 0 Nigh Road (a 10.5 hectare parcel) was originally assessed in the December SABR to be entirely within

the Provincial Natural Heritage System, and while we understand that environmental study has been undertaken to refine the extent of the environmental features on the site, it remains constrained to an extent and will therefore have less land available for development than the Subject Lands. The expansion lands on the north side of Garrison Road also contain environmental features, including a Provincially Significant Wetland.

The Developable Area represents a significantly sized parcel of land which can be developed within the planning horizon of the Official Plan with a variety of housing types to meet the Town and Region's future growth needs, while ensuring that the important environmental features on the Subject Lands and their functions will be protected.

Servicing

It is our understanding that concerns regarding servicing of the Subject Lands relate only to sanitary servicing, as municipal water servicing is confirmed to be feasible. Further, with respect to sanitary servicing, we understand that the Anger Avenue Wastewater Treatment Plant ("**WWTP**") has existing capacity to accommodate future growth, including from the Subject Lands. Therefore, the only new or upgraded infrastructure which might be required to service the Subject Lands would be pumping station and collection system infrastructure.

As noted in the Town's Addendum 2 and the December SABR, a sanitary servicing strategy will be required for the Spears High Pointe Area, which would include the 175 ha of employment lands and 92 hectares of community land on the north side of Garrison Road which are proposed to be included in the Settlement Area. It is not clear why the Subject Lands, which are located directly across Garrison Road from the remainder of the expansion lands, are not feasible for inclusion in this new servicing strategy, and it is likely premature to make such a determination at this stage, prior to the update to the Region's Water and Wastewater Master Servicing Plan ("**MSP**").

Further, in the event that it is truly not feasible to include the Subject Lands within the servicing strategy for the lands to the north, other servicing options exist. The Subject Lands are located adjacent to the catchment areas for both the Dominion Road SPS and the Alliston Avenue SPS, the latter of which is indicated in the December SABR as providing feasible sanitary servicing for the lands to the north. Potential future upgrades, if necessary, to either of these SPS could be investigated to accommodate growth from the Subject Lands. Alternatively, a new SPS could be constructed to service the development of the Subject Lands.

The March SABR indicates that servicing for the Subject Lands is not feasible because the Dominion Road SPS is presently experiencing challenges. Planning for growth cannot rely on present servicing infrastructure and its limitations, rather planning for growth and infrastructure must go hand in hand. The need for new and upgraded

infrastructure to accommodate growth over a 30 year period, as this Settlement Area expansion is intended to do, is inevitable.

The Region is currently undertaking an update the to 2016 MSP which we would expect to assess the present challenges and determine how they can be resolved to support the planned growth in the Town to 2051. We note that the 0 Nigh Road lands which are now proposed for inclusion are also within the Dominion Road SPS area, and therefore, the resolution of any issues with the Dominion Road SPS will be required to support the Region's proposed Settlement Area expansion regardless of whether the Subject Lands are included or not.

In our client's view, the present and potential servicing challenges do not provide sufficient justification to exclude the Subject Lands from the expansion area, as these challenges can be addressed through future infrastructure planning processes, development approvals and detailed design. This is particularly so, as the challenges here relate to more minor infrastructure like pumping stations, as opposed to major infrastructure like a WWTP or capacity issues caused by limitations in a receiving watercourse. As noted, capacity does exist currently in the Anger Avenue WWTP to accommodate future development of the Subject Lands.

Planning

The Subject Lands represent a prime location for expansion and a logical extension of the current Settlement Area. The lands are already well-served due to their location adjacent to the Town's largest urban area with existing community facilities, services and transportation corridors available in the immediate vicinity. They will also form part of the larger expansion area with the lands to the north, allowing for comprehensive community planning to occur. Exclusion of the Subject Lands from the Settlement Area would detract from a complete community planning approach for the Garrison Road corridor.

The Subject Lands' high value for expansion is undeniable, as evidenced through both the Town's UAB Study and the December SABR which ranked the Subject Lands as highest contribution to a complete community and highly favourable in addressing the Region's land needs. As discussed above, the reasons identified in the March SABR for lowering these rankings are resolved by limiting the expansion area to only the Developable Area.

At approximately 10 hectares in size, the Developable Area provides a sufficiently large parcel of land, consistent with the size of other proposed expansion areas in the Town, which will assist in accommodating the Town's future growth and can be developed with a range of housing types well within the planning horizon of the Official Plan.

The Region's LNA identified that 105 hectares of community land is required to meet growth needs in the Town to 2051. With the removal of the Subject Lands, the ability to meet this need in a comprehensive manner would be jeopardized.

Through the reporting, it is not clear how the amount of land to be added to meet the Town's 105 hectare need was calculated and what exclusions, if any, were netted out of the gross land areas.

However, we note that all of the lands included in the original December SABR Recommendation No. 2 Area include environmental constraints and, for the lands to the north, potential limitations due to Minimum Distance Separation requirements which will limit the overall developable area.

Further, the 19 hectares of land on the north side of Garrison Road, which were included through the March SABR following the removal of the Subject Lands, do not constitute vacant, greenfield land, but are already developed with rural homes and businesses. While there may be potential for infill or redevelopment of lands within this area, the growth potential is limited and it should not be assumed to contribute in any meaningful way to the required land supply.

Finally, as is noted in the June Report, the Provincial Land Needs Assessment Methodology allows for minor adjustments to the LNA, which would allow additional parcels to be included, or for the Subject Lands re-included, as was done with the recent inclusion of the 0 Nigh Road parcel. Re-inclusion of a portion of the Subject Lands would also represent a minor adjustment which would not require any removal of other lands from the proposed Settlement Area.

Accordingly, the Developable Area of the Subject Lands should be re-included in the recommended Settlement Area to ensure that the Region will provide for sufficient vacant, developable land to meet the Town's forecasted growth needs and to ensure a complete community planning approach for the area.

Conclusion

The Subject Lands have been the subject of thorough study and assessment throughout the Town's and Region's studies, both of which resulted in positive recommendations to support their inclusion with the Urban Settlement Area.

The reasons for removal identified in the March SABR are resolved by limiting the expansion area to only the Developable Area, which will ensure strong protection of the environmental features on the site and more accurately reflect the Subject Lands' contribution to the needed land supply.

In consideration of the above, our client respectfully requests staff support a revision to the proposed Official Plan mapping prior to final adoption to identify the Developable Area

of the Subject Lands within the Urban Area as Designated Greenfield Area on proposed Schedule B.

Yours truly,
DAVIES HOWE LLP

Meaghan McDermid

MM:MM

copy: Mr. Greg Bowie, Senior Planner, Long Range Planning, Niagara Region
Mr. David Heyworth, Official Plan Policy Consultant, Niagara Region
Mr. Phill Lambert, Director, Infrastructure Planning and Development Engineering, Niagara Region
Client
Maurizio Rogato, Blackthorn Development Corp.

Legend

- Subject Property
- Surface Watercourse
- 15m Buffer from Surface Watercourse
- Significant Woodland
- 15m Buffer from Significant Woodland
- Developable area

Notes: Entire property designated as Significant Natural Area

Extent of Mapped Woodlands on the Subject Lands

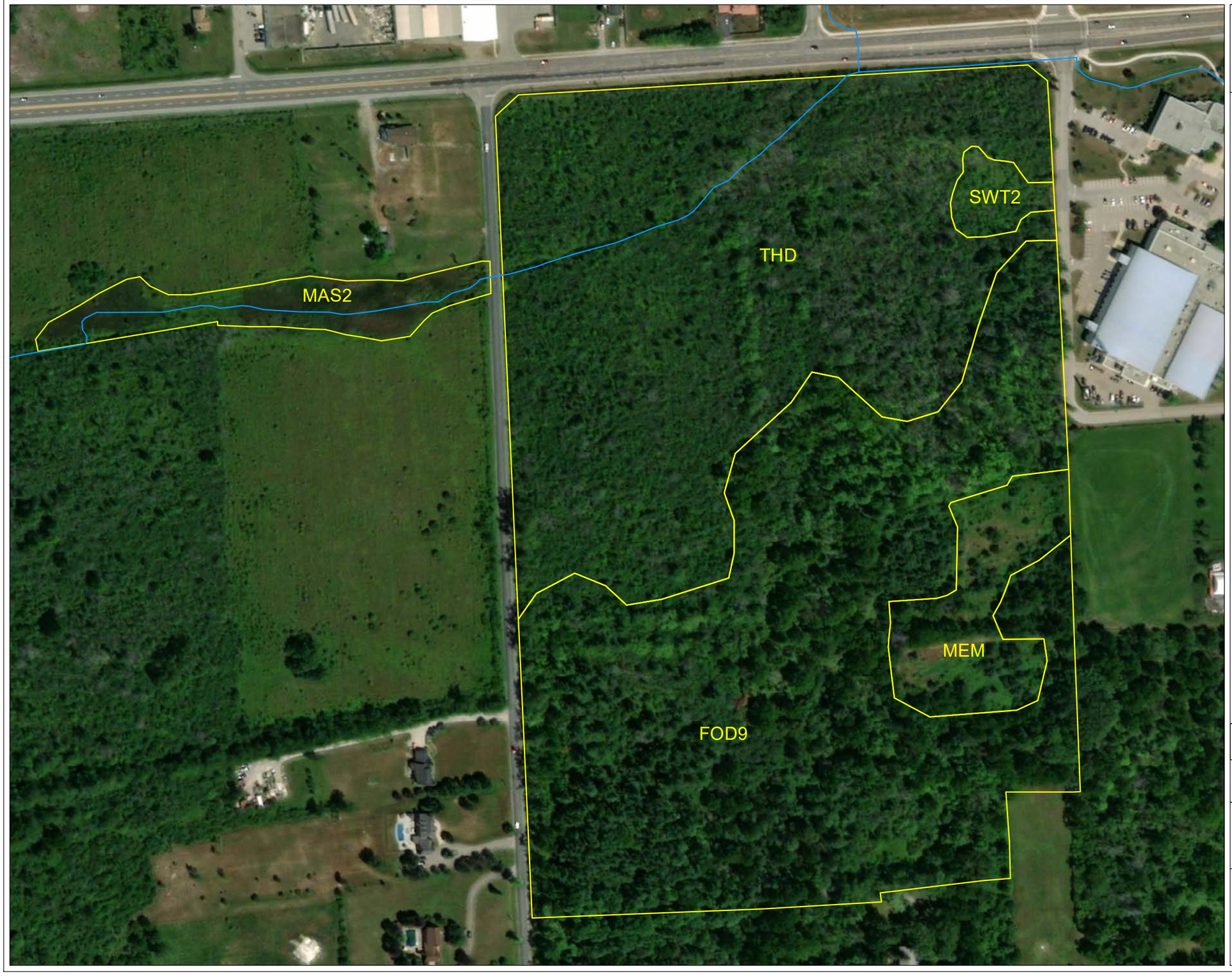
Garrison Road and Rosehill Road Property

Prepared for: **Mr. Victor Huo**

Prepared by: COLVILLE CONSULTING INC.

September 2020

FILE: C2006



1 Municipal Center Dr

Ecological Land Classification

Legend

- Watercourse
- Ecological Land Classification

FOD9 - Fresh-Moist Oak-Maple-Hickory Deciduous Forest Ecosite
MAS2 - Graminoid Mineral Shallow Marsh Ecosite
MEM - Mixed Meadow
SWT2 - Willow Mineral Deciduous Thicket Swamp Ecosite
THD - Deciduous Thicket

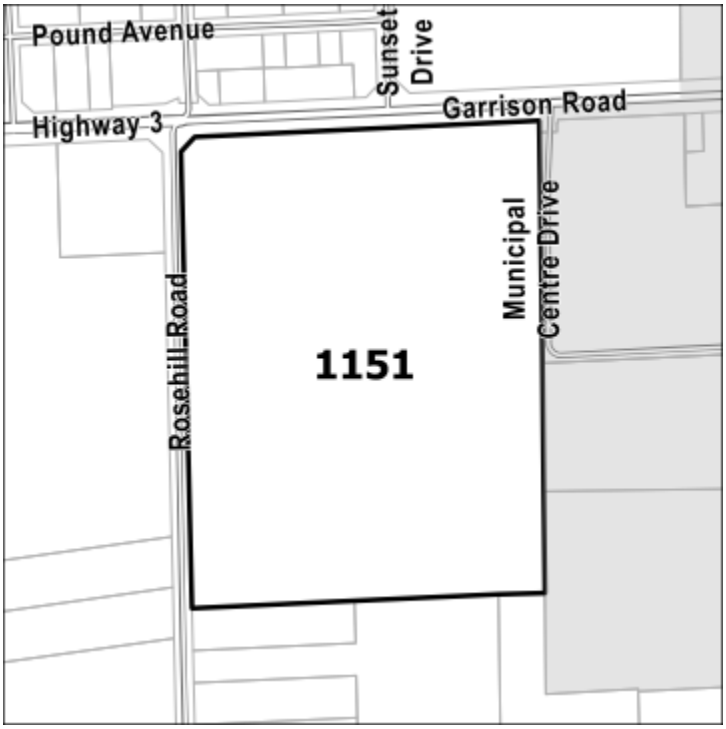
0 50 100 150 Meters

Project Number	Date:	N
18-1043	2022-02-18	

north-south ENVIRONMENTAL

SETTLEMENT AREA BOUNDARY REVIEW ASSESSMENT SHEET

MUNICIPALITY: Fort Erie **SABR ID:** 1151 **GROSS AREA:** 19.7ha



SANITARY SERVICING

1. *What is the capacity to accommodate the parcel or collection of parcels at WWTP during the planning period?*

   Criteria Response: Feasible

   Comment: Some growth capacity available at Anger Ave WWTP

2. *Is sanitary servicing available or can it be made available to the lands?*

   Criteria Response: Feasible

   Comment: Within Dominion Rd SPS area, Need to review servicing plan to ensure elevations and downstream capacity available, adjacent to existing sewer collection system wet weather issues in Fort Erie

3. *Will the extension of servicing have any impact on natural environment, including key hydrologic features and areas?*

Criteria Response: High Impact

Comment: Appears to have env and agri features present

4. *In relation to sanitary servicing, how feasibly can the parcel or collection of parcels support additional urban development in its Watershed through mitigating measures?*

   Criteria Response: Feasible

   Comment: could support some additional lands but depends on servicing plan and capacity review of collection system

MUNICIPAL WATER SUPPLY

1. *Does the existing system have capacity to accommodate the parcel or collection of parcels with municipal water supply during planning period?*

   Criteria Response: Highly Feasbile

   Comment: Rosehill WTP has capacity

2. *How easily can a water supply connection be made*

   Criteria Response: Feasible

   Comment: Has a Regional and local watermain adjacent to it but would require additional local distribution system - Additional storage in FE being studied - review of fire flow and capacity required

3. *Will the extension of water servicing have any impact on natural environment, including key hydrologic features and areas?*

   Criteria Response: High Impact

   Comment: Appears to have env and agri features present

4. *In relation to municipal water supply, how feasibly can the parcel or collection of parcels support additional urban development in its Watershed through mitigation or supplemental measures?*

   Criteria Response: Feasible

   Comment: feasible to support some additional lands due to proximity to local distribution system but needs further study

TRANSIT AND TRANSPORTATION

1. *How well can the parcel or collection of parcels access major transportation corridor such as Provincial Highway, Regional Road, rail or marine systems?*

   Criteria Response: Highly Feasible

   Comment: Nearest access to QEW is on RR 19 Gilmore Road via collectors Sunset Drive and Pettit Road. Convenient access to RR 3 Garrison Road, which is a provincial highway just west of the subject lands and serves as the main east/west corridor for the area.

2. *Can a local road network be incorporated for the parcel or collection of parcels, including consideration of environmental matters?*

   Criteria Response: Modest Impact

   Comment: Existing dense woodlot presents major constraint. Otherwise size and shape of subject parcel is suitable for accommodating hierarchal local road network.

3. *What is the level of impact to existing road networks and level of service from the addition of the parcel or collection of parcels?*

   Criteria Response: Highly Feasible

   Comment: Intersection improvements may be required on nearby collector roads. Development will add to traffic on main arterial RR 19 Gilmore Road, which becomes provincial Highway 3 to the west.

4. *What is the feasibility of extending transit services to the parcel or collection of parcels?*

   Criteria Response: Available

   Comment: To be served by Fort Erie On-Demand Service

5. *What is the feasibility of extending active transportation facilities to the parcel or collection of parcels?*

   Criteria Response: Highly Feasible

   Comment: Located in close proximity to the Friendship Trail, with connections possible. Limited existing cycling facilities, though the 2020 FE ATMP identifies future Bike Lane on Buffalo Road east the site, a future In-Boulevard MUP on Garrison Road and Paved shoulder on Sunset Dr north the site, which can be easily accessed from development lands.

ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES

1. *In terms of Provincial Natural Heritage System, how much the parcel or collection of parcels are affected/impacted?*

   Criteria Response: Approx. half shown as NHS

   Comment: Outside PNHS but heavily impacted by NHS

2. *In considering the parcel or collection of parcels in the context of NHS constraints, and as part of the broader NHS, what level of feasibility would be represented on the parcel or collection of parcels in gaining access to fragmented development parcels (without existing R.O.W. frontage)?*

   Criteria Response: Feasible.

   Reliance on single adjacent property for access

   Comment: Multiple points of potential access but unclear level of constraint

3. *With respect to Watershed Planning and the overall health of the respective Watershed, what is the impact should the parcel or collection of parcels be added to the urban area and developed for urban use?*

   Criteria Response: Minimal Impact

   Comment: Site 1151 is in the watershed planning area FE-4 and is assessed as minimal impact.

4. *What is the level of feasibility related to introducing mitigation measures to improve water quality?*

   Criteria Response: Low Feasibility

   Comment: LID possible but site is vegetated

5. *With available information concerning species at risk, what level of impact would be experienced if the parcel or collection of parcels were to be added to the urban area and developed for urban purpose?*

   Criteria Response: Modest Impact

   Comment: No species records but veg communities may support

6. *What is the impact of including the parcel or collection of parcels on topography and the ability to minimize significant earthworks that could interfere with hydrogeological function?*

   Criteria Response: Minimal Impact

   Comment: Gentle grade changes

AGRICULTURE AGRI-FOOD NETWORK

1. *As defined by the PPS, using the range provided, how best are the parcel or collection of parcels described?*

   Criteria Response: Completely Rural

   Comment: This is a Rural Area

2. *What is the level of impact on active livestock operations and MDS setbacks by including the parcel or collection of parcels in the Urban Area?*

   Criteria Response: All within

   Setbacks

   Comment: This site is in proximity to a request area with an existing livestock barn (request area 1369). If 1369 is added to a settlement area, MDS evaluation is not required.

3. *What is the impact to the broader Agri-Food Network if the parcel or collection of parcels were Urban Area?*

   Criteria Response: Negligible Impact

   Comment: No agricultural uses present, this site appears to be covered in natural vegetation, and fronts on a major arterial road.

AGGREGATE RESOURCES

1. *In terms of distance/separation of sensitive land use, and in the context of Ministry D6 Guidelines, what level of impact on existing or planned Aggregate (Stone and Sand & Gravel) operations can be expected if the parcel or collection of parcels were added to the existing Urban Area Boundary? (Within 300m being Critical and beyond 1000m being Negligible)*

   Criteria Response: Negligible Impact

   Comment: Site 1151 is within a known deposit of mineral aggregate resource. Site 1151 is not within 1000m of an existing mineral aggregate operation, Impacts are considered negligible because of existing rural development

GROWTH MANAGEMENT

1. *Does including the parcel or collection of parcels meaningfully contribute to a complete community? (2,3)*

   Criteria Response: Highest Contribution

Comment: Inclusion of these lands are assessed as providing highest contribution. Large parcel under single ownership is seen to be beneficial. Their location immediately adjacent to municipal facilities, school, recreation and transit offers significant potential to address complete community building and design opportunities and to make better use of those facilities. There are environmental features identified on these lands that could limit some development potential. It is noted the Provincial NHS system does not cover these lands.

2. *Does inclusion of the parcel or collection of parcels represent a favourable way to achieve the outcome of the Region-identified land needs?*

   Criteria Response: Higher

   Favourability

   Comment: The lands are assessed with higher favourability in addressing identified land need for the community.

3. *What are the planning impacts on neighbouring or nearby lands by including the parcel or collection of parcels in the urban area? (2)*

   Criteria Response: Minimal Impact

   Comment: Impact to neighbouring or nearby lands is assessed as being minimal from the perspective of any adjacent environmental. There is otherwise negligible impact on area community lands.

Modification Request Map