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January 24, 2022

Mr. Chris Millar, MCIP, RPP, CNU-A  
Senior Planner, Long Range Planning  
Making Our Mark – Niagara Official Plan Team  
Niagara Region, Planning & Development  
1815 Sir Isaac Brock Way, PO Box 1042  
Thorold ON L2V 4T7

**RE: 809 Buffalo Rd, Fort Erie  
SABR 1150  
Settlement Area Boundary Expansion**

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Dear Mr. Millar,

LANDx Developments Ltd. are planning consultants to Abhay Mathur regarding matters related to the located at 809 Buffalo Road (the “Subject lands”) in the Town of Fort Erie.

In our review of the Recommendations for Fort Erie within PDS 41-2021, it is our submission that the Region and the Town will miss a credible opportunity to create a more complete community by not integrating 809 Buffalo into the Settlement Area as its 93m frontage is already within the Urban Boundary to a depth of 66m. 801 Buffalo Rd. the property immediately to the south is under the same ownership as 809 Buffalo Rd. This provides 161m in total of Buffalo Rd. frontage designated Urban in the Regional and Town Official Plans. Sanitary services are readily available across the frontage on Buffalo Rd. and its development with appropriate analysis can be integrated with the adjacent properties to the north and west as the properties immediately adjacent to the north are within the urban boundary. It is recommended that Recommendation 2 be reconsidered and the balance of 809 Buffalo (SABR 1150) be included within the Settlement Area Boundary.

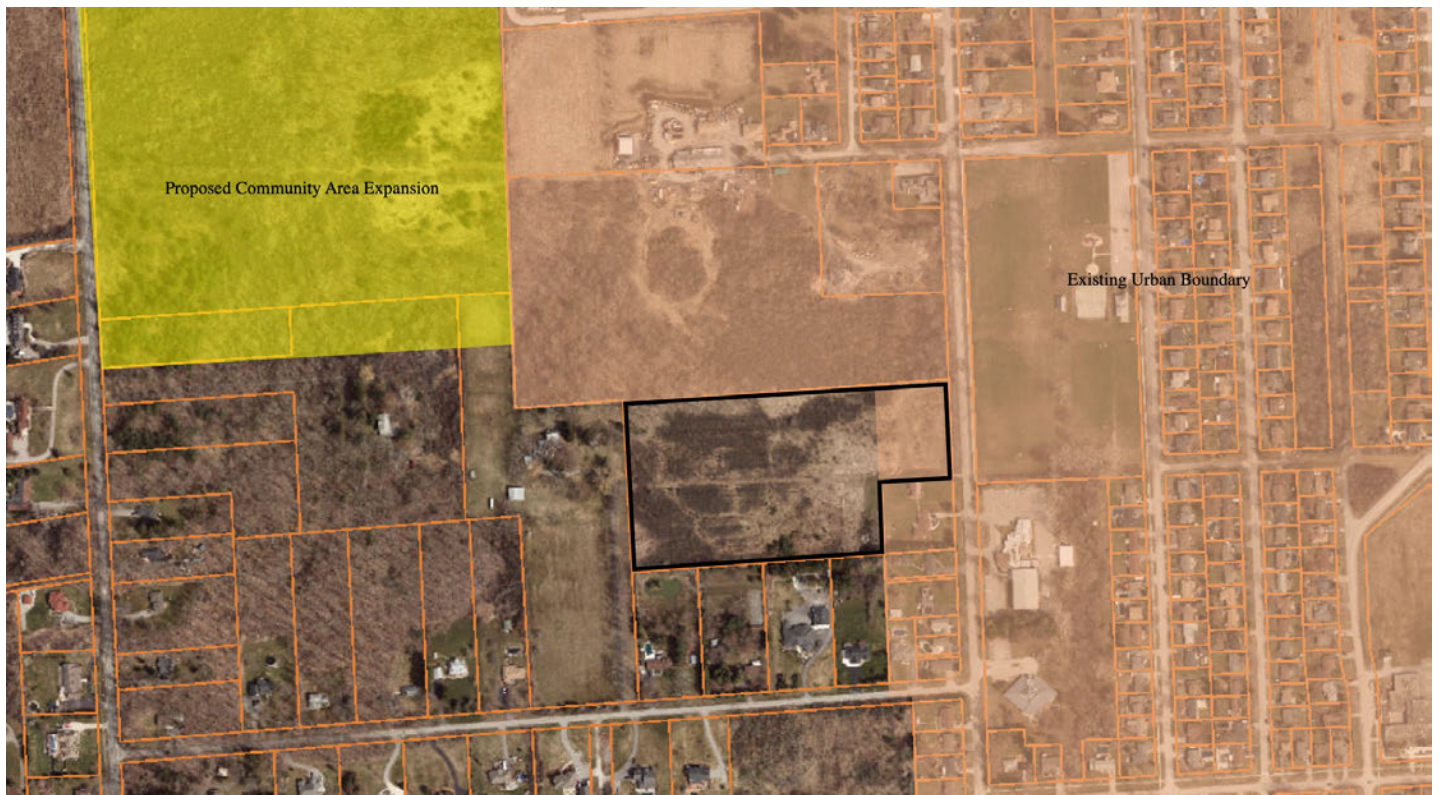
**Introduction**

In May 2021, Niagara Region released draft criteria to determine appropriate locations for expansions to residential and employment lands. These included an evaluation of Provincial Policy, municipal sanitary servicing and water supply, transit and transportation, environmental protection and natural resources, agriculture and agri-food network, aggregate resources, and growth management. Appendix 3 of PDS 41-2021 described a revised Land Needs Assessment for Fort Erie by 2051 identifying 105 ha for Community Area Expansion.

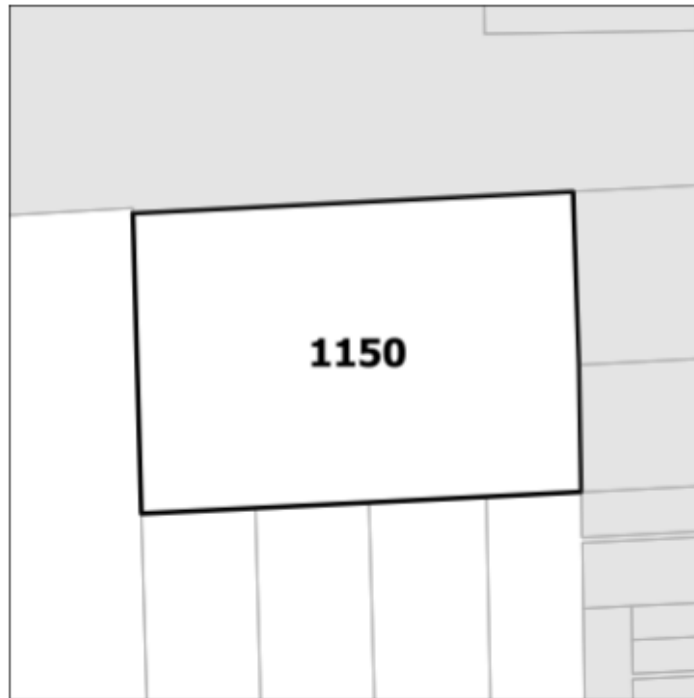
The subject lands are shown in Figure 1 and comprise a parcel of land that totals approximately 4.4 hectares of land, 307 m deep with 93 m of frontage on Buffalo Rd. In total the ownership controls 161m of Urban designated frontage on Buffalo Road (801 & 809 Buffalo Rd.). The lands are on the west side of Buffalo Rd, north of Nigh Rd, and east of Rosehill Rd. The total

frontage of the subject property, plus 801 Buffalo Rd. extending 66m deep is within the Urban Boundary and designated Urban Residential in the Fort Erie Official Plan Schedule A-1. The balance of the 809 Buffalo Rd. property is currently designated Rural. The Rural designated portion of the property along with the parcel to the west and south (1588 Nigh Rd.) have no negative attributes that would remove them from consideration as part of the urban area.

Settlement Area Boundary Review (SABR) ID 1150 evaluates only 3.8 ha, 809 Buffalo Rd. while the remaining 0.6 ha with 93 m of frontage along Buffalo Rd. and 66 m deep is already included in the Fort Erie Settlement Area. Despite this property being ideal for inclusion in the Fort Erie Urban boundary, it has not been recommended. The recommended lands for community expansion, whose development this property would be integrated with are located to the north and west of this parcel. The planning rationale for inclusion in the Settlement Area Boundary is detailed below.



**Figure 1: Subject Property Key Map**



**Figure 2: SABR 1150**

## Assessment Criteria

### Sanitary Servicing

Criteria Item	Response	Commentary
What is the capacity to accommodate the parcel or collection of parcels at WWTP during the planning period?	Feasible	
Is sanitary servicing available or can it be made available to the lands?	Feasible	
Will the extension of servicing have any impact on natural environment, including key hydrologic features and areas?	<b>High Impact</b>	<p><i>“Appears to have env and agri features present”</i></p> <p>This comment is incorrect. The property is identified in the “Environmental Protection and Natural Resources” section of the Assessment as having no environmental features. Furthermore, it is not identified as a prime agricultural area or containing any agricultural activity as stated in the “Agricultural Agri-food</p>



		<p>Network” section of the Assessment. As such, extending services would not be high impact as there are no environmental or agri features to impact on this parcel.</p> <p>PPS (2020): 1.1.1 Healthy, liveable and safe communities are sustained by: c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; h) promoting development and land use patterns that conserve biodiversity;</p> <p>Based on the above policies, the priority for urban expansion is to preserve environmental features. The subject property is currently rural and there are no environmental features inhibiting development. There are no NPCA regulated wetlands, woodlands, species at risk. Therefore, extending services would not result in adverse environmental impacts.</p>
<p>In relation to sanitary servicing, how feasibly can the parcel support additional urban development in its Watershed through mitigating measures?</p>	<p>Feasible</p>	

The property does not contain any environmental or agricultural features. The property contains minimal vegetation, which would be considered as part of any development process. The subject property is connected to municipal sanitary sewer adjacent to the property that has adequate capacity to service this development via Dominion Rd SPS area and/or Alliston Ave SPS (since capacity expansion is already planned). As such, the extension of sanitary servicing to these lands should be considered feasible.

*Municipal Water Supply*

<p>Does the existing system have capacity to accommodate the parcel or collection of parcels with municipal water supply during planning period?</p>	<p>Highly Feasible</p>	
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How easily can water supply connection be made?	Feasible	
Will the extension of water servicing have any impact on natural environment, including key hydrologic features and areas?	<b>High Impact</b>	<p><i>“Appears to have env and agri features present.”</i></p> <p>This comment is incorrect. The property is identified in the “Environmental Protection and Natural Resources” section of the Assessment as having no environmental features. Furthermore, it is not identified as a prime agricultural area or containing any agricultural activity stated in the “Agricultural Agri-food Network” section of the Assessment. As such, extending services would not be high impact as there are no environmental or agri features to impact on this parcel.</p> <p>PPS (2020):  1.1.1 Healthy, liveable and safe communities are sustained by:  c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;  h) promoting development and land use patterns that conserve biodiversity;</p> <p>Based on the above policies, the priority for urban expansion is to preserve environmental features. The subject property is currently rural and there are no environmental features inhibiting development. There are no NPCA regulated wetlands, woodlands, species at risk. Therefore, extending services would not result in adverse environmental impacts.</p>
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?	Feasible	



The property does not contain any environmental or agricultural features. The property contains minimal vegetation, which would be considered as part of any development process. The Rosehill Water Treatment Plant has capacity to service the lands, as well as an adjacent Regional and local watermain which could be connected to the lands. The lands can support urban development in its Watershed. Mitigation measures and low-impact development would be implemented as a normal part of the development process. The extension of the watermain on Buffalo Rd along the frontage of this property is feasible as there are no environmental or agricultural features that would be adversely impacted. As such, the extension of municipal water supply to these lands should be considered feasible.

*Transit and Transportation*

<p>How well can the parcel or collection of parcels access major transportation corridor such as Provincial Highway, Regional Road, rail or marine systems?</p>	<p>Highly Feasible</p>	
<p>Can a local road network be incorporated for the parcel or collection of parcels, including consideration of environmental matters?</p>	<p><b>Low Feasibility</b></p>	<p><i>“Access requires connections through neighbouring parcel 1369 to the south. Wooded areas present a constraint as they may limit possible connections.”</i></p> <p>The lands to the south are designated Rural and not considered for inclusion within the Urban Boundary. They are Rural Residential lands which have already been developed as large lot singles. As such, they could not yet be developed in conjunction with the subject property. Should that change by way of their inclusion into the Urban Boundary in the future, then consideration can be made at that time. However, access through these lands is not appropriate at this time.</p> <p>Access through this property to the north is most appropriate for development due to existing development patterns. This proposed access would not result in constraints or limited connections.</p> <p>The property fronts on Buffalo Road which will be developed with an access into the property and will enable</p>



		connection to the properties to the north and east already within the urban boundary.
What is the level of impact to existing road networks and level of service from the addition of the parcel or collection of parcels?	Highly Feasible	
What is the feasibility of extending transit services to the parcel or collection of parcels?	Available	
What is the feasibility of extending active transportation facilities to the parcel or collection of parcels?	Highly Feasible	

Buffalo Road will provide road access to all necessary transit and road connections. The subject parcel is the rear portion of 809 Buffalo Rd., the front portion of which is within the urban area and fronts on a municipally serviced street, Buffalo Rd. Future new accesses for future lots will be developed off Buffalo Rd as there are no environmental or topographical constraints to inhibit the development of a local road which will be connected to other adjacent properties to the north that are presently designated Urban. With respect to existing service levels road networks, transportation facilities; the inclusion of the parcel into the urban area is highly feasible and will be connected to the urban fabric without placing any strain on transportation facilities.

*Environmental Protection and Natural Resources*

In terms of Provincial Natural Heritage System, how much the parcel or collection or parcels affected/impacted?	Less than half shown as NHS	
In considering the parcel or collection of parcels in the context of NHS constraints, 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)?	Available	
With respect to Watershed Planning and the overall health of the respective Watershed, what is the impact should the parcel or	Minimal Impact	



collection of parcels be added to the urban area and developed for urban use?		
What is the level of feasibility related to introducing mitigation measures to improve water quality?	Highly Feasible	
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?	Minimal Impact	
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?	Negligible Impact	

This section demonstrates that there would be no adverse impacts resulting from including these lands in the Urban Area. The property does not contain any wetlands, water features, slopes, species at risk, or any other environmental constraints as identified by Niagara Regional Conservation Authority (NPCA). It has further been identified by this assessment that all of this property would be accessible as none contain constraints. Low Impact Development is a highly feasible to ensure development of the lands has minimal impacts. Including these lands within the urban area is appropriate from an environmental standpoint.

*Agriculture Agri-Food Network*

As defined by the PPS, using the range provided, how best are the parcel or collection of parcels described?	<b>Completely Rural</b>	<p><i>"This is a Rural Area"</i></p> <p>The lands are identified as Rural lands in the Town of Fort Erie Official Plan. The lands are identified as Good General Agriculture in the Niagara Region Official Plan.</p> <p>Please note: The Fort Erie Official Plan designation is more current in its approval than the Present designation in the Niagara Region Official Plan.</p>
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		<p>A Place to Grow: The lands do not contain specialty crop and are designated “Rural” in the Town of Fort Erie Official Plan.</p> <p>Section 1.1.3.8 outlines how settlement area expansions can occur where infrastructure and public service facilities are planned or available. This section indicates that Rural lands are preferred over Agricultural Lands. Therefore, these Rural Lands are appropriate for consideration and inclusion in the Settlement Area as per PPS policies.</p> <p>Policy 1.1.5 is specific to Rural Lands and addresses how lands are to develop under this policy.</p>
<p>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?</p>	<p><b>All Within Setbacks</b></p>	<p><i>“This site is in proximity to a request area within an existing livestock barn (request area 1369). If 1369 is added to a settlement area, MDS evaluation is not required.”</i></p> <p>PPS (2020): 1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed</p>



		<p>adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <ul style="list-style-type: none"> <li>a) there is an identified need for the proposed use;</li> <li>b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;</li> <li>c) adverse effects to the proposed sensitive land use are minimized and mitigated; and</li> <li>d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</li> </ul> <p>Based on this policy, it has been demonstrated that there is a need for community expansion and the subject parcel is most ideal on all other accounts (servicing, transportation, growth management, etc.). and can be developed with mitigation efforts in place.</p>
<p>What is the impact to the broader Agri-Food Network if the parcel or collection of parcels were Urban Area?</p>	<p>Negligible Impact</p>	

The property is designated Rural, not prime agricultural area. This property has no agricultural activity occurring and as such would not adversely impact the agri-food network in any way. Any impact of the MDS requirements will be mitigated by the existing surrounding residential development along Buffalo Rd and Nigh Rd.

*Aggregate Resources*

<p>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 &amp; Gravel) operations can be expected if the parcel or collection or</p>	<p>Negligible Impact</p>	
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parcels were added to the existing Urban Area Boundary? (Within 300m being Critical and beyond 1000m being Negligible)		
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The site is partially within a known deposit of mineral aggregate resource and partially within 500 m of a known deposit of mineral aggregate. Impacts are negligible because of existing surrounding rural residential development which will limit the development of the aggregate resources. Moreover, there is no aggregate operations within 1000m of the site which would result in incompatible land uses. As such, the lands are suitable for urban development from a land use compatibility standpoint.

*Growth Management*

Does including the parcel or collection of parcels meaningfully contribute to a complete community?	Highest Contribution	
Does inclusion of the parcel or collection of parcels represent a favourable way to achieve the outcome of the Region-identified land needs?	Higher Favourability	
What are the planning impacts on neighbouring or nearby lands by including the parcel or collection of parcels in the urban area?	Minimal Impact	

When the subject property is evaluated against the approved growth management criteria, this parcel is one of the most desirable as it can easily address land need for the community. It has been assessed as having the highest contribution to meaningfully contribute to a complete community as it is modest in size and under single ownership. Furthermore, the parcel is immediately adjacent to municipal services and facilities, school, recreation, and transit. Section 1.1.1 Healthy, liveable, and safe communities are sustained by d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.

**Conclusion**

Based on this analysis and supported by further regional analysis it is recommended that the SABR 1150 (which forms part of 809 Buffalo Rd), be included within the Settlement Area boundary as it represents the highest potential to contribute to a complete community, makes better use of existing facilities, infrastructure, and transportation, and does not contain any significant environmental features. It is recommended that Recommendation 2 in Report PDS



41-2021 for Fort Erie be amended to include SABR 1150, 809 Buffalo Rd, within the Settlement Area Boundary.

Yours truly,



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