

Planning and Development Services

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Via Email Only

June 25, 2021

File No.: D.11.07.SD-21-0026
D.11.07.SD-01624

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Provincial and Regional Comments
Request for Extension of Draft Plan of Subdivision Approval
Chippawa Estates Draft Plan of Subdivision
City File No.: D12-01-09
Agent: Frank Evangelista
Owner: Jason Evangelista
Location: North East side of Hubbard Drive, City of Port Colborne**

Regional Planning and Development Services staff has reviewed the request to extend draft approval for the Chippawa Estates subdivision. A request for extension of draft plan approval was submitted by Frank Evangelista on June 7, 2021. Draft approval was originally granted on July 12, 2010 through City By-law 5495/91/10. Based on By-law 6588/43/18, it appears that an extension to the draft approval to July 12, 2014 was granted through By-law 5806/61/12. There have been two (2) extension request for draft approval since then (approved in 2018 and 2019), and Regional staff understand the City Council passed an emergency by-law on June 7, 2021, to temporarily extend draft approval to July 22, 2021, to allow proper agency and department review. As part of the extension request, the agent stated “due to the COVID-19 pandemic, City Hall has only opened infrequently, and with the unavailability of our local contributors to the subdivision, it has been difficult to accomplish routine matters necessary for continued development of the subdivision in a timely manner.”

The circulation from the City indicates that the proposal will require modification/redline revision of the draft plan of subdivision, which has been discussed since 2013. A preconsultation meeting to discuss the modification was held on March 12, 2020, and

the Region identified several studies that were required to be submitted with the modification. No new information, other than the redlined plan, was received to support the modification.

Extension

The subject land is located within a Settlement Area under the Provincial Policy Statement (PPS), Designated Greenfield Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and Urban Area (Greenfield) in the Regional Official Plan (ROP).

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The Growth Plan contains policies that encourage the development of Designated Greenfield Areas into complete communities that achieve a minimum density target of 50 residents and jobs combined per hectare, with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities that meet the projected needs of current and future residents. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies promote higher density development in Urban Areas and support growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The ROP also directs that designated Greenfield Areas are to be planned to achieve a minimum density target of 50 people and jobs per hectare across all Greenfield Areas in Niagara, in alignment with the Growth Plan.

The existing draft plan will yield a density of approximately 23 residents and jobs per hectare (based on 19 units, a total developable area of 1.9605 hectares, 2.34 persons per household as provided for in Table 4-1 of the ROP, and assuming 5% of the residential units would generate “at home” employment). This falls significantly short of the minimum density target of 50 residents and jobs per hectare for Greenfield Areas across the City and the Region. Growth Plan policy 5.2.8.3 states, in part, “when determining whether draft approval should be extended for lapsing draft plans of subdivision, the policies of this Plan must be considered in the development review process.” Further, the ROP provides, in Policy 4.F.1.7, that only one extension to a lapsing draft plan of subdivision shall be approved by the Council of the respective area municipality for a period of up to two years unless the draft plan meets the growth management and environmental policies of the Regional and local Plans. The *Planning Act* requires that all decisions on *Planning Act* applications are consistent with the PPS and conform to Provincial Plans. Accordingly, and as previously mentioned in previous Regional comments, Regional staff do not support the extension because neither the existing draft plan nor proposed modification conforms to the density targets of the Growth or the ROP, or ROP policies relating to extensions to manage the land supply to achieve efficient development.

Modification/Redline

A preconsultation meeting to discuss the modification was held on March 12, 2020. Through that process, Regional staff identified studies that were required to be submitted to support the proposed modification, including a Planning Justification Report to speak to the density requirements, an updated noise study, archaeological assessment for the additional lands, and a Phase 1 Environmental Site Assessment to confirm presence of fill from the canal and rail line. None of the requested studies were submitted with the requested modification.

Although this does provide an additional 2 units (from 19 to 21), which increases the density of the plan area slightly, the modified proposal will still only yield a density of 25.6, which does not conform to Provincial and Regional growth management policies. Further, because through street passage is not provided in the existing draft plan, the modification provides an opportunity to redesign the plan to conform to Regional waste collection standards. If the future owners of these lots are to receive Regional curbside waste collection, the modified draft plan would need to show a temporary turnaround at the end of Street A with a minimum turning radius of 12.8 metres. Finally, staff notes that the information submitted with the draft plan of subdivision was completed in 2009 (i.e. Functional Servicing Report and Noise Feasibility Study). These studies and the requested information would need to be updated to align with current standards, guidelines and policies before the Region would be in a position to provide updated conditions of draft plan approval.

Conclusion

Regional Planning and Development Services staff has concerns with the requested extension of draft plan approval for the Chippawa Estates subdivision, given that no information to clear existing draft plan conditions or to support the proposed modification has been received since the original draft plan of subdivision application in 2010.

Further, Regional staff do not consider the requested extension or modification to be consistent with the Provincial Policy Statement, or conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe or the Regional Official Plan.

Should you have any questions related to the above comments, please feel free to contact me by email at Britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on this request when available.

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June 25, 2021

Kind regards,

A handwritten signature in dark ink, appearing to read "Britney Fricke".

Britney Fricke, MCIP, RPP
Senior Development Planner

cc: Rob Alguire, CET, Development Approvals Technician, Niagara Region