

## **Planning and Development Services**

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### **Via Email**

November 22, 2022

Region File: D.11.07.SD-22-0030

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

Dear Mr. Schulz:

**Re: Regional and Provincial Comments  
Extension of Draft Plan Approval  
Rosedale Draft Plan of Subdivision (26T-87018 Revised)  
Applicant: Upper Canada Consultants  
Owner: Ralph Rotella  
City of Port Colborne**

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Regional Planning and Development Services staff has reviewed the above-noted application for extension of Draft Plan Approval for the Rosedale Draft Plan of Subdivision, first approved by Regional Council on June 21, 1988. The plan is located east of West Side Road, south of Stonebridge Drive, and north of Oxford Boulevard in the City of Port Colborne. The Draft Plan provided by the City (dated May 31, 1988) identifies a total of 176 residential units over 12.772 ha, including 119 single-detached units (8.028 ha), 57 apartment units (Block C- 0.875 ha), a commercial block (Block A - 0.39 ha), and a park (Block B- 0.65 ha).

The request for a two-year extension was received on November 15, 2022. Staff met with the Agent, owner, and City staff to discuss the extension request on October 27, 2022. The following Provincial and Regional comments are offered to assist the City in considering the current extension request.

### **Background and Discussion**

As discussed above, on June 21, 1988, Regional Council, as the Approval Authority, provided draft approval of the Rosedale Plan of Subdivision. Draft approval extensions were granted by the Region between 1992 and 1995 as related to servicing of the development and the payment of Regional Development Charges. In 2005, Regional

staff met with the applicant to discuss the Plan's status, which remained draft approved as the status had not been formally withdrawn by the Regional Council. In May 2007, Regional Council delegated approval authority for the Rosedale Plan of Subdivision to the City of Port Colborne.

In August 2013, City of Port Colborne Council set a lapsing date for the draft plan approval for August 12, 2015. Since that time, the following draft plan extensions, and reasons provided for extension requests, were approved by City Council:

- Draft Plan approval extended to August 12, 2017 related to evaluating the possibility of phasing the project for servicing;
- Draft Plan approval extended to August 12, 2019 related to the possibility of phasing the property and in order to finalize and register the subdivision agreement, and completion of detailed engineering drawings;
- Draft Plan approval extended to August 12, 2020 related to getting servicing infrastructure to the Oxford Pumping Station, completion of engineering design, and obtaining necessary Ministry approvals and servicing upgrades with Niagara Region;
- Draft Plan approval extended to August 12, 2022 related to moving engineering design forward, and completing a Transportation Impact Study;
- On August 9, 2022 City Council extended a 4-month temporary Draft Plan approval until December 16, 2022, due to staffing changes at the City. The reason for draft plan extension was cited by the agent for continuous work being completed as related to archaeology and transportation.

The two-year extension request letter, prepared by Upper Canada Consultants (dated November 15, 2022), cites the following reasons for a further extension: the site has not been developed due to unfavourable market conditions as the servicing cost is higher in this area due to the bedrock; an alternative road connection is required as the Ministry of Transportation will not permit the road connection to Highway 58 as depicted in the approved draft plan; and, the approved sanitary sewer and stormwater outlet previously on a property that crossed City owned-land, has been sold and no easement was granted.

The letter identifies that to date, detailed civil design for the sanitary and storm system, archaeological assessments, a noise assessment, and a transportation assessment has been completed, but will need to be updated. Through the Stage 1-2 Archaeological Assessment, the recommendation for a Stage 3 and possibly Stage 4 is required due to findings on-site. The letter indicates it is the intent of the owner to amend the Rosedale Draft Plan of Subdivision to bring it into conformity with modern development standards and increase the affordability of houses. The intent is to bring forward a redline revision to the Draft Plan of Subdivision and Zoning By-law Amendment, through a pre-consultation meeting in early 2023.

## Provincial and Regional Policies

The *Niagara Official Plan, 2022* (“NOP”) has been approved with modifications by the Minister of Municipal Affairs and Housing, coming into effect on November 4, 2022 and replacing the *Regional Official Plan*. The NOP encourages local area municipalities to permit only one extension to a lapsing draft plan of subdivision for a period of two years unless the draft plan conforms to the policies of the NOP and it can be demonstrated that concerted effort and progress has been made toward satisfying conditions of approval.

Regional staff note that the property has split designation under the NOP, with the majority of land being designated ‘Built-Up Area’ in the NOP, and a portion of land to the north being ‘Designated Greenfield Area’ in the NOP, in alignment with the designations in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation*. Regional staff recommends consideration of this split designation be addressed through the updated plan in order to address the minimum density target of 50 people and jobs per hectare within the Designated Greenfield Area.

Regional staff has completed a review of the conditions that were comprehensively updated in 2019. With respect to the sanitary infrastructure work required, relating to the Oxford Sewage Pumping Station to support this development, the owner will be responsible for coordinating a future meeting with Regional and City staff to determine the process and steps required to complete this work to ensure there are no further delays in the subdivision approval process.

With respect to natural heritage, Environmental Planning staff has reviewed the existing site conditions and confirm that environmental studies will not be recommended in support of a proposed Plan of Subdivision on the subject lands. Staff recommend that the proponent undertake their due diligence as it relates to the Endangered Species Act and Migratory Birds Convention Act.

The attached Appendix includes conditions which are to be updated or added, including some minor changes to the names of Ministries and which agency reviews the stormwater management plan. A condition has been added to complete a land use compatibility study given that the Rosedale Estates subdivision is adjacent to the Loyalist Industrial Park and the Port Colborne West Transshipment Terminal Employment Area, as mapped in Schedule G of the NOP. A peer review of the study, at the applicant’s expense may be required depending on the analysis and results of the study.

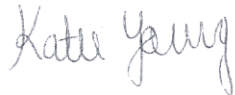
## Conclusion

In conclusion, Regional staff acknowledges that the Rosedale Subdivision has had Draft Plan approval status for 34 years. Staff appreciates the details provided by the agent on the work completed to date and has a better understanding of the various challenges that is impacting the approvals process and the intended steps moving forward. As

such, in this instance, staff do not object to the requested two-year draft plan extension request, recognizing the time and potential revisions to the Draft Plan that may be required through the ongoing archaeological assessment work.

Should you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Kind regards,



Katie Young, RPP  
Development Planner

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

## Appendix

### Regional Draft Plan Approval Conditions to be Updated / Added

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval ~~two copies of~~ a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
  - b) Detailed erosion and sedimentation control plans.

~~**Note:** The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Regions behalf and submit comments to the Regional Planning and Development Services Department (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.~~

40. That prior to approval of the final plan, the owner submit a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist (and if required, Stage 4 archaeological assessments) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements
41. That prior to approval of the final plan, the owner shall submit to the Region's Planning and Development Services Department a land use compatibility study, prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines and endorsed by a qualified professional for review and approval. The study should assess existing and potential land use compatibility issues between the development and the Loyalist Industrial Park and Port Colborne West Transshipment Terminal Employment Area, as identified in the Niagara Official Plan. The land use compatibility study may be subject to peer review, at the sole expense of the owner.