



BOUSFIELDS INC.

Project No. 20359

December 7, 2021

Michelle Sergi, MCIP, RPP
Commissioner

-and-

Isaiah Banach, MCIP, RPP
Manager, Long Range Planning

Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
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Via e-mail: michelle.sergi@niagararegion.ca and isaiah.banach@niagararegion.ca

Dear Michelle and Isaiah,

**Re: *Comments on Regional Staff Reports PDS 41-2021 & PDS 42-2021
Niagara Region Settlement Area Boundary Review
Jukic Group Inc. Lands in Fort Erie (“Black Creek Commons”)***

As you know, we are the planning consultants for Jukic Group Inc. who are “the Owners” of 10 parcels located between the Stevensville Secondary Plan area and the Douglas Town-Black Creek Secondary Plan area, including the property municipally addressed as 2900 College Road (“subject lands”).

We have reviewed Regional Staff Reports PDS 41-2021 & PDS 42-2021 are concerned with the outcome of the reports, which do not recommend that the subject lands be brought into the settlement area boundary within Fort Erie. Furthermore, we are concerned that our submission was not fulsomely evaluated against the Region’s Municipal Comprehensive Review - Urban Settlement Area Boundary Expansion Assessment Criteria (i.e., Appendix 18.2 of the Niagara Official Plan Consolidated Policy Report). Lastly, the expansion recommendations in Reports PDS 41-2021 & PDS 42-2021 do not appear to consider the Town of Fort Erie’s Urban Area Boundary Expansion Study which identifies the subject lands as “prioritized candidate lands” for settlement boundary expansion.

For the reasons outlined herein, we respectfully request that you reconsider our request to add the subject lands to the urban boundary. In addition, we would like to meet with you prior to the deadline of February 7, 2022, to discuss our proposal and the servicing strategy. Finally, we have copied the Regional Clerk so that this letter be included in the agenda package of the Regional Planning and Economic Development Committee meeting, scheduled for December 8, 2021.

Background

On July 2, 2021, we submitted a formal request to have the subject lands added to the urban area within the Town of Fort Erie. The Owners' land holdings include 10 parcels of land located between the Stevensville Secondary Plan and Douglastown-Black Creek Secondary Plan areas, which total 371.74 hectares and is formerly home to the International Country Club of Niagara (the "ICC"), regulated Natural Heritage Area lands, and vacant and agricultural lands (parcels labelled as "A" through "J").

Of the 371.74 hectares requested to be brought into the urban area, only 67.34 hectares would contribute to the net developable area within that urban area expansion and will to accommodate regional population and job growth to 2051. The 67.34 hectares is comprised of portions of Parcels A, B, H, and J as described and mapped in our July 2, 2021, submission.

We maintain our recommendation that of the 67.34 hectares of net developable area, that:

1. 26.06 hectares (a portion of **Parcel A**) be added to the settlement boundary for community area lands (Black Creek Commons Village) to be utilized as part of the land required for the Town to accommodate population growth to 2051.
2. 22.76 hectares (portions of **Parcels H and J**) be added to the settlement boundary to accommodate the Black Creek Commons Resort. In our opinion, these lands would be in excess of the required community lands and the employment lands required to accommodate population and job growth to 2051, given that these lands would accommodate seasonal residences and resort facilities; and,
3. 18.52 hectares (a portion of **Parcel C**) be added to the settlement boundary for employment area lands to be utilized as part of the land required for the Town to accommodate job growth to 2051.

Urban Settlement Area Assessment Review and Comments

Appendix 9 to report PDS 41-2021 (the “Appendix 9”) provides a review and analysis on each of the requested urban boundary expansions, including the ones recommended for approval. In reviewing the analysis provided in Appendix 9, it states:

- There is **low feasibility** for the subject lands to be accommodated at the WWTP during the planning period.
- There is **low feasibility** for the subject lands to be serviced by sanitary servicing.
- Development of the subject lands will have a **high impact** on the natural environment due to the extension of servicing.
- There is **low feasibility** for the subject lands to be serviced by sanitary servicing in its Watershed through mitigating measures.
- Water servicing extension to the subject lands will have a **high impact** on the natural environment.
- There is a **low feasibility** for a local road network to be incorporated including the consideration of environmental matters.
- More than half of the subject lands are **affected/impacted** by the Provincial Natural Heritage System.
- The addition of the subject lands to the urban area would have a **high impact** on the overall health of the Watershed.
- The addition of the subject lands to the urban area would have **little to no** contribution to a complete community.
- The subject lands represents a **least favourable** way to achieve the outcome of the Region-identified land needs.
- The subject lands would have a **high impact** on neighbouring or nearby lands by including them into the urban area.

Respectfully, we disagree with this analysis, and it is our opinion that the addition of the subject lands to the urban boundary is appropriate and represents good planning. Furthermore, the subject lands can be serviced by the existing lagoon systems, which have capacity, the proposal would not impact any natural heritage system lands, and, most importantly, the addition of the subject lands to the urban boundary would make Douglstown and Stevensville a more complete community.

Servicing

With respect to servicing, C.F. Crozier & Associates Inc. (“Crozier”) were retained by the Owners to prepare a servicing memo in support of a Master Servicing Study to comment on whether Parcels A, C, H, and J forming the Black Creek Commons Master Plan concept should be included within the settlement boundary from a water and sanitary servicing perspective. The Crozier memo summarized the existing municipal infrastructure in proximity to the Parcels A, C, H and J and projected the water and sanitary infrastructure required to service the Master Plan development considering proposed development flows and current infrastructure capacities. A copy of the Crozier memo was attached as Appendix B to our July 2, 2021, report and provided additional detail on how each of the Region’s criteria were addressed. The Crozier memo concluded that sanitary servicing can be provided through one of three servicing conveyance concepts. Parcels A, C, H and J would have internal sanitary sewer networks conveying sanitary flows to the Stevensville-Douglastown Lagoons.

Phasing of Parcels A, C, H and J may be required to facilitate interim servicing pending completion of external municipal upgrades. In addition, Crozier has recommended to amend the design of the Stevensville Sewage Pumping Station upgrades to include sanitary design flows from the Site, and that water servicing would be provided through existing 400 mm diameter watermains on Eagle Street and Winger Road. Parcels A, C, H and J will all have internal water service networks connecting to the existing watermains. Lastly, Crozier recommended to amend the design of the Fort Erie Elevated tank to include water demand required for build out of Parcels A, C H and J. In accordance with the analysis in the Crozier memo, Parcels A, C H and J are candidates for inclusion within the settlement boundary. However, the viability for sanitary servicing is strongest for Parcel A as a stand-alone request, which is the residential component of the master planned Black Creek Commons community.

Natural Heritage

Myler Ecological Consulting (“Myler”) prepared a memo, dated July 1, 2021, which was attached to the July 2, 2021, request. The Myler memo summarized all the natural hazard and natural heritage conditions on the subject lands and demonstrates that the proposed development addresses the municipal comprehensive review criteria related to natural heritage with little to no impact.

Complete Community

Report PDS 41-2021 provides recommendations for settlement area boundaries across the region. Within the Town of Fort Erie, the report recommends an expansion of approximately 106 hectares of community land to its largest urban settlement area, Crystal Beach and establishes a recommended intensification rate of 50 percent for the Town. We agree with Regional Planning Staff that Crystal Beach should be the focus for growth in the Region. However, in our opinion, it should be the focus of intensification, given the dominance of single detached and seasonal residences, and the ability to accommodate growth and provide for a full range of housing options. In our opinion, focussing all the greenfield growth to Crystal Beach is a lost opportunity and will continue the pattern of low-rise, albeit at a higher density, outward expansion. Instead, the Region should allocate some additional growth to smaller urban settlements to make those communities more complete. As was outlined in our July 2, 2021, submission, the proposed expansion to Douglastown would add more people, which will make transit and the planned commercial uses viable. In this regard, the proposal would accommodate a minimum of 538 new residential units in the “village”, 200 new seasonal residences in the “resort”, and 867 new jobs within the “village” and proposed employment area, which will add people and jobs to the Douglastown community that will make the vacant commercial areas at Townline Road and Netherby Road viable and provide additional ridership to support public transit infrastructure. This has the effect of expanding the range of housing options in Douglastown and will reduce the need for commuting for daily necessities and work, all of which will make the Douglastown community more complete. The proposal includes additional public benefits, including new trails and parks and agriculture related uses that are placemaking elements that make communities more complete.

In terms of overall urban land needs, it is our opinion that establishing an urban boundary should not be a purely mathematical exercise. Instead, it should fundamentally be a strategic exercise that considers questions about how the Region and Town should best grow and evolve. In this context, land needs calculations should be viewed as an input into that exercise and not as the final outcome. We believe that, if land needs calculations are considered flexibly and strategically, there is planning merit in including the lands from a land needs perspective as a minor rounding out of the boundary and will result in a number of significant public benefits, including:

1. Creation of new permanent housing supply to accommodate the Town and Region’s forecasted growth to 2051 and additional seasonal housing supply.

2. Establishment approximately 589 new jobs (full time equivalent) jobs on the Black Creek Commons Village and Resort parcels and at least 278 jobs on the employment parcel (i.e., Parcel 'C') based on the Region's Vacant Employment Area Density Target of 15 jobs per hectare.
3. The proposed development would help support new commercial uses to serve existing and future residents in the Douglstown-Black Creek Secondary Plan area.
4. The re-imagination of the ICC into the Niagara National Golf and Country, as a key destination in the Town and Region.
5. The proposal will reduce the need for long distance commuting by creating new jobs
6. and adding new commercial, tourism and recreational amenities near existing residential areas in the Town and with excellent access to the QEW and Regional Road 25, which provides strong transportation connections to Niagara Falls, St. Catharines, and Welland; and,
7. The strengthening of the local economy through the addition of new commercial, tourism and outdoor recreation and adventure activities, as well as agriculturally related and agri-tourism uses.

For all of these reasons and more, we respectfully request that the Region reconsider its recommended settlement boundary expansions to include the subject lands. Based on our review of Appendix 9 and previous discussions with you, it is our understanding that municipal servicing continues to be a significant issue for the Region. As such, we would like to meet with you to outline our proposed servicing solution, prior to the deadline of February 7, 2022. We will be in touch in this regard.

Respectfully submitted,
Bousfields Inc.



David Falletta MCIP, RPP
Partner

ES/df:jobs

Cc. Regional Clerk (via e-mail)
Client (via e-mail)
Kira Dolch, (Director, Planning and Development Services, Fort Erie, via e-mail)
Mayor Wayne Redekop (Fort Erie, via e-mail)