

## **Attachment B – Technical Comments**

### **GIS Department**

Norfolk GIS has no requirements at this time.

### **Haldimand-Norfolk Health and Social Services**

Haldimand-Norfolk Health and Social Services supports urban boundary changes that will contribute to mixed-use developments and complete neighborhoods.

Mixed-use land developments and complete neighborhoods can have a great impact on health and well-being. Complete neighbourhoods are more convenient, socially engaging, and encourage regular physical activity. Most importantly, complete neighbourhoods provide easy access to the daily life necessities for people of all ages, abilities and backgrounds.

Additionally, there is an acute need for purpose built rental units and affordable home ownership in Norfolk County. Housing Services is supportive of the establishment of new housing options in the community.

### **Enbridge**

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

### **Environmental Services**

Below, we have included a list of the applicable policies for each parcel (either prohibited, a RMP would be required or there is some sort of planning consideration that should be taken into account). Please let me know if this is what you are looking for. At this point I imagine this is sufficient but if you want us to provide the circumstances which would cause any of these activities to be significant please let me know and we can put that together for you. It is also worth noting that the SPP will be updated in the next couple of months so depending on how long this takes there may be some additional considerations/measures, but I will leave it as this for now. If you have any questions, please let me know.

ID54 and ID2 are located within WHPA-B (10) and WHPA-C (8) and ICA nitrate.

Prohibited activities:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which requires an ECA (NC-MC-2.3)
- Establishment of onsite sewage system design flow greater than 10,000L (NC-MC-3.4)
- Sewage plant discharges (NC-MC-3.6)
- Application of NASM (NC-MC-5.1)

- Handling and storage of NASM (NC-MC-5.4)
- Handling and Storage of fertilizer (currently greater than 2500kg) (NC-CW-7.2)
- Storage of pesticides (NC-CW-9.2)
- Storage of snow (NC-CW-11.1)
- Handling and storage of DNAPLS (any quantity) (NC-CW-13.2)
- Handling and storage of organic solvents (NC-CW-14.2)

RMP:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which does not requires an ECA (waste generators) (NC-CW-2.4)
- Application of ASM (NC-CW-4.1)
- Application of commercial fertilizer (NC-CW-6.1)
- Application of pesticides (NC-CW-8.1)
- Handling and storage of salt (currently greater than 5000tonnes) (NC-CW-10.1)
- Handling and storage of fuel (NC-CW-12.4)
- Livestock grazing (NC-CW-16.1)
- Outdoor confinement area (NC-CW-16.3)

Planning

- County may require location of any onsite sewage system (<10,000L) to be outside the boundary and may require tertiary treatment systems (NC-MC-3.2)
- A small portion of ID2 is located in a WHPA-Q1. However, all other development is located within close proximity to the WHPA-Q1. When planning for growth and approving development decisions should consider the long-term sustainability of the municipal drinking water system (is development consistent with integrated sustainable master plan, including the water allocation threshold) and discuss any necessary amendments to the PTTW with the MECP. As well, water allocation should not exceed 80% of the water supply systems firm capacity (NC-MC-17.2 and NC-MC-17.4)

ID1 is located in a WHPA-B (8) and ICA nitrate

Prohibited activities:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which requires an ECA (NC-MC-2.3)
- Sewage plant discharges (NC-MC-3.6)
- Establishment of onsite sewage system design flow greater than 10,000L (NC-MC-3.4)
- Sewage plant discharges (NC-MC-3.6)
- Handling and Storage of fertilizer (currently greater than 2500kg) (NC-CW-7.2)
- Storage of snow (NC-CW-11.1)

RMP:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which does not require an ECA (waste generators) (NC-CW-2.4)
- Handling and storage of DNAPLS (any quantity) (NC-CW-13.3)

## Planning

- County may require location of any onsite sewage system (<10,000L) to be outside the boundary and may require tertiary treatment systems (NC-MC-3.2)

ID37 is located in a WHPA-C (6) and WHPA-D (4) and ICA nitrate.

### Prohibited activities:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which requires an ECA (NC-MC-2.3)
- Establishment of onsite sewage system design flow greater than 10,000L (NC-MC-3.4)
- Sewage plant discharges (NC-MC-3.6)
- Handling and Storage of fertilizer (currently greater than 2500kg) (NC-CW-7.2)
- Storage of snow (NC-CW-11.1)

### RMP:

- Establishment of a waste disposal site within the meaning of Part V of the EPA which does not require an ECA (waste generators) (NC-CW-2.4)
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## Planning

- County may require location of any onsite sewage system (<10,000L) to be outside the boundary and may require tertiary treatment systems (NC-MC-3.2)

## Canada Post

Please be advised that Canada Post does not have any comments on this document. We would need to be notified of any growth applications when the time comes but most areas will be serviced by Community mailboxes which would be commented on at the time of the application.

## CN Rail

WSP has been retained and is acting on behalf of Canadian National Railway Company (CN). We are pleased to have this opportunity to provide comments on the Official Plan Review. Our comments focus on policies and/or infrastructure initiatives, as they are related to existing and/or future CN facilities, operations, and infrastructure.

About CN, Railway Noise and other Adverse Effects CN is a federally regulated railway company and is governed by various federal legislation, including the Canada Transportation Act (CTA) and the Railway Safety Act (RSA), among

others. The CTA requires federally regulated railway companies to only make such noise and vibration as is reasonable. The test of reasonableness under the CTA takes into consideration the railway company's operational requirements and its level of service obligations under the Act, as well as the area where the construction or operation takes place. The Canadian Transportation Agency (Agency) is the federal body that assesses the reasonableness of noise associated with the construction or operation of a federal railway company. In its

decisions, the Agency has concluded that municipalities have a responsibility to assess compatibility issues before approving housing developments in proximity to railway rights-of way. The CTA also commented that where a municipality approves the development, it has a responsibility to ensure that the necessary mitigation measures are implemented. One example of such a decision is Decision No. 69-R-2014, dated February 27, 2014.

It is important to understand that there is no specific decibel limit contained in federal guidelines related to the construction or operation of rail facilities. Those federal guidelines clearly state that, while the Agency may take provincial and municipal noise and vibration guidelines into account in its deliberations, the Agency is not bound by those guidelines. Rail Proximity Guidelines are available at the following: <https://www.proximityissues.ca/>

### Preliminary Comments

We acknowledge that the current Official Plan of Norfolk County already includes guidelines under section 8.5 (Rail Lines) regarding developments adjacent to railways. We recommend that the following policies be included and/or added in the Norfolk County's new Official Plan (OP):

#### 1. General Acknowledgement

Sensitive land uses shall not be encouraged adjacent to or in proximity to rail facilities. Development in proximity to rail facilities shall be developed in accordance with the Guidelines for New Development in Proximity to Railway Operations prepared by the Federation of Canadian Municipalities and the Railway Association of Canada (FCM/RAC Guidelines).

#### 2. Include a definition for Rail Facilities and Sensitive Land Uses.

We request that the following definitions be included in the OP to improve understanding of railways and development coexistence issues from a planning perspective: Rail Facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Sensitive Land Uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from operational emissions generated by a nearby rail facility. Sensitive land uses may be a part of the natural or built environment. Examples may include but are not limited to residences, daycare centers, educational and health facilities, playgrounds, sporting venues, public parks and trails, recreational areas, places of worship, community center, hotels, retirement residences, and long-term care homes, group residences, crisis center, and any uses that are sensitive to dust, odour, noise, and vibration emissions.

#### 3. Identify Rail Facilities and Areas of Influence

We recommend identifying rail facilities and the areas of influence for sensitive land uses (300 meters for a Railway right of way), on relevant maps in the Official Plan. This approach will reduce the uncertainty for planning and developing sensitive land uses near Railway corridors and will help reduce future land use incompatibility issues and conflicts with rail operations.

#### 4. Specific regulations for developments in proximity to rail facilities.

- a) All proposed buildings to be occupied by sensitive uses shall be setback 30 meters from a Principal main line in conjunction with the appropriate safety berm in accordance with the FCM/RAC Guidelines;
- b) All proposed buildings to be occupied by an industrial use shall be setback 15 meters from a Principal main line;
- c) The required safety berm shall be adjoining and parallel to a Principal main line right of way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
- d) Reduced setbacks can be considered in certain circumstances depending on the proposed use and in conjunction with additional studies and alternative safety measures, to the satisfaction of the Municipality, in consultation with the appropriate railway operator;
- e) All proposed residential developments or other sensitive uses located adjacent to railway right of way or within the area of influence shall implement the applicable warning clauses provided by the appropriate railway operator;
- f) All proposed residential developments or other sensitive uses located adjacent to a railway right of way shall implement, secure, and maintain any required rail noise, vibration, and safety impact mitigation measures, along with any required notices registered on title of the property, by means of a development agreement,
- g) warning clauses, and/or environmental easements, through appropriate legal mechanisms, to the satisfaction of the Municipality and the appropriate railway operator;
- h) All proposed developments located in proximity to rail facilities shall evaluate and prioritize grade separation of railways from major roads, in collaboration with the appropriate railway operator and according to Canada Transportation Agency's standards;
- i) All proposed vehicular property access points shall be located at a minimum 30- meter setback from an at-grade railway crossings;
  - i. A chain link fence of a minimum of 1.83 meters in height shall be installed and maintained along the mutual property line shared with the railway right of way for all proposed developments.

#### 5. Stormwater management facilities

Railway corridors/properties with their relative flat profile are not typically designed to handle additional flows from neighboring properties, therefore future developments should not discharge or direct stormwater, roof water, or floodwater onto a railway right of way. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the appropriate railway operator.

Stormwater or floodwater flows should be designed to maintain the structural integrity of the railway corridor infrastructure; avoid sediment deposits; and prevent adverse effects on the railway right of way. Drainage systems should be designed to capture storm waters on-site or divert the flow away from the rail corridor to an appropriate drainage facility.

Stormwater management facilities must be designed to control stormwater runoff to predevelopment

conditions including the duration and volume of the flow and accordingly have no impacts on the railway right of way, including ditches, culverts, and tracks.

## 6. Recreational uses

To mitigate any potential trespassing onto the railway right of way, we recommend the installation of a minimum 1.83-meter-high chain link safety fence along public parks and trails and site-specific landscaping design to improve the visual quality of the areas adjacent to the railway corridors.

## Conclusion

We would like to thank you for the opportunity to comment on the Official Plan Review. We look forward to collaborating with the County throughout this process. Please forward all future communications, land development applications, and documents to [proximity@cn.ca](mailto:proximity@cn.ca)

## **Grand Erie District School Board**

Regarding the Norfolk County MCR Phase 1 OPA the GEDSB is primarily concerned with those changes that are likely to generate school aged children to accommodate. Namely, the addition of new residential lands.

In general, these new residential lands will lead to additional accommodation pressures on the GEDSB educational facilities in Norfolk County. Depending upon the scale, unit type/mix, and timing of the development of these additional residential lands the GEDSB may consider a number of accommodation strategies including but not limited to:

- Capital works; either additions/reconstructions to existing facilities on existing sites, or new schools on new sites requested within new approved plans of subdivision.
- The addition of temporary accommodation (portables)
- School attendance area changes to better match school enrolments to facility capacity.

The GEDSB looks forward to working with the Developers of the additional residential lands and County Staff, to ensure that the educational accommodation needs of Norfolk County students and families are met and that Norfolk County continues to be an amazing place to learn, work and play. Below please find GEDSB general comments on the proposed boundary adds and expansions.

## **Courtland**

Courtland is serviced by Courtland Public School and Delhi District Secondary School.

- Courtland PS is currently under capacity. It is anticipated that enrolment resulting from the requested urban area settlement boundary expansion (RUASBE) could be accommodated on the existing school site.
- Delhi DSS is at capacity. The additional students from Courtland and Delhi new residential lands is likely to require additional permanent and/or temporary accommodation on the existing site.

## **Delhi**

Delhi is serviced by Delhi Public School and Delhi District Secondary School.

- Delhi PS is slightly under capacity. It is anticipated that enrolment resulting from the new residential lands added and requested, could require the designation of an additional school site within a future plan of subdivision.
- Delhi DSS is at capacity. As mentioned above the additional students from Courtland and Delhi is likely to require additional permanent and/or temporary accommodation on the existing site.

## **Simcoe**

Simcoe is serviced by Lynndale Heights Elementary School, Elgin Ave. Public School and Simcoe Composite School (secondary). GEDSB has closed West Lynn Public School as a result of a previously approved Pupil Accommodation Review.

- Combined Lynndale Heights and Elgin Ave. are at capacity. Enrolment resulting from the new residential lands added and requested, could require the designation of an additional school site within future plans of subdivision or a re-evaluation of GEDSB land holdings depending on the timing/type/scale of development.
- Simcoe CS is under capacity. It is anticipated that enrolment resulting from the new residential lands added and requested could be accommodated on the existing site.

## **Waterford**

Waterford is serviced by Waterford Public School, Boston Public School, Bloomsburg Public School and Waterford District High School. Recently as a result of enrolment pressure, elementary school boundary changes were implemented to reduce enrolment at Waterford Public School, and Gr. 7 & 8 students will be accommodated at Waterford Secondary School.

- Waterford PS is at capacity. It is anticipated that enrolment resulting from the new residential lands added and requested, could require the designation of an additional school site within a future plan of subdivision.
- Waterford DHS is below capacity. It is anticipated that enrolment resulting from the new residential lands added and requested could be accommodated on the existing site.

## **Port Dover**

Port Dover is serviced by Lakewood Public School, and Simcoe Composite School (secondary).

- Lakewood Public School is at capacity. The Municipal Comprehensive Review Phase 1 OPA identifies that enough lands exist within the urban boundary area to meet the population targets. That being said, the scale and nature of the residential development to occur within the current boundaries (family vs. seniors oriented) will inform the GEDSB whether enrolment resulting from the new residential development could be accommodated on site, or could require the designation of an additional school site within a future plan of subdivision.
- Simcoe CS is under capacity. It is anticipated that enrolment resulting from the new residential development present within the existing urban boundary could be accommodated on the existing site.