



The Municipal Corporation of the Town of Fort Erie

By-law No.123-2017

**Being A By-law To Enact an Amendment to the Official Plan
Adopted by By-law No. 150-06 for the Town of Fort Erie
Planning Area**

**Amendment No. 38
Miller Lands
0 Thompson Road ES, North of Bowen Road and South of
Arcadia Street
Town of Fort Erie**

350302-0103

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O 1990 enacts as follows:

1. **That** amendment No. 38 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 14 day of November, 2017.

Mayor

Interim Clerk

I, _____, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 123-2017 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

AMENDMENT NO. 38

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

PART “A” – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 38 to the Official Plan adopted by By-law No. 123-2017 of the Fort Erie Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text and map (designated Schedule “A”) constitutes Amendment No. 38 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part “C”, the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the lands shown on Schedule A attached hereto from:

1. "Open Space with Environmental Conservation Area" to "Urban Residential with Environmental Conservation Area" to permit future residential development subject to the findings of the future Environmental Impact Study (EIS).
2. "Open Space with Environmental Conservation Area" to "Environmental Protection Area" to include additional lands identified in Beacon Environmental Limited constraints analysis and to permit paths.

The EIS on the Environmental Conservation lands will determine the developable Urban Residential lands and is subject to Terms of Reference approved by the Niagara Peninsula Conservation Authority and reviewed by the Town of Fort Erie's Environmental Advisory Committee.

The Urban Residential designation will be subject to a minimum and maximum density requirement, be required to submit for approval a neighbourhood plan concept, permit any required servicing and permit public parkland.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side of Thompson Road, south of the extension of unopened road allowance (Arcadia Street) and north of Rio Vista Golf Course and unopened Bowen Road allowance, as shown on Schedule "A" attached hereto.

The property is legally referenced as Concession 2 Niagara River, Part of Lots 9 & 10, Part 1 59R-6356, known municipally as 0 Thompson Road Roll # 2703 020 026 129 000000 Town of Fort Erie.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

This amendment will permit single detached dwellings, semi-detached, townhouse dwellings, apartment dwellings at a minimum density of 50 persons and jobs/hectare and a maximum density of 85 units/hectare. The proposed amendment will make better use of existing land in the urban area and will infuse new residential uses into an area which has had a stagnant population base since the 1950's. The subject lands were designated Open Space to accommodate the future expansion of the Rio Vista golf course. Unfortunately the golf industry has been struggling to attract the younger age groups for long-term sustainability and the Rio Vista golf course was sold and has since been designated for a future mixed use residential and commercial development.

The Environmental Protection designation will protect the Provincially Significant Wetland and buffer area from development in accordance with the Environmental Constraints report prepared by Beacon Environmental Limited.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

Land uses in this area of the Bridgeburg Neighbourhood are predominantly single and semi-detached dwellings. The proposed development will permit 50-85 persons and jobs per hectare and provide for a variety of residential housing forms. This site will be serviced commercially by the commercial sites in the future Fort Erie Hills development to the south as well as by the Jarvis Street Business District. The future development of this site will provide the community with some diversified housing stock which is desirable from a Provincial, Regional and Town Planning perspective.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject site is vegetated and contains a Provincially Significant wetland (PSW). PSW's are protected from development. There is also Environmental Conservation areas identified on the subject site. The proposed amendment is setup to address the outcomes of the future completed EIS, by requiring that the Environmental Conservation areas determined to be significant be rezoned through a future zoning by-law amendment application to an Environmental Protection (EP) Zone and those areas determined to be not environmentally significant or developable to be rezoned to appropriate residential zoning. The future EIS will be required to adhere to the Natural Heritage policies of the Town's Official Plan.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject site is located on Thompson Road, Arcadia Street allowance and Bowen Road allowance which are municipal roads or road allowances. Access to the lands will be via a number of new local streets which connect to the existing or future transportation network. The new municipal roads will be constructed to a full urban cross section that meets Town of Fort Erie standards. A traffic study will be conducted as part of future development application.

As part of the future subdivision application, the site design will be assessed for convenience and accessibility for vehicular traffic as well as for pedestrian and cycling traffic flow.

The subject site does not currently have access to full municipal services. Future development on this site will be subject to a preliminary servicing strategy. Servicing will be local servicing under the jurisdiction of the Town of Fort Erie and will require the construction of water, sanitary and storm services to the future lots/blocks.

There is an existing 500mm diameter Regional sanitary forcemain along Bowen Road North and Thompson Road. The Region has communicated that there shall be no connection to the forcemain.

e) The compatibility of the proposed use with uses in adjoining areas:

The subject site is within the urban area and close to an existing residential neighbourhood on Crooks Street. The subject land are adjacent to the future home of the Fort Erie Hills development which consists is a mixed use development. The proposed redesignation will result in additional residential lands being added to an urban area adjacent to an existing mixed use community. In addition, this urban residential designation will help to sustain the existing downtown core on Jarvis Street for the long term.

Any future planning proposals will need to consider the Ministry's D6 guidelines to ensure compatibility between industrial uses and other sensitive land uses such as residential uses. Planning staff have reviewed the D6 guidelines in conjunction with the Official Plan and are satisfied that the minimum separation distance of 20 metres will be met for any future Class 1 facilities as there is a 20 m road allowance between the subject lands and the industrial property. In addition, the industrial property will require a minimum front yard setback of 15 m and an exterior side yard setback of 10.5m. In addition, there is currently an existing detached dwelling (700 Bowen Road N) located on the northwest corner of Bowen Road N and Thompson Road. Class 2 facilities would be limited to 70 m south from the existing dwelling. Therefore, the proposed development would be at least 70 m from any future proposed industrial facility. Class 3 facilities would not be permitted on adjacent lands given the close proximity of existing sensitive land uses.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the redesignation of the subject property to permit singles detached dwellings, semi-detached dwellings, townhouse dwellings, apartment dwelling will depreciate adjoining properties. Planning staff are of the opinion that the proposed development will have a positive impact on the surrounding neighbourhood.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposed redesignation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with additional tax base.

- h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.**

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

All of this part of the document entitled “Part “B” – The Amendment”, consisting of the following policies and attached maps designated as Schedule “A” (Land Use Plan) constitute Amendment No. 38 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

The subject lands described as Policy Area 38 Miller Lands on the attached Schedule A are hereby re-designated to:

4.15.25 Policy Area 38- Miller Lands

URBAN RESIDENTIAL POLICIES

- A. The lands designated on Schedule “A” as “Urban Residential” shall be reserved for single detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. Notwithstanding the policies of Section 4.7 the site shall:
 - I. Have a minimum density of 50 people and jobs per hectare, subject to any adjustments resulting from the Municipal Comprehensive Review being undertaken by the Niagara Region, and a maximum density of 85 people and jobs per hectare.
 - II. Permit required storm, sanitary, water and road infrastructure to allow for development once comprehensive servicing studies (including consideration of phasing) have been reviewed for the site and approved by all approval agencies.
 - III. Permit municipal parkland.
 - IV. Include a Neighbourhood Plan concept to be approved by the Town of Fort Erie showing how the site will integrate with the entire Bridgeburg North Neighbourhood.
 - V. The full extent of the developable area will be determined following the approval of the final Environmental Impact Assessment (EIS).

ENVIRONMENTAL CONSERVATION POLICIES

- B. The lands designated on Schedule “A” as “Environmental Conservation” shall and shall generally be governed by the Environmental Conservation policies of Section 8.3. Notwithstanding Section 8.3 the site shall be subject to the approval of the final Environmental Impact Study (EIS), that will include the following:
 - I. Terms of Reference to be developed in consultation with and approved by the Niagara Peninsula Conservation Authority (NPCA).
 - II. Environmental surveys to address the Endangered Species Act, including but

not limited to Bat Habitat surveys, etc.

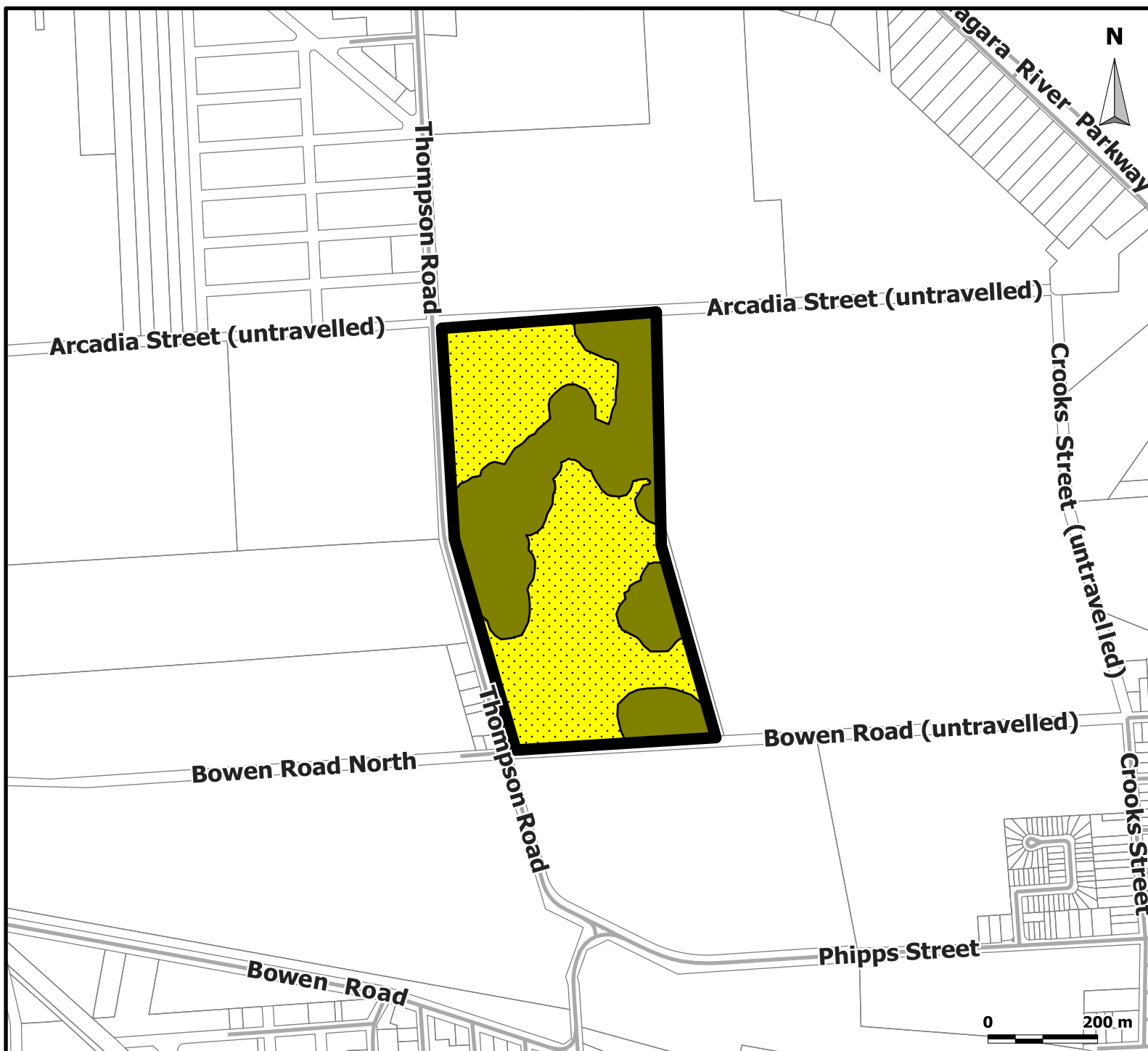
III. Further refinement to the Environmental Conservation Areas to demonstrate “No negative impact”.

IV. Upon final approval of the EIS or alternatively approval of an Overall Benefit Permit by the required agencies, those areas identified for Protection will be appropriately zoned through a Zoning By-law Amendment to Environmental Protection and those areas for development will be appropriately zoned for Urban Residential use that demonstrates densities outlined in Section A.

ENVIRONMENTAL PROTECTION POLICIES




C. The lands designated on Schedule “A” as “Environmental Protection” shall be governed by the Environmental Protection policies of Section 8.2. Notwithstanding Section 8.2 the site may also be used:

I. For pedestrian paths subject to the approved Environmental Impact Study (EIS).



By-law No. 123-2017

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 14th DAY OF NOVEMBER, 2017**

-  Subject Lands - 0 Thompson Road ES
-  Part 1 - Change from Open Space - Public Parks Etc, Environmental Conservation Area and Environmental Protection & Wetland Area to Urban Residential with Environmental Conservation
-  Part 2 - Change from Open Space - Public Parks Etc, Environmental Conservation Area and Environmental Protection & Wetland Area to Environmental Protection


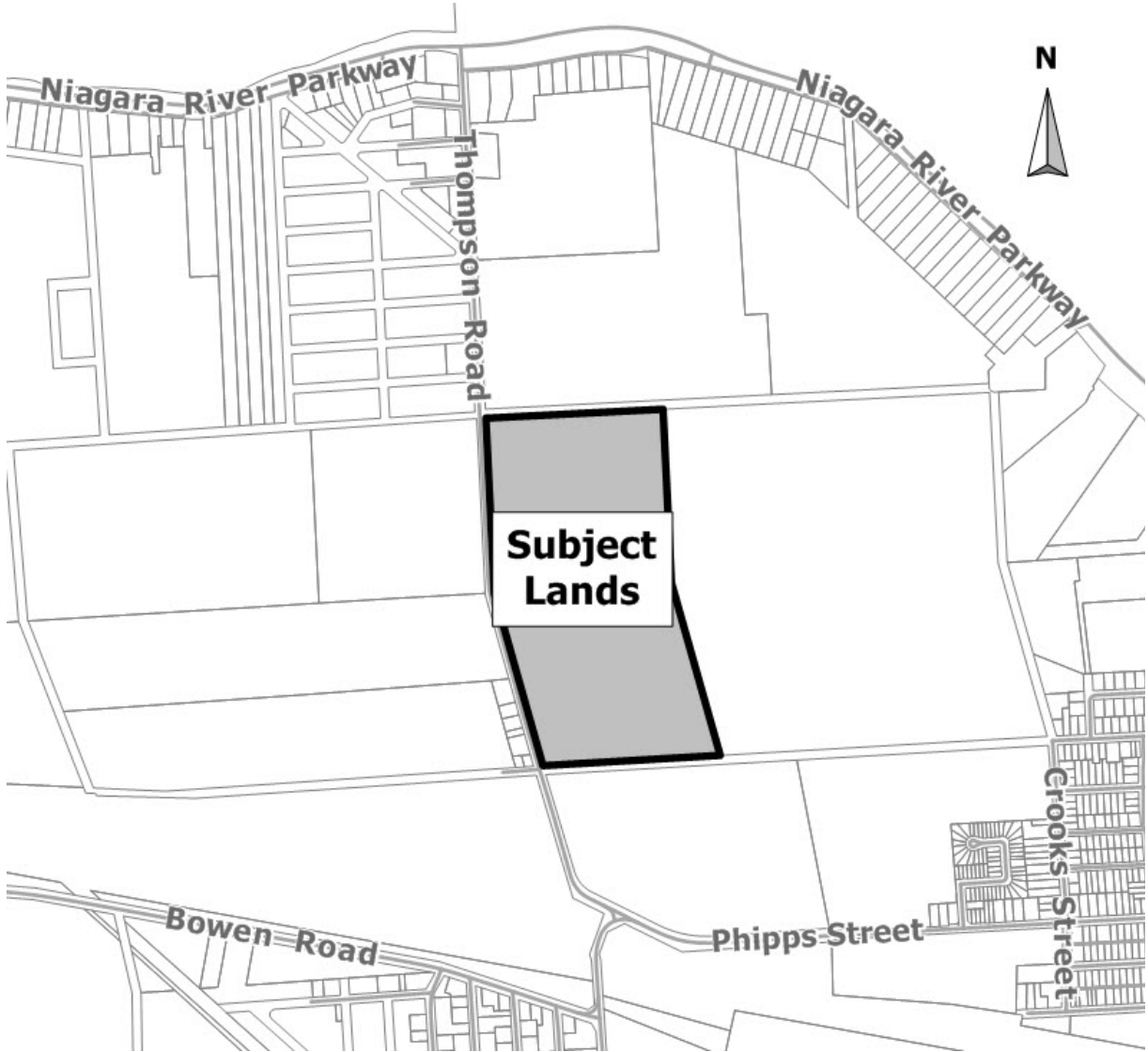




**NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING**


Applicant – Leigh Whyte
Owners- Bill and Jim Miller
**0 Thompson Road ES, North of Bowen Road N and South of
Arcadia Street**

OFFICIAL PLAN AMENDMENT
APPLICATION 350302-0103

DATE: October 2, 2017
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>WHAT WILL THIS AMENDMENT CHANGE:</p> <ul style="list-style-type: none">• The Official Plan designation of the subject property from Open Space to Urban Residential proposing a density of 50 to 85 jobs and persons per hectare and permitting stormwater management facilities and pumping stations.• The Environmental Conservation designation to include special provisions relating to the required future Environmental Impact Study.• The Environmental Protection policies to permit natural pedestrian paths. <p>Note: Future applications and future studies will be required before development can occur.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed Official Plan Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on September 27, 2017. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or from the Planning and Development Services Department.</p>

Appendix "1" to By-law 123-2017 dated November 14, 2017

	<p><u>CONTACT INFORMATION</u></p> <p>Kira Dolch, Associate Director Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2502 Or by e-mailing your comments to: kdolch@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the Official Plan Amendment, please send a letter c/o Donna Delvecchio , Manager, Legislative Services/Clerk , 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to ddelvecchio@forterie.ca</p>
	<p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan amendment before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan amendment before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.</p> <p>If you wish to be notified of the adoption of the Official Plan Amendment, you must make a written request to Donna Delvecchio, Manager, Legislative Services/Clerk and such request should include the name and address to which such notice should be sent.</p>



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, October 2, 2017

1. Call to Order

The meeting was called to order by Mayor Redekop, Chair at 6:00 p.m.

2. Roll Call

Present: Mayor Redekop; Councillors Butler, Knutt, Lubberts, McDermott, Passero and Zanko

Staff: R. Brady, K. Dolch, S. Hansen, J. Janzen, M. Kernahan, J. Korevaar, T. Kuchyt, E. Melanson, L. Richardson, J. Tessmer, K. Walsh and C. Watson

3. Announcements/Addenda

Mayor Redekop announced the Greater Fort Erie Chamber of Commerce bi-annual Business Excellence Awards were held on Friday, September 29, 2017, emceed by Councillor Passero and Dolores Fabiano. The Mayor recognized the winners in the various categories:

- Large Business of Excellence – Buffalo Canoe Club;
- Small Business of Excellence – Parton Electric;
- Employer of Excellence – Durward Jones Barkwell & Co.;
- Accessible Business – Service Ontario;
- Entrepreneur of Excellence – Laura Schneider;
- Community Involvement & Volunteerism – John Maurice;
- Young Professional of Excellence – Emily Barnett & Casey Schneider, The Place to Meat;
- Emerging New Business Award – The Bell Tower Community Arts & Entertainment Complex;
- Technology, Innovation & Environmental Initiative Award – Insight Instrument Corporation;
- Exceptional Customer Service Award – Ida Mesi, The Barrel Restaurant;
- Fort Erie Attractors Award – Safari Niagara.

The Mayor also recognized the TD Canada Trust, Vieni Estates, Maria's

Catering, Cogeco, Andy Harris and Meridian. To view all of the businesses and individuals who were nominated, visit the Chamber of Commerce website.

Mayor Redekop congratulated the Fort Erie Cannons for becoming part of the Niagara District Baseball Champions.

Mayor Redekop announced that unfortunately the funeral for Cole Doneff was held this past Saturday. Cole was a young man with remarkable skills and talents beloved by his family, friends, students and team mates from Fort Erie and Niagara Falls. Coach Geoff Allen delivered the eulogy and Pastor Martha Lockwood officiated the service. The family will memorialize Cole's memory at a later date.

4. Disclosures of Pecuniary Interest

Councillor Butler disclosed a pecuniary interest with respect to Public Meeting 6 (b) and Report No. PDS-65-2017 since she does business with a relative of the Millers. She abstained from discussing or voting on the matter.

Mayor Redekop disclosed a pecuniary interest with respect to Public Meeting 6 (b) and Report No. PDS-65-2017 since his property is adjacent to the northerly boundary of the subject lands. He abstained from discussing or voting on the matter.

5. Public Notice of Upcoming Meetings

None.

6. Public Meetings

- (a) Draft Plan of Subdivision and Property Rezoning

Re: Yiliming International Real Estate Ltd. (John Gu) (Owner) - Jennifer Vida, Upper Canada Consultants (Agent) - 1230 Pettit Road (Spears Garden Subdivision - Phase 2). The subdivision application proposes the development of 7 lots for single detached dwellings with frontage on a public roadway, a block containing an existing dwelling will be divided into two additional lots, and a proposed zoning amendment from R1 to a site specific R2A Zone with a site specific regulation for an increased rear yard setback of 7.5 metres.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13

regarding a proposed Draft Plan of Subdivision and an amendment to the Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Mr. Matt Kernahan, Senior Development Planner delivered a power point presentation which is available for viewing on the Town's website.

Mr. Kernahan confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting and reviewed the related report.

Mayor Redekop asked if the Agent wished to speak to the proposed amendments.

On behalf of Jennifer Vida, Jordan Vanderhoeven, Planner, Upper Canada Consultants delivered a power point presentation which is available for viewing on the Town's website.

Mr. Vanderhoeven stated he was present representing the owner of the property at 1230 Pettit Road. He provided background information on the application for Spears Garden Subdivision that previously received Draft Plan Approval in May, 2015. He stated the Draft Plan of Subdivision is being proposed to create 7 new lots on the existing site while retaining the existing dwelling. The rezoning application is being made to change the zoning on the property from R1 to R2A Site Specific. This zone is proposed to have 12m frontages and 35m lot depths. The zoning will also include an increased rear yard setback of 7.5m which will reduce the impact on the neighbouring property north of the subject site as there will be increased privacy provided with larger backyards.

Mr. Vanderhoeven explained a public information open house was held on September 12, 2017 and two main issues arose. The first concern was traffic as a number of residents were concerned about the current state of traffic in the area and the impact of the buildout of Spears Garden Subdivision. In this regard a traffic impact analysis was conducted for the first phase and an addendum was prepared for the additional lots in Phase 2. In regard to speeding concerns, this is an issue for local law enforcement and can be improved through monitoring by police. Also, increasing the number of intersections along Pettit Road can help improve speeding issues and lead to an increase in

driver awareness. The second concern was drainage for the property which will be addressed through rear yard swales that direct stormwater to the east and connect to the stormwater system in Phase 1 of the proposed development away from existing dwellings.

Mayor Redekop asked if anyone was present to speak to the matter.

No person(s) came forward.

Mayor Redekop closed the Public Meeting.

Mayor Redekop turned the Chair over to Councillor Knutt due to his pecuniary interest.

(b) Official Plan Amendment

Re: Bill and Jim Miller (Owners) - Leigh Whyte, PLW Consulting (Agent) - 0 Thompson Road ES, north of Bowen Road and south of Arcadia Street. The amendment proposes changing the Official Plan designation from Open Space to Urban Residential proposing a density of 50 to 85 jobs and persons per hectare and permitting stormwater management facilities and pumping stations, the Environmental Conservation designation to include special provisions relating to the required future Environmental Impact Study and the Environmental Protection policies to permit natural pedestrian paths.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding a proposed amendment to the Town's Official Plan. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendment.

Mr. Matt Kernahan, Senior Development Planner delivered a power point presentation which is available for viewing on the Town's website.

Mr. Kernahan confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting and reviewed the related report.

Mayor Redekop asked if the Agent wished to speak to the proposed amendments.

Mr. Leigh Whyte, Agent, PLW Consulting, 116 Jarvis Street, delivered a power point presentation which is available for viewing on the Town's website.

Mr. Whyte referred to the subject site and stated the application is for an Official Plan Amendment and not a Subdivision or Zoning By-law Amendment which does include some of the lands further to the north as a result of an Environmental Impact Study that was done. He advised the subject site includes a highly forested area, Frenchman's Creek and other features in the project vicinity. He stated a previous environmental study was completed as part of a constraints analysis to identify where development could occur and areas that should be preserved including buffers around sensitive environmental areas. This information was provided to the Environmental Advisory Committee for their review and a site visit was conducted. Future environmental studies will be undertaken and Terms of Reference have been developed. Mr. Whyte explained the "Open Space" designation will change to "Urban Residential" in the Official Plan. The Environmental Conservation Overlay will remain in place until a future Environmental Impact Study is completed to satisfy the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources and Forestry issues.

Councillor Knutt asked if anyone was present to speak in favour of the proposed Official Plan amendments.

No person(s) came forward.

Councillor Knutt asked if anyone was present to speak in opposition to the proposed Official Plan amendments.

No person(s) came forward.

Councillor Knutt closed the Public Meeting.

Mayor Redekop resumed the Chair.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items for Discussion

Report No. PDS-65-2017 was removed due to declared pecuniary interests.

7.2 Consent Agenda Items for Approval

PDS-64-2017 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Spears Garden Phase 2 - 1230 Pettit Road - Jennifer Vida, Upper Canada Consultants (Agent) Yiliming International Real Estate Ltd. (John Gu) (Owner)

That: Council receives Report No. PDS-64-2017 regarding a proposed Spears Garden Phase 2 Draft Plan of Subdivision and associated amendment to the Town's Comprehensive Zoning By-law No. 129-90 for 1230 Pettit Road for information purposes only.

Recommendation No. 1
Moved by: Councillor Zanko

That: An additional recommendation be added as follows:
"That: The developer obtain an updated Traffic Impact Study performed during the school year between the hours of 8:00 a.m. and 3:00 p.m. and include Phases 1 and 2 of the subdivision."
(Carried)

Following the approval of the amendment, Report No. PDS-64-2017 was voted on as amended as follows:

That: Council receives Report No. PDS-64-2017 regarding a proposed Spears Garden Phase 2 Draft Plan of Subdivision and associated amendment to the Town's Comprehensive Zoning By-law No. 129-90 for 1230 Pettit Road for information purposes only, and further

That: The developer obtain an updated Traffic Impact Study performed during the school year between the hours of 8:00 a.m. and 3:00 p.m. and include Phases 1 and 2 of the subdivision.
(Carried)

PDS-66-2017 Proposed Amendment to Town of Fort Erie Official Plan and Zoning By-law No. 129-90 - Crystal Beach and Bertie Public School - 145 Derby Road and 3770 Hazel Street

That: Council authorize a Town initiated amendment to the Town's Official Plan and the Comprehensive Zoning By-law No. 129-90 for the lands owned by the District School Board of

APPENDIX "2" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Council-in-Committee - 02 Oct 2017 Meeting Minutes

Niagara located at 145 Derby Road (former Crystal Beach Public School) and 3770 Hazel Street (former Bertie Public School).

Recommendation No. 2

Moved by: Councillor Butler

That: The recommendation be amended by adding "and include adult living and retirement complexes." **(Carried)**

Following the approval of the amendment, Report No. PDS-66-2017 was voted on as amended as follows:

That: Council authorize a Town initiated amendment to the Town's Official Plan and the Comprehensive Zoning By-law No. 129-90 for the lands owned by the District School Board of Niagara located at 145 Derby Road (former Crystal Beach Public School) and 3770 Hazel Street (former Bertie Public School) and include adult living and retirement complexes.

(Carried)

PDS-67-2017 Crystal Ridge Landing - Subdivision Agreement and Pre-Servicing Approval - North of Thunder Bay Road, Between Ridge Road North and Prospect Point Road North - Roll No. 020013124000000

That: Council authorizes the entry into a Subdivision Agreement with 1372708 Ontario Inc. for Crystal Ridge Landing, and further

That: Council permits the Developer to pre-service the subdivision prior to registration of the Subdivision Agreement subject to receipt of the drawings, security deposit, cash payment, approvals, insurance certificate, Ministry of the Environment and Climate Change Form 1 and letter of indemnification to the satisfaction of the Town, and further

That: Council authorizes staff to prepare a by-law to execute the Subdivision Agreement and associated documents. **(Carried)**

IS-30-2017 All Way Stop Warrant - Farr Avenue at Ridge Road South

That: Council authorizes an amendment to Traffic By-law No. 89-2000 - Schedule "N" to establish an all-way stop at the intersection of Ridge Road South and Farr Avenue. **(Carried)**

APPENDIX "2" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Council-in-Committee - 02 Oct 2017 Meeting Minutes

IS-31-2017 Reduction of Speed Limits Within the Town of Fort Erie - Sections of Holloway Bay Road/Nigh Road/Townline Road

That: Council authorizes the amendment to Traffic By-law No. 89-2000 - Schedule "U" to reduce speed limits along portions of Holloway Bay Road, Nigh Road and Townline Road pursuant to recommendations of the Traffic Coordinating Committee dated July 26, 2017. **(Carried)**

IS-32-2017 Award of Tender for Zavitz Drain Municipal Drain Construction - Contract No. ISE-17T-ZAVI04

That: Council proceeds with the drainage works for the Zavitz Municipal Drain Construction in accordance with Section 58 of the Drainage Act, RSO 1990, c17, and further

That: Council accepts and approves the tender for construction of the Zavitz Municipal Drain Construction - Contract No. ISE-17T-ZAVI04 from Anthony's Excavating Central Inc. in the amount of \$235,751.01 (including 13% HST). **(Carried)**

Consent Agenda Recommendation

Recommendation No. 3
Moved by: Councillor Butler

That: Council approves the Consent Agenda Items as recommended, as amended, save and except Report No. PDS-65-2017. **(Carried)**

7.3 Items Removed for Discussion

Mayor Redekop turned the Chair over to Councillor Knutt due to his pecuniary interest.

PDS-65-2017 Application for Official Plan Amendment - 0 Thompson Road ES, North of Bowen Road and South of Arcadia - PLW Consultants (Leigh Whyte)

Recommendation No. 4
Moved by: Councillor Zanko

That: Council receives Report No. PDS-65-2017 regarding the

Official Plan Amendment for information purposes only, and further

That: Council directs staff to present a report on the proposed Official Plan Amendment at a future Council-in-Committee meeting with the recommendations following the public meeting.
(Carried)

Mayor Redekop resumed the Chair.

8. Planning and Development Services

Chaired by Councillor Passero.

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-59-2017 Proposed Zoning By-law Amendment - 3601, 3605, 3607 and 3611 Hibbard Street (Willow Trail Townhouses) - Ken Gonyou, Upper Canada Consultants (Agent) - 2298423 Ontario Inc., (Wilf Goldlust) (Owner) ***(Postponed from the September 5, 2017 Council-in-Committee Meeting)***

Previously moved by Councillor McDermott as Recommendation No. 6 at the September 5, 2017 Council-in-Committee meeting.

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "4" of Report No. PDS-59-2017 for the lands known as 3601, 3605, 3607 and 3611 Hibbard Street, and further

That: Council authorizes staff to prepare the necessary by-law, and further

That: Council authorizes the entry into an Amending Subdivision Agreement with 2298423 Ontario Inc. (Wilf Goldlust) for the Willow Trail Subdivision, and further

That: Council authorizes staff to prepare a by-law to execute the Amending Subdivision Agreement and associated documents.

Recommendation No. 5

Moved by: Councillor Butler

That: Report No. PDS-59-2017 be postponed to the October 23, 2017 Regular Council Meeting in order to consult with the parties with the emphasis on full ramifications pursuant to Alternative 2. **(Carried)**

PDS-68-2017 Implementation of Town of Fort Erie
Waterfront Strategy

Recommendation No. 6

Moved by: Mayor Redekop

That: Council endorses in principle the implementation of Town of Fort Erie Waterfront Strategy with respect to associated priorities and costs as set out in Report No. PDS-68-2017, and further

That: Council considers the contents of Report No. PDS-68-2017, in 2018 budget deliberations. **(Carried)**

8.3 New Business/Enquiries

- (a) Memorandum - Kira Dolch, Associate Director, Planning and Development Services

Re: Developer's Roundtable

- (b) Councillor Lubberts referred to comments made by Councillor Butler regarding the sale of the units on Hibbard Street. He clarified that he was not referring to the developer not telling people about restrictions on parking but he was concerned that future owners may not know what happened. The Mayor responded advising that information will be in the subdivision agreement which is registered on title.
- (c) Councillor Knutt referred to an article published in The Post this past Thursday and its inaccuracies. He clarified that he spoke of constituents and not developers who are building on their property for their own use. They came to him because the development charges were a shock to them. The amount quoted was also wrong, it was closer to \$100,000 and not \$30,000 as was reported.

8.4 Business Status Report

No changes.

9. Corporate and Community Services

Chaired by Councillor Knutt.

9.1 Presentations and Delegations

- (a) Susan Maltby, CEO, Maltby & Associates Inc.

Re: Presentation of Study on CN 6218 & Caboose

Ms. Jane Davies, Manager, Fort Erie Museum and Cultural Services explained the CN 6218 was acquired by the Town of Fort Erie in 1973 based upon an agreement between CN and the Town. Since then, nearly \$90,000 has been spent on the engine but there is still much work to be done. The most recent plan was the 2009 Strategy endorsed by Council, based upon a revenue stream of fundraising and a Federal grant. In order to qualify for the grant, no work could begin on the project therefore, major repairs were deferred while the fundraising campaign was underway. The grant is no longer available which makes the 2009 Strategy moot.

Ms. Davies advised that last year Council adopted Report No. COS-07-2016 which recommended the hiring of a consultant to identify options for the future of the engine and caboose. The RFP was awarded in May 2017 to Maltby & Associates Inc. and she introduced Susan Maltby.

Ms. Maltby delivered a power point presentation which is available for viewing on the Town's website.

Ms. Maltby introduced herself as an objects conservator and the founder and CEO of Maltby & Associates Inc. The 6218 has been part of her professional life since 1999 when she was hired by the Fort Erie Railway Museum to undertake a condition assessment to recommend how it could be stabilized and preserved.

Ms. Maltby explained the focus of the study was to identify, investigate, analyze and propose options for the

future of the CN 6218 and caboose, in order to assist Council in deciding upon a course of action. She advised that the study includes the history of the CN 6218 and caboose, condition assessments, consultation process with industry professionals and the public. Seven risk criteria were identified as to what constituted a low, medium or high risk. These risks were then applied to each of the ten options, a summary of which is included in the study. Funding opportunities were investigated however, there were no grants available. The study also includes a section on lessons learned from municipalities and organizations who have undertaken similar projects.

In conclusion, Ms. Maltby stated the study recommends Option No. 8, a staged approach using qualified professionals to repair and protect CN 6218. Such actions would fulfill the 1973 agreement between CN and the Town of Fort Erie wherein the Town agreed "that the locomotive would be kept in a clean, attractive condition at all times, that adequate protection would be provided to minimize vandalism and that a suitable roof would be erected to provide overhead protection." This option also recommends disposition of the caboose replacing it with local maintenance-of-way railway equipment currently stored in the Mentholatum building.

9.2 Reports

COS-05-2017 CN 6218 Steam Engine and Caboose Study

Recommendation No. 7
Moved by: Mayor Redekop

That: Council receive for information purposes Report No. COS-05-2017 and the attached CN 6218 Steam Engine and Caboose Study. **(Carried)**

10. Scheduling of Meetings

- Ridgeway BIA Board of Management Meeting on October 4, 2017 at 5:15 p.m. at St. Luke's Church
- Crystal Beach BIA Board of Management Meeting on October 3, 2017 at 6:00 p.m. at the Crystal Ridge Library
- Infrastructure Services Business Subcommittee Meeting on October 10, 2017 at 5:00 p.m. in Conference Room 3

APPENDIX "2" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Council-in-Committee - 02 Oct 2017 Meeting Minutes

- Corporate and Community Services Business Subcommittee Meeting on October 10, 2017 at 4:00 p.m. in Conference Room 1
- Accessibility Advisory Committee Meeting on October 3, 2017 at 4:30 p.m. in Conference Room 1
- Senior Citizens Advisory Committee Meeting on October 4, 2017 at 10:00 a.m. at Douglas Heights Seniors Centre

11. Closed Session - Conference Room No. 1

- (a) Recommendation No. 8
Moved by: Councillor Butler

That: Council-in-Committee does now go into closed session at 8:22 p.m. to discuss the following:

(a) Personnel Matter (Pursuant to Section 239 (2) (b) of the *Municipal Act, 2001* – Personal matters about an identifiable individual, including municipal or local board employees)

(Carried)

Recommendation No. 9
Moved by: Councillor Lubberts

That: Council-in-Committee does now rise and reconvene from closed session at 9:25 p.m. without report. **(Carried)**

12. Adjournment

Recommendation No. 10
Moved by: Councillor Knutt

That: Council-in-Committee adjourns at 9:31 p.m. **(Carried)**

Mayor

Acting Deputy Clerk

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017



Miller Property - Fort Erie - Constraints Analysis
Gray, Teresa David Heyworth
"Mostacci, Rino", "Radman, Marilyn" , David Deluce,
"lhamilton@npca.ca"

03/10/2016 02:55 PM

History

This message has been replied to and forwarded.

Hi Dave:

Regional staff has reviewed the updated EIS Constraints Analysis, dated August 16, 2016. The analysis identifies developable and constrained areas of the subject lands.

The Region's Core Natural Heritage Map identifies Environmental Protection Areas (EPAs) and Environmental Conservation Areas (ECAs) associated with several environmental features throughout the subject area. Please refer to attached email from the NPCA for commentary on compliance with the Natural Heritage policies in the ROP.

Regional Planning staff agrees with NPCA staff that the areas of constraint need to be appropriately addressed and mapped accordingly in any amendment. At this point, the EIS Constraints Analysis has not been completed to the extent that potential SAR Habitat, Significant Woodlands/Wildlife Habitat, etc., can be identified as developable land.

A revised map/schedule identifying the proposed residential lands, the EPAs and the ECAs is needed in order to illustrate compliance with the environmental policies. In addition, related draft policies that put forth a methodology to address how the environmental issues may be resolved, should be developed.

Staff notes that Regional Policy 7.B.1.7 provides that minor boundary adjustments to EPAs can be permitted without amendment to the ROP. Further, Policy 7.B.1.11 states that development and site alteration in ECA areas and lands adjacent to EPA areas may be permitted without amendment to the ROP when it can be demonstrated that over the long term, that there will be no significant negative impact. In order to proceed on this basis, the required studies outlined in the NPCA's comments (EIS, SAR surveys and acoustical surveys, etc.) will need to be completed to the satisfaction of the appropriate agency (i.e. NPCA, MNRF and Region).

If you have any questions or would like to discuss this further, please let me know.
Thank you

Teresa Gray, MCIP, RPP
Senior Development Planner
Planning and Development Services Department
1815 Sir Isaac Brock Way, Thorold L2V 4T7
Phone: 905-685-4225 ext. 3430 Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

----- Message from David Deluce <ddeluce@npca.ca> on Tue, 27 Sep 2016 15:19:49 +0000 -----

To: "David Heyworth (dheyworth@forterie.on.ca) (dheyworth@forterie.on.ca)"
<dheyworth@forterie.on.ca>

cc: Lee-Ann Hamilton <lhamilton@npca.ca>, "Gray, Teresa" <Teresa.Gray@niagararegion.ca>

Subject: Miller Property - Fort Erie - NPCA Comments - Constraint Report

Good Morning,

The NPCA has reviewed the August 2016 EIS, prepared by Beacon Environmental for the above properties. The report submitted is a constraints report based on present-day conditions. As the purpose of a constraints analysis is to identify all natural heritage features and functions prior to the design of a proposed development, any natural heritage features identified to meet Provincial and Regional Significance need to be mapped.

According to MNRF staff, as acoustical surveys have not been completed for the property, the extent and nature of the potential Species at Risk (SAR) bat habitat has not been determined at this time. Potential SAR bat habitat has been identified on site. Provincial and Regional Policies state that development and site alteration shall not be permitted in SAR habitat, therefore, the potential SAR habitat must be identified as a development constraint until such time as appropriate surveys have been conducted and any SAR habitat is addressed under the Endangered Species Act (to the satisfaction of MNRF). The Region of Niagara Official Plan (ROP) designates SAR habitat as Environmental Protection Area (EPA). NPCA staff recommend consideration of using specific policy wording that would allow an EPA due to SAR to be developed without amendment to the Town's Official Plan, once MNRF requirements for development have been achieved.

Significant Woodlands have been identified on site that meet Provincial and Regional criteria. Provincial and Regional Policies state that development and site alteration shall not be permitted in Significant Woodlands unless it has been demonstrated that there will be no negative impacts on the natural features and their ecological functions. In addition, surveys have not been conducted to determine the presence or extent of potential Significant Wildlife Habitats within the Significant Woodland (including bat acoustical surveys). Therefore, NPCA staff recommend that the full extent of the woodland (FOD5-5a and FOD5-5b) be identified as a development constraint until such time as all appropriate surveys have been completed and a full EIS can be completed. The full EIS will determine the extent of the woodland which may be developable (i.e. demonstrate no negative impact) and recommend mitigation measures. The ROP treats Significant Woodlands and Significant Wildlife Habitat as Environmental Conservation Areas (ECA). It should be noted that the Constraints report incorrectly classified habitat of species of special concern as EPA in the ROP. It is considered ECA (part of the

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

criteria for Significant Woodland).

For accuracy of this constraints report, NPCA staff recommends that all areas containing potential Endangered bat species habitat, as well as all areas containing Provincially Significant Woodland be considered as constrained. There may be future potential for development of a portion of these areas provided that the *Endangered Species Act* is met (to the satisfaction of MNRF) and any proposed development within ECA features clearly demonstrates no negative impact (as required by Provincial and Regional policy). To better assess the degree of constraints that features on the site pose, NPCA staff recommend that the client consider identifying a range of constraint levels within the constraints report.

NPCA staff recommend that prior to any OPA, a full EIS be submitted. Should the Town wish to proceed with an OPA in the absence of a full EIS, then the constraints noted above should be designated accordingly (i.e. EPA for SAR habitat, 100 year flood plain, Type-1 Fish Habitat and PSWs; ECA for Significant Woodlands/Wildlife Habitat, Habitat of Species of Special Concern) and the appropriate buffers applied as required by the ROP. The full EIS will need to contain, among other components to be determined, further bat habitat surveys and acoustical surveys according to MNRF protocols, and crepuscular bird surveys to determine the detailed extent of developable area on the property at that time, as well as a full impact analysis and mitigation measures to avoid negative impacts.

NPCA staff have no objections to the remainder of the findings in the constraints report. I hope this information is helpful. If you have any questions, please let me know.

Regards,

David Deluce, MCIP, RPP
Supervisor, Development Reviews
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario, L3C 3W2
905-788-3135 ext. 224
ddeluce@npca.ca

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017



Enbridge Gas Distribution
500 Consumers Road
North York, Ontario M2J 1P8
Canada

September 6, 2017

Kira Dolch, MCIP, RPP, CNU-A
Associate Director
Town of Fort Erie
Planning & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Kira Dolch,

Re: Official Plan Amendment
Bill & Jim Miller
0 Thompson Road ES, North of Bowen Road N and South of Arcadia Street
Town of Fort Erie
File No.: 350302-0103

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

—
ENBRIDGE GAS DISTRIBUTION
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Integrity. Safety. Respect.

AC/jh



Interoffice Memorandum

September 5, 2017
File No. 350302-0103

To: Ed Melanson, Fire Chief
From: Kira Dolch, Associate Director, Planning and Development Services
Subject: **OFFICIAL PLAN AMENDMENT**
0 THOMPSON ROAD ES, NORTH OF BOWEN ROAD N AND SOUTH OF
ARCADIA STREET

An application for an Official Plan Amendment has been received from Leigh Whyte of PLW Planning and Environmental Consulting, agent for Bill and Jim Miller. The purpose of the application is to redesignate a 30.4 ha site to a Special Policy Area permitting Urban Residential with an Environmental Conservation Overlay and Environmental Protection designation. The Urban Residential designation will permit a density of 50-85 persons and jobs per hectare and will permit Stormwater Management facilities and any necessary pumping stations. The Environmental Conservation overlay designation will require that an Environmental Impact Study (EIS) be submitted prior to submitting any future planning applications for the developable areas. The Environmental Protection and Wetland areas will not be changed as part of this application except to permit pedestrian paths.

The property is located within the Bridgeburg secondary plan area and is designated Open Space, Environmental Protection and Wetland areas and Environmental Conservation. The subject land is currently zoned Open Space, Environmental Protection, Environmental Conservation and Hazard.

The applicant submitted a number of documents listed below in support of their applications. Only the documents highlighted below have been attached for your information. Should you wish a copy of one of the studies or documents not highlighted please contact me and one will be sent to you.

- Application an Official Plan/ Zoning By-law Amendment
- A study document book containing:
 - Planning Justification Report, PLW Consulting and Sullivan Plan dated August 14, 2017
 - Pre-consultation Meeting Record
 - Environmental Impact Study dated Aug 2016, Beacon Environmental and correspondence from Town's Planning Report PDS-92-2016
 - EIS Terms of Reference
 - **Concept Plan**
 - Draft Official Plan Amendment

In order for the Planning Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and



Interoffice Memorandum

September 25, 2017
File No. 350302-0103

To: Kira Dolch, Associate Director, Planning & Development Services
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **OFFICIAL PLAN AMENDMENT APPLICATION – 0 THOMPSON ROAD ES,
NORTH OF NOWEN ROAD NORTH AND SOUTH OF ARCADIA STREET**

On behalf of the Infrastructure Services department, Engineering division I have reviewed the above application and have no objections to the proposed Official Plan Amendment.

If you have any questions with regard to these comments, please contact me.

Jeremy Korevaar C.E.T.
Coordinator, Development Approvals

ecc. George Stojanovic, Manager, Engineering Division

G:\Coordinator, Development Approvals\20170925 Memo re Miller Lands OPA.docx

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

RE: Miller Lands 0 Thompson Road, North of Bowen Road, and South of Arcadia Street
 Email #1 Craig Krueger to: Kira Dolch 06/09/2017 12:46 PM
 From: Craig Krueger <Craig.Krueger@cogeco.com>
 To: Kira Dolch <KDolch@forterie.ca>

Hi Kira,

On behalf of Cogeco, I appreciate the notice for this proposal. We have no concerns and will await future correspondence regarding this development.

We will also take this expansion into account when planning network activities in this area.

Thanks

Craig

The information in this message, including in all attachments, is confidential or privileged. In the event you have received this message in error and are not the intended recipient, you are hereby advised that any use, copying or reproduction of this document is strictly forbidden. Please notify immediately the sender of this error and destroy this message, including its attachments, as the case may be.

L'information apparaissant dans ce message électronique et dans les documents qui y sont joints est de nature confidentielle ou privilégiée. Si ce message vous est parvenu par erreur et que vous n'en êtes pas le destinataire visé, vous êtes par les présentes avisé que toute utilisation, copie ou distribution de ce message est strictement interdite. Vous êtes donc prié d'en informer immédiatement l'expéditeur et de détruire ce message, ainsi que les documents qui y sont joints, le cas échéant.

Ce courriel provient de Craig.Krueger@cogeco.com . Pour assurer la livraison de futurs envois, veuillez inclure la présente adresse courriel à votre carnet d'adresses ou votre liste d'expéditeurs autorisés.

Si vous ne souhaitez plus recevoir de messages promotionnels de la part de Cogeco, veuillez transférer ce courriel à desabonnement@cogeco.com. Merci!

Politique en matière de protection des renseignements personnels de Cogeco et Engagement en matière d'anti-spam – Contactez-nous

Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

--

This email is from Craig.Krueger@cogeco.com . To ensure the delivery of future emails, please add the current email address to your address book or safe senders list.

If you no longer wish to receive promotional emails from Cogeco, please forward this message to unsubscribe@cogeco.com.

Thank you!

Privacy Policy and Anti-spam Commitment - Contact us

Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Kira Dolch [<mailto:KDolch@forterie.ca>]

Sent: Tuesday, September 5, 2017 3:59 PM

To: Development Application Circulation Main Group Only OPA

Subject: Miller Lands 0 Thompson Road, North of Bowen Road, and South of Arcadia Street Email #1

All agencies:

Please find attached a cover letter and associated studies for an Official Plan Amendment application for the above noted lands. As indicated in the cover letter we would like to receive your comments by September 25, 2017.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

All the best,

Kira Dolch, MCIP, RPP, CNU-A
Associate Director, Planning and Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2502
FAX: 1-905-871-6411

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017



Planning and Development Services

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-641-5208

www.niagararegion.ca

October 3, 2017

VIA EMAIL ONLY

File: D.10.01.OPA-17-022

Ms. Kira Dolch, MCIP, RPP, CNU-A
Associate Director, Planning and Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

**Re: Regional and Provincial Review Comments
Application for Official Plan Amendment
0 Thompson Road ES, north of Bowen Road N, South of Arcadia Street
Town of Fort Erie**

A pre-consultation meeting was held on December 22, 2016 at the Town Hall with staff from the Town, Niagara Peninsula Conservation Authority, Niagara Region and the applicants for the proposed application. Regional Development Services staff has reviewed the information circulated for the above noted application. The purpose of the Official Plan (OPA) is to redesignate a 30.4 ha site to a Special Policy Area permitting Urban Residential with an Environmental Conservation Overlay and an Environmental Protection designation. The Urban Residential designation proposes to permit a density of 50-85 persons and jobs per hectare.

As outlined below, Regional staff is supportive of the proposed development and provides the following detailed comments to execute Regional Council's Strategic Priority to Do Business Differently. By commenting on conformity with Provincial and Regional policy, the Region maintains accountability to the public, improves transparency, and aims to assist the Town in their consideration of the application from a Provincial and Regional perspective. The Region is committed to working collaboratively with the Town to encourage a range and mix of land uses and built form types, the protection and integration natural heritage resources, opportunities for transit supportive development and active transportation, and the development of complete, well-designed neighbourhoods.

Provincial Policy

The land is located within a Settlement Area under the 2014 Provincial Policy Statement (PPS). 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 complete communities.

The land is Designated Greenfield Area under the Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan). However, until the Regional MCR is complete the 2006 Growth Plan target still applies which requires a minimum density of 50 residents and jobs combined per hectare. Regional staff note that the 2017 Growth Plan for the Greater Golden Horseshoe (2017 Growth Plan) directs that all decisions made on or after July 1, 2017 conform with the plan, and therefore, future planning applications will need to comply with the plan.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Although the 2017 Provincial Growth Plan does not require the new higher density targets at this time, the Region, through its creation of the new Official Plan, will be ensuring that the Plan's growth management policies and targets are aligned with the 2017 Provincial Growth Plan.

Regional Policy

The land is within the Urban Area of the Town of Fort Erie as designated within the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development and developments that contribute to the overall goal of providing a sufficient supply of housing that is affordable, accessible, adequate and suited to the needs of a variety of households and income groups in Niagara. The proposal satisfies the policy directions in the ROP, which are intrinsically aligned with Regional Council's Strategic Priorities of Moving People and Goods, Positioning Niagara Globally, and Fostering Innovation, Investment and Entrepreneurship.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of Environment and Climate Change (MOECC) Land Use Planning Policy guidelines (the guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Guideline D-1 "Land Use Compatibility Guidelines" and Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" were considered in the review of this application.

The proposed residential use is considered a 'sensitive land use' as outlined in the guidelines. The future proposed residential use of the lands is located within an area that is currently designated for industrial uses (south side of Bowen Road and west of Thompson Road). Therefore, future planning applications for sensitive uses will need consider land use compatibility (noise, odour and dust) and address it appropriately.

Archaeological Resources

Based on Ministry of Tourism, Culture and Sport screening criteria, the subject lands exhibit potential for the discovery of archaeological resources due to their proximity to watercourses on the subject lands. Proximity to water sources is an important indicator for determining archaeological potential. In addition, the subject lands appear to be identified in the Town's Cultural Heritage Archaeological Potential zone as having archaeological resource potential. Therefore, as part of any future planning applications an archaeological assessment would be required.

Natural Heritage

The Region's Core Natural Heritage Mapping identifies Environmental Conservation Areas (ECAs) associated with Significant Woodlands and a Valley Shoreline Buffer as well as Environmental Protection Areas (EPA) associated with Provincially Significant Wetlands on the

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

property. The watercourses on the property are identified as a Type 1, Critical Fish Habitat and Type 2, Important Fish Habitat. Furthermore, the Niagara Peninsula Conservation Authority (NPCA), through its work on Drinking Water Source Protection Planning has identified the southerly portion of the lands as being located within a Highly Vulnerable Aquifer (HVA) area.

The proposed amendment identifies environmental protection areas which correspond with Provincially Significant Wetlands and includes an environmental overlay on the remaining portion of the lands which requires further environmental work prior to any future development proposals being approved.

In their comments, dated September 26, 2017, the NPCA does not object to the application as the environmental overlay will require future developers to complete a final EIS to establish the full extent of the developable lands. In accordance with the Memorandum of Understanding (MOU) and the protocol between the Region and the NPCA, the NPCA is responsible for the review and comment related to impacts on the natural environment on all planning applications to ensure the proposed development will not have any significant negative impacts on the natural environment. Please refer to the comments from the NPCA for any concerns or requirements with regard to the Region's environmental policies.

Sanitary Sewer Servicing Proposal

Regional Engineering staff has reviewed the proposed Official Plan Amendment application for the Thompson Road Property and have advised that they previously reviewed a proposal for a draft plan of subdivision to the south of this site. That development was to be serviced by gravity sewers to a pumping station located on the east side of the creek on a block in the subdivision and the proposed forcemain would outlet to the existing municipal 450mm D sewer on Bowen Road.

In discussions with Town's Planning staff at that time the Town advised that they were going to recommend that the eventual ownership and operations of the pumping station and associated forcemain be transferred to the Niagara Region.

Regional staff has also reviewed the recently completed Bridgeburg Wastewater Servicing Strategy Final Draft Report (Parsons, November 2016) prepared for the Town of Fort Erie. The Parsons Report included this development area and had recommended that this area could be serviced by gravity to the Frenchman's Regional Trunk Sewer. Based on the previous proposal for a Regional pumping station and forcemain and the Region's desire to minimize the number of pumping stations and forcemains due to long term operating and maintenance costs associated with them the Region requires that a comprehensive study be completed to ensure that all urban areas identified and included in a comprehensive servicing review.

The Region had also completed an update to the Sewage Pumping Stations and Forcemain Policy so that lifecycle costs are also to be evaluated through a servicing study. The policy is attached for your information and use. In addition, the Region requires the Regional trunk sewer be included in the analysis of the overall system to ensure that the Regional sewers have capacity to accommodate that flows proposed from the new pumping station and forcemain. Wording for the draft Official Plan policy related to sanitary sewer servicing has been added to assure that the comprehensive sanitary sewer servicing study, including all of the potential development areas identified above and the life cycle costs have been evaluated for all options and the overall system design/capacity has been submitted to the Region for review and approval prior to the start of sanitary sewer system detailed design.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Regional staff has also reviewed the recently completed Master Servicing Plan (MSP) and provide the following comments:

- This property is within the Anger Avenue Wastewater Treatment Plant and through the MSP this sewershed has been allocated growth out to 2041 in consultation and collaboration with the Town of Fort Erie. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently the MSP has identified sufficient dry weather flow at the Anger Avenue Wastewater Treatment Plant based on the allotted growth that was added to the sewersheds.
- To access the Region's Master Servicing Plan see the following link: <http://www.niagararegion.ca/search/default.aspx?TextBox1=Master+Servicing+Plan>

General Servicing

There are currently no municipal services in the area for the proposed development. Servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of water, sanitary and storm services to the proposed lots/blocks.

Further, there is an existing 500mm diameter Regional sanitary forcemain along Bowen Road North and Thompson Road. There shall be no connection to the forcemain nor should the line be disturbed during any development of the property/road.

Standard conditions with respect to servicing will be requested for future development applications, i.e. subdivisions.

Draft Official Plan Amendment

Regional staff has reviewed the draft Official Plan amendment forwarded by the Town. Staff notes that Schedule "A" to the draft amendment was not provided and the Conceptual Development Plan was used to assist in this review. The following revisions are requested:

- Section 4.15.25, Policy Area XX - Miller Lands, Urban Residential Policies, Section A references Section 4.7.1 of the Official Plan which relates to "General Policies" in the Town's Official Plan. Should Section A reference Section 4.7 being the residential section or Section 4.7.4 being the urban residential section of the Town's Official Plan?
- Section 4.15.25, Policy Area XX - Miller Lands, Urban Residential Policies, Section A. i be revised to provide for density requirements established through the MCR as follows:

"i. Have a minimum density of 50 people and jobs per hectare, subject to any adjustments resulting from the Municipal Comprehensive Review being undertaken by the Niagara Region, and a maximum density of 85 people and jobs per hectare."
- Section 4.15.25, Policy Area XX - Miller Lands, Urban Residential Policies, Section A. ii be revised to be more general as follows:

"ii) Permit required storm, sanitary, water and road infrastructure to allow for development once comprehensive servicing studies (including consideration of phasing) have been reviewed and approved by all approval agencies."

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

- Section 4.15.25, Policy Area XX - Miller Lands, Urban Residential Policies, Section A. be revised to include the following additional policy:

“iv The full extent of the developable area will be determined following the approval of the final Environmental Impact Assessment (EIS).”
- The first paragraph of Section 4.15.25, Policy Area XX - Miller Lands Environmental Conservation Policies, B be revised as follows:

“B. The lands designated on Schedule “A” as “Environmental Conservation” shall be subject to the approval of the final Environmental Impact Study (EIS), that will include the following:”
- Section 4.15.25, Policy Area XX - Miller Lands, Environmental Conservation Policies, B. ii. be revised as follows:

“ii Environmental surveys to address the Endangered Species Act, including but not limited to Bat Habitat surveys, etc.
- Section 4.15.25, Policy Area XX - Miller Lands, Environmental Protection Policies, Section 2 be revised as follows:

“2. Notwithstanding the policies in Section 8 these lands may also be used for pedestrian paths subject to the approved Environmental Impact Assessment (EIS).”

Conclusion

Regional Staff is supportive of the proposed Official Plan from a Provincial and Regional perspective subject to the comments of the NPCA, subject to the revisions noted above and any local planning requirements. The Official Plan Amendment may be exempt from Regional Council approval in accordance with the Regional Official Plan and the Memorandum of Understanding subject to the above revisions. Please provide a revised Official Plan Amendment when available, at which time the Region will advise if the Official Plan Amendment will be exempt from the approval of Regional Council.

If you have any questions or wish to discuss these comments, please contact me at extension 3430. Please send a copy of the staff report and notice of the Town’s decision on this application.

Yours truly,

Teresa Gray, MCIP RPP
Senior Development Planner

cc: Mr. R. Mostacci, MCIP, RPP, Commissioner, Planning & Development, Niagara Region
Ms. K. McCauley, MCIP, RPP, Senior Planner, Secondary Plans, Niagara Region
Ms. S. Dunsmore, P. Eng., Development Engineer, Planning & Development Services, Niagara Region
Mr. D. Deluce, MCIP, RPP, Acting Manager, Plan Review & Regulations, NPCA

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

September 26, 2017

Via Email Only

Ms. Kira Dolch, MCIP, RPP, CNU-A
Associate Director, Planning and Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Our File: PLOPA201701141

Dear Ms. Dolch

Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Application for Official Plan Amendment
0 Thompson Road ES, North of Bowen Road North and South of Arcadia Street
Town of Fort Erie
Applicant: PLW Planning and Consulting (Leigh Whyte)
File No.: 350302-0103

The NPCA has received an application for an Official Plan amendment to redesignate the subject land to a Special Policy Area consisting of Urban Residential with Environmental Conservation overlay and Environmental Protection. An addendum environmental impact study (EIS) (prepared by Beacon Environmental, dated August, 2016) was provided in support of the application. The purpose of the application is to establish approval in principle for future development. The precise location of any natural heritage features will be established through an EIS at the time of future applications. We have reviewed the application and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject land is impacted by the 100 year flood plain for Frenchman's Creek and the Frenchman's Creek Wetland Complex, which is a Provincially Significant Wetland (PSW). The subject land also contains several tributaries to Frenchman's Creek.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Section 3.24 of the NPCA's policies pertains to development in wetlands and prohibits development within PSWs. The extent of PSW on the subject lands, plus a 30 metre buffer, remains designated Environmental Protection. A policy is being included for the subject lands to allow pedestrian paths. NPCA staff have no objection to this.

The Frenchman's Creek 100 year flood plain lies within the Environmental Protection designation. NPCA staff are satisfied with this approach as it will prohibit development and is consistent with NPCA policy.

The remaining tributaries will be included in the Environmental Conservation overlay, which will require further study prior to development. NPCA staff have no objection to this.

Based on the above, NPCA staff have no objections to the applications as they relate to NPCA policies.

Regional Official Plan – Chapter 7 (Natural Environment)

Under the terms of the Memorandum of Understanding between Niagara Region, the local municipalities and the NPCA, the NPCA reviews all planning applications for conformity with Chapter 7 (Natural Environment) of the Regional Official Plan (ROP). The subject lands contain Environmental Protection Area (EPA) due to the previous noted PSW as well as potential Species at Risk (SAR) habitat. There is also Environmental Conservation Area (ECA) due to the presence of significant woodland and significant wildlife habitat.

Policy 7.B.1.10 of the ROP prohibits development and site alteration within lands designated EPA. As noted earlier, the extent of PSW on site and a 30 metre buffer will remain designated Environmental Protection in the Town's Official Plan. NPCA staff have no objection to this. While the full extent of SAR habitat (associated with bats) has not been established at this time, retaining an Environmental Conservation overlay for the remainder of the site will require future developers to determine the full extent of any SAR habitat and allow the opportunity to address such habitat with the Ministry of Natural Resources and Forestry (MNRF). NPCA staff consider this to be within the intent of the ROP and is consistent with the Provincial Policy Statement for this stage in the Planning Process. Please note that completion of a future EIS does not guarantee that the full extent of land designated Urban Residential can be developed.

Policy 7.B.1.11 of the ROP prohibits development and site alteration within lands classified as ECA and on adjacent lands to EPAs unless it has been demonstrated that there will be no significant negative impact over the long term to the feature or its ecological functions. The applicant proposes to establish an underlying Urban Residential designation with an Environmental Conservation overlay, which will require the completion of a future EIS to establish the full extent of developable land. NPCA staff have no objection to this and consider it to conform to Policy 7.B.1.11 of the ROP.

Based on the above, NPCA staff considers the application to conform to Chapter 7 of the ROP.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

Conclusion

At this time, NPCA staff have no objections to the application. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,

A handwritten signature in dark ink, appearing to read "David Deluce". The signature is fluid and cursive, with the first name "David" and last name "Deluce" clearly distinguishable.

David Deluce, MCIP, RPP
Acting Manager, Plan Review & Regulations (ext. 224)

cc: Mr. Leah Whyte, MCIP, RPP, ACIP, PLW Planning & Environmental Consulting (email only)
Ms. Teresa Gray, MCIP, RPP, Region of Niagara (email only)
Ms. Lee Ann Hamilton, NPCA (email only)



**Town of
Fort Erie**

MINUTES

**ENVIRONMENTAL
ADVISORY
COMMITTEE**

Meeting Date, Time, and Location

5:30 PM, October 18, 2017 – Town Hall Lower Parking Area, 993 Ridge Road North and 1141 Ott Road

Attendance

Members present: Shannon Larocque, Chair, Frank Raso, Tim Seburn, Nadine Litwin , Dr. Richard Stockton, Councillor Lubberts, Brie Smalldon and Gary Sherk.

Others present: Matt Kernahan, Senior Development Planner

Regrets: None

Call to Order

S. Larocque called the meeting to order at 5:35 PM.

Declaration of Pecuniary Interest and General Nature

None.

Adoption of Minutes of September 27, 2017 Meeting

A motion was put forward by R. Stockton and seconded by N. Litwin to adopt the minutes. (CARRIED)

It was noted that the minutes should reflect that Nadine is assisting Brie with the invasive species inventory at Waverly Beach.

EC Overlay Removal Request – 993 Ridge Road North

The owner of the property requests that the EC overlay be removed from a portion of the property to permit the construction of a pool. A motion was put forward by B. Smalldon and seconded by G. Sherk that the EC overlay be removed from the portion of the property where the pool is proposed. (CARRIED)

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

EC Overlay Removal Request – 1141 Ott Road

The owner of the property requests that the EC overlay be removed from a portion of the property to permit the construction of a detached garage. A motion was put forward by T. Seburn and seconded by G. Sherk that the EC overlay be removed from the portion of the property where the garage is proposed. (CARRIED)

Miller Lands Official Plan Amendment

The Committee was requested to comment on the proposed Official Plan Amendment for the 30 hectare site on the east side of Thompson Road, north of Bowen Road. A motion was put forward by T. Seburn and seconded by R. Stockton that Council should be aware that the property is part of a larger environmentally significant area that contains some of the last remaining upland forest in Fort Erie. If Council wishes to preserve this environmental feature, this is their opportunity. EAC recommends that the areas identified as Environmental Protection and Environmental Conservation remain as is. Areas identified as developable should be held to the strictest standards in terms of buffering and setbacks to environmental features. EAC reserves the right to comment further when Environmental Impact Studies are brought forward for review. (CARRIED)

EIS Review – 3860 Terrace Lane

The Committee previously reviewed the EIS terms of reference and recommended that a Breeding Bird survey be conducted and that Mitigative measures to reduce impacts to migratory birds be incorporated into the EIS. The applicant submitted the completed EIS prior to EAC's review of the terms of reference. A minor variance for building height was approved by the Committee of Adjustment with the condition that the comments of EAC be addressed prior to the issuance of a building permit.

A motion was put forward by N. Litwin and seconded by T. Seburn that a spring Breeding Bird Survey be conducted according to OBBA protocol and be presented to EAC prior to the issuance of a building permit. (CARRIED)

Southend Secondary Plan

A motion was put forward by B. Smalldon and seconded by T. Seburn that EAC supports the plan as presented as it promotes the intensification and redevelopment of the Southend Neighbourhood but recommend that prior to the removal of the Special Policy Area designation related to the Niagara River Floodplain, additional investigation be undertaken regarding potential impacts from seiches in this area, in particular, the 1986 seiche. (CARRIED)

EC Overlay Removal Request – Jetmar Subdivision

The owner of the Jetmar Subdivision is moving ahead with plans to develop the approved subdivision that was registered many years ago. Certain lots are proposed to be reconfigured to accommodate a stormwater management pond. The entire subdivision is covered by EC overlay. The owner is requesting that the EC overlay be removed to permit the development of the subdivision.

APPENDIX "3" TO BY-LAW 123-2017 DATED NOVEMBER 14, 2017

A motion was put forward by T. Seburn and seconded by R. Stockton that a tree preservation plan be completed to the satisfaction of EAC prior to the removal of the EC overlay.
(CARRIED)

New Business

B. Smalldon provided an update on the inventory of invasive species at Waverly Beach. It was explained that the list was going to be enhanced by adding pictures and the degree of invasiveness of each species. EAC will aim to present to Council on the list in December. A dry run through the presentation will be undertaken prior to the Council meeting.

Adjournment

A motion was put forward by R. Stockton and seconded by T. Seburn to adjourn the meeting at 7:50 PM. (CARRIED)

Minutes prepared by:

Minutes approved by:

Matt Kernahan
Senior Development Planner

S. Larocque, Chair