



The Municipal Corporation of the Town of Fort Erie

By-law No. 35-2020

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. 46
Ashton Homes (Western) Ltd. (Aldo Vercillo), Parklane Home Builders Ltd.
(Debbie Hill) And Delta Bingo Inc. (Duncan Cameron) - Owners
Upper Canada Consultants (William Heikoop) - Agent

Peace Bridge Village Phase 2

350302-0113

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.46 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby 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 of Fort Erie 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 23rd day of March, 2020.

Mayor

Clerk

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 35-2020 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20

AMENDMENT NO. 46

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. 46 to the Official Plan adopted by By-law No. 150-06 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. 46 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 effect a change to the land use designation of a portion of the subject property from Commercial to Urban Residential shown in Schedule A to enable development of the proposed Peace Bridge Village Phase 2 subdivision which is submitted concurrently with this amendment.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at south of Garrison Road and east of Arthur Street as shown on Schedule "A" attached hereto.

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:

The proposed Official Plan land use designation change from Commercial to Urban Residential will round out the Peace Bridge Village Subdivision and permit the conversion of underutilized commercial land for residential purposes. Currently, the portion of the subject property that is commercial is only being used as surplus parking area for the commercial centre to the north. Changing the land use designation to residential will permit the proposed development to achieve the density target of 50 persons and jobs per hectare and will not negatively impact the commercial use of the plaza to the north.

The area subject to this Official Plan amendment was historically used as parking area for a bingo hall associated with the commercial plaza north of the subject lands. The plaza has existed since 1989 and the amount of on-site parking far exceeds the demand for parking generated by patrons of the bingo hall and the commercial plaza. It is unlikely that this situation will change as demand for bingo hall establishments has remained at a consistent level and is not expected to increase. In this instance there is no need to retain the subject area as Commercial land.

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

The subject property is located in an area where Commercial uses exist along the Garrison Road arterial road. Land in behind these Commercial areas is typically designated Urban Residential and consists of existing residential development or land intended for future development.

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 lands are nestled between the existing Peace Bridge Village Phase 1 subdivision to the east and Arthur Street to the west. Circulation of Niagara Region and the Niagara Peninsula Conservation Authority have indicated that there are no significant natural features on the subject lands.

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 property is located in an area of Fort Erie that is serviced by urban roads. Arthur Street is in need of an upgrade to urban standards but this work will occur if Peace Bridge Village Phase 2 is developed. The subject property will integrate with the road network of Phase 1 to the east.

The proposed development includes a block for a pedestrian walkway that will connect to Peace Bridge Village Phase 1 and will also include sidewalks for pedestrian travel. The proposed roads are suitable for the low amount of vehicle traffic that will be passing through the subject property.

Sanitary and storm sewers will be constructed in the development and will connect to the infrastructure that exists in Peace Bridge Village Phase 1. The infrastructure in Phase 1 was designed to accommodate the additional flow from Phase 2. Water service will be available to the proposed development.

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

The proposed use of the subject property for future single detached dwellings and townhouse dwellings is compatible with adjoining areas and is a logical extension of Phase 1 of Peace Bridge Village to the east.

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:

This proposal also represents efficient use of urban lands as it will intensify the use of an underdeveloped area of Fort Erie and extend servicing to an area in the urban boundary that historically did not have full servicing available. No depreciating or deteriorating impacts on adjoining properties are anticipated.

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

This proposal will improve the financial position of the Town through development charges and through collection of cash in lieu of parkland dedication. There is also the long term benefit of collection of property taxes from the dwellings in the development.

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

An environmental impact study was completed that concludes that the land is suitable for development purposes and Niagara Region and the Niagara Peninsula Conservation Authority have indicated that there are no significant natural heritage features on site.

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

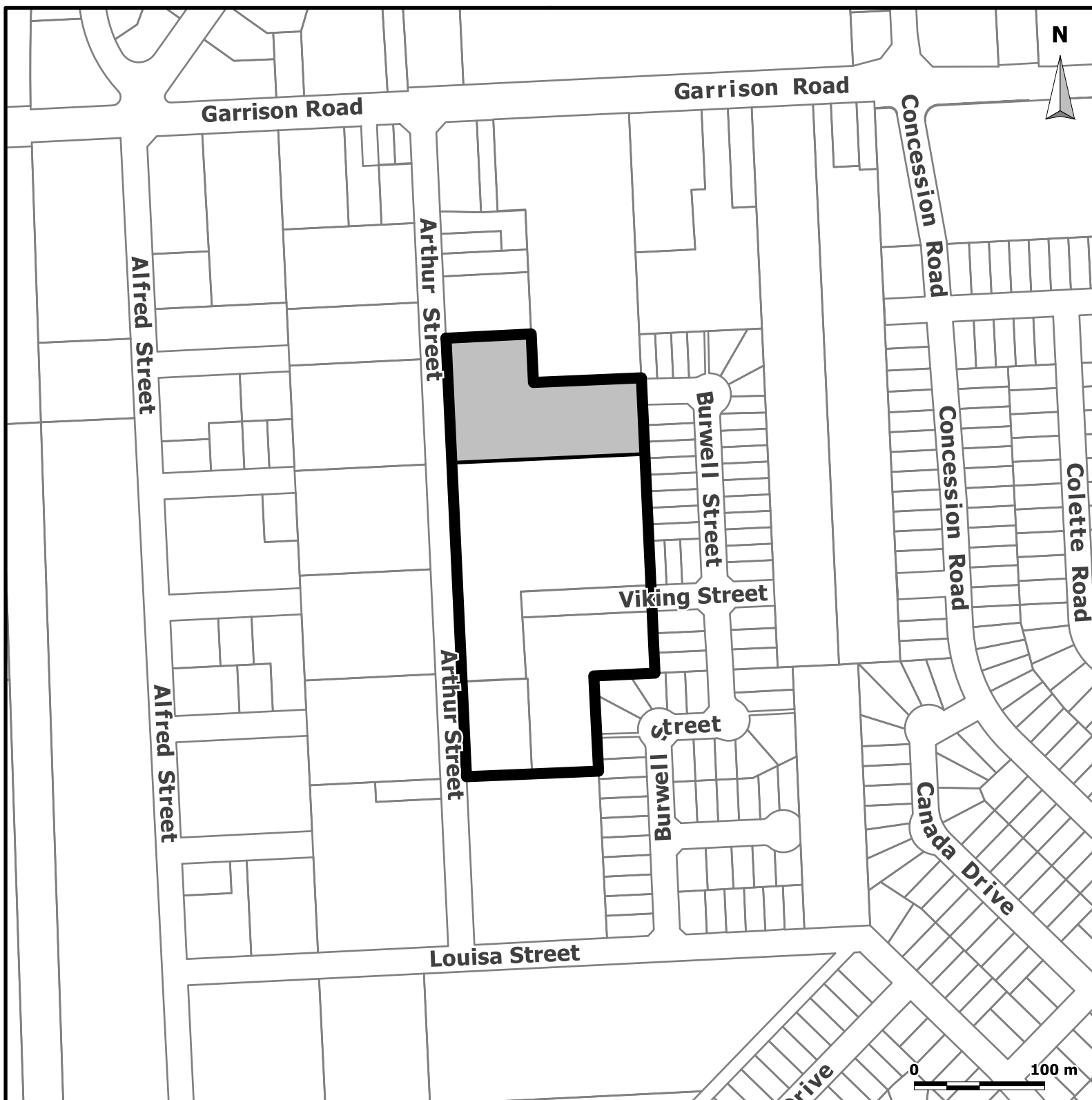
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 46 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of Part 1 shown on Schedule "A" attached hereto shall change from Commercial to Urban Residential.

PART “C” - THE APPENDICES



- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

SCHEDULE "A"



By-law No. 35-2020

THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 23rd DAY OF MARCH, 2020

-  Subject Lands - Peace Bridge Village Phase 2 Subdivision
-  Part 1 - Change from Commercial to Urban Residential



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owners – Ashton Homes (Western) Ltd. (Aldo Vercillo), Parklane Home Builders Ltd. (Debbie Hill) and Delta Bingo Inc. (Duncan Cameron)


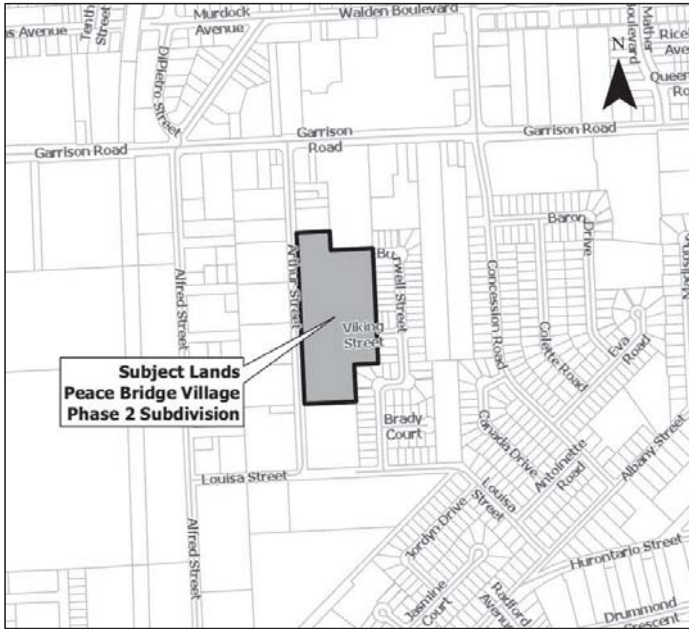


Agent – Upper Canada Consultants (William Heikoop)

Peace Bridge Village Phase 2 Subdivision


PROPOSED PLAN OF SUBDIVISION & COMBINED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT

APPLICATION 350302-0106 & 350309-0452

DATE: NOVEMBER 12, 2019
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p><u>WHAT WILL THIS AMENDMENT CHANGE:</u></p> <p>To permit the development of thirty-eight single detached dwellings, fifty townhouse dwellings and a pedestrian walkway. An Official Plan Amendment is required on a portion of the lands to change the land use designation from Commercial to Urban Residential to permit the subdivision. The rezoning is required to change the zoning from a combination of Highway Commercial Holding C3(H) Zone, Highway Commercial C3-55 Zone and Neighbourhood Development ND Zone to a new site specific Residential 2A R2A Zone and Residential Multiple 1 RM1 Zone.</p> <p>Site specific regulations are requested for the following:</p> <ul style="list-style-type: none"> ○ Minimum lot area for single detached dwellings – 360.00 m². ○ Minimum lot area for exterior street townhouse dwellings – 250.00 m². ○ Maximum lot coverage for exterior street townhouse dwellings – 50%.
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed Zoning By-law 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 November 6,</p>

APPENDIX "1"

	<p>2019. 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> <p><u>CONTACT INFORMATION</u></p> <p>Daryl Vander Veen, Planning Technician Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2509 Or by e-mailing your comments to: dvanderveen@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 Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@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 would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</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 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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>

6. Public Meetings

- (a) Draft Plan of Subdivision, Official Plan Amendment and Property Rezoning

Re: Ashton Homes (Western) Ltd. (Aldo Vercillo), Parklane Homes Builders Ltd. (Debbie Hill) and Delta Bingo Inc. (Duncan Cameron) - Owners - Upper Canada Consultants (William Heikoop) - Agent - Peace Bridge Village Phase 2 Subdivision - East of Arthur Street and South of Garrison Road. The applicant is proposing to develop thirty-eight single detached dwellings, fifty townhouse dwellings and a pedestrian walkway. The proposed Official Plan is required on a portion to change the land use designation from Commercial to Urban Residential. The proposed rezoning is required to change the zoning from a combination of Highway Commercial Holding C3(H) Zone, Highway Commercial C3-55 Zone and Neighbourhood Development NH Zone to a new site specific Residential 2A R2A Zone and Residential Multiple 1 RM1 Zone. Site Specific regulations are requested for the minimum lot area for single detached dwellings and the minimum lot area and maximum lot coverage of exterior street townhouse dwellings.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider a Draft Plan of Subdivision, an Official Plan Amendment and a Property Rezoning Amendment for thirty-eight single detached dwellings, fifty townhouse dwellings and a pedestrian walkway.

Mr. Vander Veen, Planning Technician, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

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

Mayor Redekop enquired if the Developer or a representative of the Developer wished to speak to the proposed amendments.

Mr. William Heikoop, Agent, Upper Canada Consultants delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Heikoop stated that he was speaking on behalf of Ashton Homes (Western) Limited and Parklane Home Builders Ltd. He

Council-in-Committee - 12 Nov 2019 Meeting Minutes

explained the subject site is located south of Garrison Road, east of Arthur Street and west of Peace Bridge Village Phase 1. The subject lands are 4.329 hectares. Phase 2 lands include: rear of bingo hall at 427 Garrison Road, 996 Arthur Street and two properties fronting Arthur Street. He reviewed the existing Official Plan and Zoning.

Mr. Heikoop explained the purpose of the Official Plan Amendment is to revise the Commercial designation on the former bingo hall and 996 Arthur Street properties to Urban Residential. The remainder of the proposed plan complies with the existing urban residential designation. The purpose of the Zoning By-law Amendment is to implement Site Specific R2A and RM1 Zoning. There is a lot area reduction for singles from 375 sq.m. to 360 sq.m. and townhouse corner units from 270 sq.m. to 250 sq.m. There is a lot area increase for exterior townhouse units from 40% to 50% coverage. The Draft Plan of Subdivision will include 38 single detached dwellings, 50 street townhouses to a total of 88 dwelling units, one walkway connection to Phase 1, vehicular/pedestrian connections via street networks, compatible adjacent housing built form, adequate parking and sufficient municipal services including an existing storm water management pond.

Mayor Redekop enquired if anyone present wished to speak in favour of the proposed amendments.

No person(s) came forward.

Mayor Redekop enquired if anyone present wished to speak in opposition of the proposed amendments.

(a) George Wiseman, 311 Helena Street

Mr. Wiseman stated he didn't have specific items except for parks. He wanted to address an issue that has to do with both developments and other developments around Town. Specific to this application he would like to address parks. In this particular case the park having the 5% which is legal according to the Official Plan. A neighbourhood plan might say "you're putting in enough houses, there's going to be children, there should be parks." He believes that neighbourhood plans should be a priority for Town Council and to direct staff to do that.

Council-in-Committee - 12 Nov 2019 Meeting Minutes

(b) Jeff Moore, 6694 Riall Street, Niagara Falls

Mr. Moore stated that he was present to represent the owner of the property at 0 Louisa Street. He is not opposing anything. He attended the meeting in the Atrium about two weeks ago. The owner owns 3.2 acres which are directly adjacent to Phase 2 on the east side of Arthur Street. He just got a copy of the report today and what bothers him is they have that designated as ND for neighbourhood development and now they have proposed parkland. He questioned if they would have time to address that.

(c) Denise Everett, 244 Dufferin Street

Ms. Everett questioned if there is any plan for any future neighbourhood parks because in Phase 1 the 5% was bought or the Town received the money for the parkland instead of having a park.

(d) Al Humphreys, 1010 Arthur Street

Mr. Humphreys referred to the plan where they are going to extend that road that runs behind the bingo hall that they've cut off now and he questioned if there are going to be townhouses backed up on the side of his property. They will be cutting right across the bingo hall parking lot right adjacent to his property on the east side of Arthur. He questioned if they are going to be building that up, like raising ground because it has a natural grade that comes from Garrison Road down Arthur Street. They have drainage issues. About 3 years ago the Roads Department put tiles under the driveways, they removed manholes and now he has a drainage problem with water running into his driveway. If they are going to be higher then he is going to get more water on his property.

Mayor Redekop closed the Public Meeting.

(b) Official Plan Amendment and Property Rezoning

Re: Regional Municipality of Niagara - Owner/Applicant - 745 Crescent Road. The applicant is proposing to re-designate the former water tower site from Institutional to Urban Residential and to rezone the property from a Public Zone to Residential Multiple 1 (RM1) Zone. The amendments will permit a variety of residential dwelling types to be developed on the site, including



ZBLA (FILE # TBD), and Draft Plan of Subdivision (350309-291.01) - 373 & 397 Garrison Rd. (Reg. Rd. 3, south side of Garrison Rd. & west of Concession Rd. S.), Fort Erie

circulations to: DVanderVeen
Please respond to circulations

10/21/2019 09:06 AM

2019-10-21

Darryl Vander Veen

Fort Erie

, ,

Attention: Darryl Vander Veen

Re: ZBLA (FILE # TBD), and Draft Plan of Subdivision (350309-291.01) - 373 & 397 Garrison Rd. (Reg. Rd. 3, south side of Garrison Rd. & west of Concession Rd. S.), Fort Erie; Your File No. 350309-0291.01

Our File No. 85689

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure,

APPENDIX "3"

including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

As of June 1, 2019, Meaghan Palynchuk will be taking maternity leave and returning in the first quarter of 2020. In my absence please contact Ryan Courville for any matters concerning this file.

Yours truly,

Ryan Courville
Access Network Provisioning Manager
Municipal Relations
Phone: 416-570-6726
Email: planninganddevelopment@bell.ca

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies. You are receiving this communication because you are listed as a current WSP contact. Should you have any questions regarding WSP's electronic communications policy, please consult our Anti-Spam Commitment at www.wsp.com/casl. For any concern or if you believe you should not be receiving this message, please forward this message to caslcompliance@wsp.com so that we can promptly address your request. Note that not all messages sent by WSP qualify as commercial electronic messages.

AVIS : Ce message, incluant tout fichier l'accompagnant (« le message »), peut contenir des renseignements ou de l'information privilégiés, confidentiels, propriétaires ou à divulgation restreinte en vertu de la loi. Ce message est destiné à l'usage exclusif du/des destinataire(s) voulu(s). Toute utilisation non permise, divulgation, lecture, reproduction, modification, diffusion ou distribution est interdite. Si vous avez reçu ce message par erreur, ou que vous n'êtes pas un destinataire autorisé ou voulu, veuillez en aviser l'expéditeur immédiatement et détruire le message et toute copie électronique ou imprimée. Vous recevez cette communication car vous faites partie des contacts de WSP. Si vous avez des questions concernant la politique de communications électroniques de WSP, veuillez consulter notre Engagement anti-pourriel au www.wsp.com/lcap. Pour toute question ou si vous croyez que vous ne devriez pas recevoir ce message, prière de le transférer au conformitelcap@wsp.com afin que nous puissions rapidement traiter votre demande. Notez que ce ne sont pas tous les messages transmis par WSP qui constituent des messages électroniques commerciaux.

APPENDIX "3"



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3

CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3

POSTESCANADA.CA

November 1, 2019

DARYL VANDER VEEN
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: **PEACE BRIDGE VILLAGE PHASE # 2 Draft Plan of Subdivision Application**

Dear Daryl,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.



- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca



Re: Request for Comments - Peace Bridge Village Phase 2 Subdivision and ZBA

Craig Krueger to: Daryl Vander Veen

10/07/2019 11:02 AM

Thanks Daryl.

Cogeco has no comments, I will file the information and be ready for any final plans once approved and begin service planning.

Craig

On Fri, Oct 4, 2019 at 4:32 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good afternoon,

Applications have been received from William Heikoop (Upper Canada Consultants) on behalf of Ashton Homes (Western Ltd), (Aldo Vercillo), Parklane Home Builders (Debbie Hill), and Delta Bingo Inc (Duncan Cameron) for a Draft Plan of Subdivision and Zoning By-law Amendment for the Peace Bridge Village Phase 2 Subdivision on the east side of Arthur Street. The purpose of the applications is to permit the development of the property for thirty-eight single detached dwellings and nine blocks intended for fifty townhouse dwellings. The following was submitted with the application package :

1. Application for Draft Plan of Subdivision
2. Application for Zoning By-law Amendment
3. Draft Plan of Subdivision
4. Planning Justification Report
5. Planning Justification Addendum
6. Environmental Impact Study
7. Tree Saving Plan
8. Environmental Site Assessment Report
9. Record of Site Condition
10. Stormwater Management Plan

Digital copies of the all of the above are attached for your review and comment . If your agency has a review fee it will be sent via courier . Please provide any comments you have on the applications no later than **November 3, 2019**.

Please contact me if you have any questions or require further information .

Regards,

Daryl

Daryl Vander Veen, BES
Planning Technician

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. • St. Catharines, ON • L2R 7P4 • 905-641-1550 • dsbn.org

November 19, 2019

Mr. Daryl Vander Veen, BES
Planning Technician
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

RECEIVED
NOV 25 2019
PLANNING &
DEVELOPMENT SERVICES
TOWN OF FORT ERIE

Dear Mr. Vander Veen:

RE: Peace Bridge Village Phase 2
Draft Plan of Subdivision and Zoning By-law Amendment

Thank you for circulating the District School Board of Niagara (DSBN) the applications for Zoning By-law Amendment and Draft Plan of Subdivision for Peace Bridge Village Phase 2. The Draft Plan of Subdivision proposes to develop 38 single detached dwellings and nine blocks intended for 50 townhouse dwellings. The Zoning Bylaw Amendment application will rezone the lands accordingly to facilitate the proposed development.

DSBN Planning staff has completed its review and has no objections to the application. Board staff request that, as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations. Future students from this area would attend Garrison PS PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225

Sincerely,

Sue Mabée, MCIP, RPP
Supervisor of Planning



Town of
Fort Erie

MINUTES

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting Date, Time, and Location

5:30 PM, January 30, 2020, Town Hall, Conference Room 1.

Attendance

Members present: Tim Seburn, Nadine Litwin, Frank Raso, Kate Ashbridge, Dr. Rick Stockton, Councillor Lubberts and Shannon Larocque.

Others present: Chris Millar, Neighbourhood Planner (Acting Staff Liaison)

Regrets: Brie Smalldon, Janie Wallace

Call to Order

S. Larocque called the meeting to order at 5:50 PM.

Declaration of Pecuniary Interest and General Nature

No members declared conflict.

Adoption of Agenda of January 30, 2020 Meeting

Discussion on the planned Agenda and modification resulted in Item 5 (5045 Abino Dunes Site Visit) being deferred due to members concern over lack of light. It was felt that despite it getting lighter out, there would not be sufficient time to conduct the visit and the Committee would schedule a daytime site visit in the very near future to deal with this Item.

Additionally, Item 8 (s/w corner of Ridge Road and Farr Avenue had representatives attend the meeting to be available if questions arose. It was motioned that Item 8 be advanced to the top of the Agenda as a courtesy to the representatives so as to not make them wait until the end of the Agenda.

Moved by: Rick Stockton and Seconded by Councilor Lubberts

THAT: Item 8 on the published Agenda be moved to the first business Item as a courtesy to property representatives present and the Agenda be accepted as modified. (CARRIED)

Adoption of Minutes of December 4, 2019 Meeting

Moved by: Tim Seburn and Seconded by Rick Stockton

THAT: The Minutes of the December 4, 2019 be approved as written. (CARRIED)

Site Plan Review – 5045 Abino Dunes Road

Committee deferred planned site visit as available light was a concern and opted to schedule for the coming weekend during the daytime.

EIS Review – S/W Corner of Farr and Ridge Rd. N.

The Committee moved this item forward on the Agenda since representatives were in attendance should there be any questions.

The Committee members introduced themselves as did the representatives. Dmitri Yakimov (Project Manager of Pursuit Developments) and Kaylee Robbins (Property Owner relative) indicated they would be happy to answer any questions.

The Chair asked if they wished to provide an overview of their proposal for context to which Mr. Yakimov provided. Mr. Yakimov indicated there was some modification to the Conceptual Site Plan from that which was presented at a prior Pre-consultation with the Town Development staff and other agencies. The modifications were made to try and reduce the amount of tree removal. Mr. Yakimov pointed out several change areas and spoke about further changes to try and avoid the need for a Zoning By-law Amendment that may result if advanced as shown.

The Committee discussed the EIS and general consensus was it appeared to be fairly well documented and analyzed, however the Committee did indicate they would like to walk the site prior to providing comments.

Nadine Litwin commented and commended the representative concerning their inclusion of bird friendly guidelines and native planting commitments.

The Chair inquired about the area of remaining tree cover that was contiguous with those found on this site. Chris Millar showed Committee members mapping that would calculate approximately 7.0 ha. remaining should all the trees on the subject site be removed.

Rick Stockton inquired about storm water to which Mr. Yakimov replied that Upper Canada Consultants would be undertaking the storm water engineering once there was a decision on the project advancing and that they would like the Committee's feedback on the EIS as part of a process leading to an application for development.

Mr. Yakimov welcomed Committee to walk the site.

Committee deferred commenting until such time as the walk was completed, indicated that it could be this weekend.

EIS Review – Peace Bridge Village Phase 2

Members were provided with comments of the NPCA for their review and awareness.

The Committee had reviewed the EIS and discussion ensued concerning the bird survey work documented in the EIS as being improperly undertaken, citing observation dates vs. protocol dates for appropriate nesting periods. This was a concern of the Committee given the Consultant is relied upon for professional opinion.

The Committee was also disappointed that their involvement came post subdivision approval

and that extensive alteration of the site would no longer yield results that could otherwise have been observed. There was expressed disappointment and recognition that further request for study work would be futile under present site conditions.

Committee wished to express such disappointment with the following motion:

Moved by: Nadine Litwin and Seconded by Rick Stockton

THAT: EAC notes the breeding bird survey was improperly conducted given observation dates fell outside protocol guidelines, compromising the professional competence of the consultant responsible. EAC also recognizes that extensive site alteration and clearing were performed prior to EAC's review of the EIS and prior to their site visit; and that a request to complete a breeding bird survey in the appropriate time period would no longer yield the pre-development results under current site conditions. Therefore, there is nothing further to seek protection on and by default; the EC Layer can be removed. No effective commenting other than to express disappointment can be made. (CARRIED)

EC Removal Request – 453 Buffalo Road

The Committee is being requested to support removal of the EC layer on the subject property to enable construction of an attached garage. The Committee reviewed the supplied information being a copy of the Site Plan and mapping from Town GIS that depicts the wetland feature, buffer and EC on aerial photography.

Committee assessed the request also noting the NPCA has also reviewed the Site Plan and stamped it with "No Objection".

Members discussed the apparent limits of the buffer and the limits of the mowed/manicured rear lawn. It was decided that EAC would not be adverse to removal of the EC Layer for those lands that fell outside of the buffer, retaining the EC on lands within the buffer, despite limits of maintained lawn. This still allows the property owner to accomplish what they intend to do in constructing the garage.

Moved by: Frank Raso and Seconded by Rick Stockton

THAT: EAC supports removal of the EC layer for only those lands that fall outside of the wetland buffer depicted on the Town's GIS mapping and as shown on the Site Plan supplied for review by the property owner. (CARRIED)

EC Removal Request - 0-17199 (3779) Niagara River Parkway

Chris Millar supplied Committee with documents made available prior to the meeting at the request of the project representative. This consisted of a project overview brief and a more refined sketch of a site plan concept for the development of the lands with a detached dwelling and tile bed.

The request made is one that seeks removal of the EC overlay to enable construction of the dwelling in a manner depicted on the supplied sketch. Committee reviewed the documents and determined they would like to visit the site for inspection. Commenting would be deferred until after the site visit.

Natural Areas Asset Management Strategy Update

APPENDIX "3"

Environmental Advisory Committee – 30, January, 2020 Meeting Minutes

Members discussed the funding of a phased effort on this initiative and felt there was some misinterpreted or misguided understanding of the work being undertaken at the Region vs. what this strategy would provide locally. EAC determined they would table to topic until a future date for furthering their efforts.

New Business

Nadine expressed some concern over the increased budget for clearing of trees but no money for new planting. Chris surmised/speculated that under the circumstances, he believed the focus would and should be to remove the threat posed by the dead or dying Ash trees and taking precedence over new planting. He felt there would or could very well be a plan for planting but that would likely be something to be addressed once the threat was removed or reduced dramatically concerning safety.

Next Meeting

Next meeting of EAC would occur for site visits on February 2, 2020. Any subsequent meeting would need to be determined through polling.

Adjournment

A motion was put forward by Tim Seburn and seconded by Rick Stockton to adjourn the meeting at 8:15 PM. **(CARRIED)**

Minutes prepared by:

Minutes approved by:

Chris Millar
Neighbourhood Planner,
Planning and Development Services

Shannon Larocque, Chair

APPENDIX "3"



Re: Request for Comments - Peace Bridge Village Phase 2 Subdivision and ZBA 

Ed Melanson to: Daryl Vander Veen

10/10/2019 02:39 PM

Good afternoon Daryl,

I have reviewed the attached documents for the proposed subdivision listed above . I have no questions, comments or concerns at this time .

Ed Melanson
Fire Chief & CEMC
Fort Erie Fire Department

Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255



Daryl Vander Veen

Good afternoon, Applications have been receiv...

10/04/2019 04:31:50 PM

From: Daryl Vander Veen/FortErie
To:
Date: 10/04/2019 04:31 PM
Subject: Request for Comments - Peace Bridge Village Phase 2 Subdivision and ZBA

Good afternoon,

Applications have been received from William Heikoop (Upper Canada Consultants) on behalf of Ashton Homes (Western Ltd), (Aldo Vercillo), Parklane Home Builders (Debbie Hill), and Delta Bingo Inc (Duncan Cameron) for a Draft Plan of Subdivision and Zoning By-law Amendment for the Peace Bridge Village Phase 2 Subdivision on the east side of Arthur Street. The purpose of the applications is to permit the development of the property for thirty-eight single detached dwellings and nine blocks intended for fifty townhouse dwellings. The following was submitted with the application package :

1. Application for Draft Plan of Subdivision
2. Application for Zoning By-law Amendment
3. Draft Plan of Subdivision
4. Planning Justification Report
5. Planning Justification Addendum
6. Environmental Impact Study
7. Tree Saving Plan
8. Environmental Site Assessment Report
9. Record of Site Condition
10. Stormwater Management Plan

Digital copies of the all of the above are attached for your review and comment . If your agency has a review fee it will be sent via courier . Please provide any comments you have on the applications no later than **November 3, 2019**.

Please contact me if you have any questions or require further information .

Regards,



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

October 16, 2019

Daryl Vander Veen, BES
Planning Technician
Town of Fort Erie
Planning & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Daryl,

Re: Draft Plan of Subdivision, Zoning By-law Amendment
Ashton Homes (Western) Limited
996 Arthur Street, 427 Garrison Road
Town of Fort Erie
File No.: 350302-0106

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

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

Enbridge Gas Inc. 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
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Safety. Integrity. Respect.

APPENDIX "3"



Fort Erie - 427 Garrison Road and 996 Arthur St - Peace Bridge Village Ph .2

LandUsePlanning to: DVanderVeen

10/07/2019 08:51 AM

Hello,

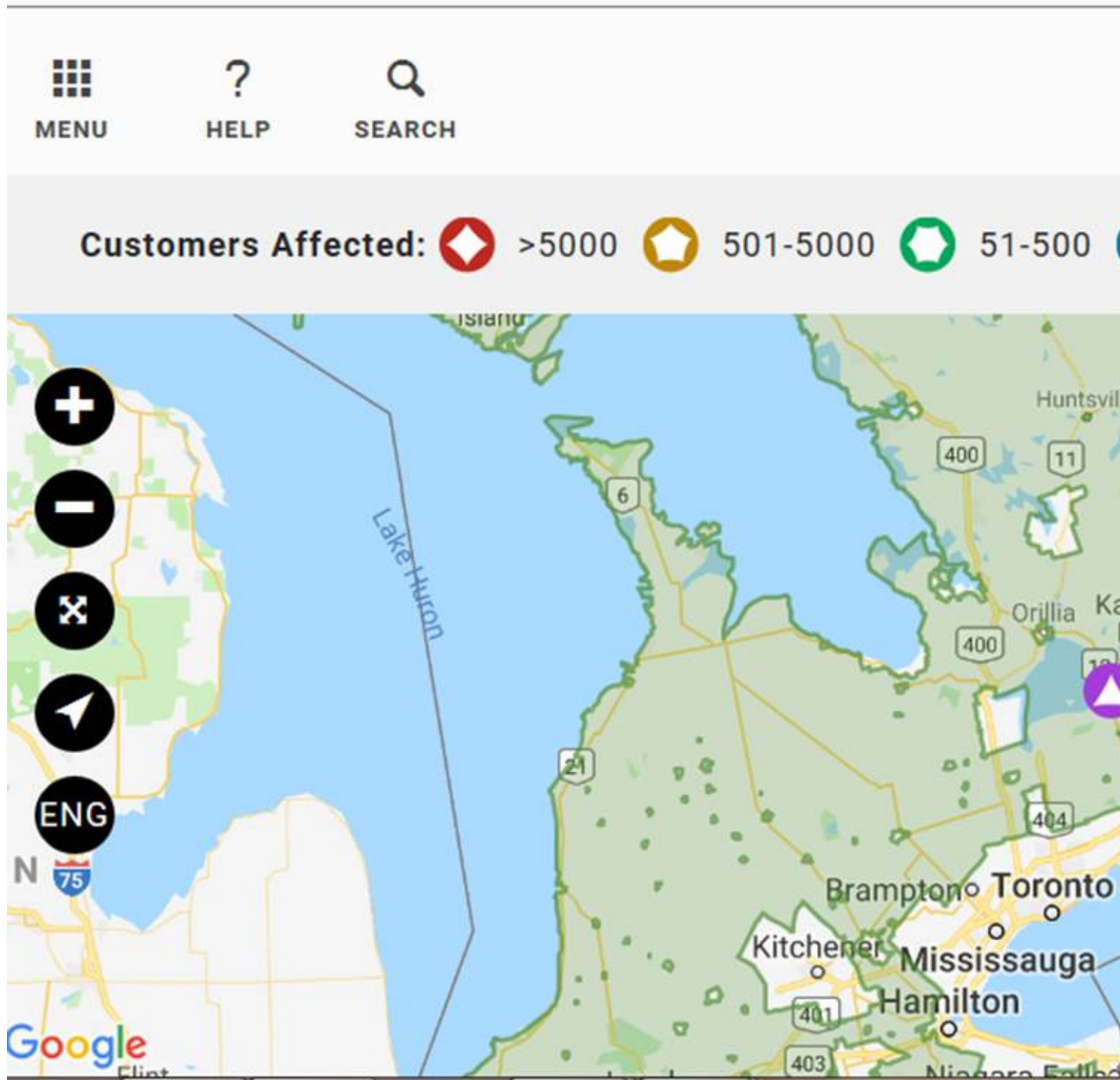
We are in receipt of your Plan of Subdivision application, Peace Bridge Village Ph.2 dated October 4, 2019. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

APPENDIX "3"



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

This email and any attached files are privileged and may contain confidential information intended only for the person or persons named above. Any other distribution, reproduction, copying, disclosure, or other dissemination is strictly prohibited. If you have received this email in error, please notify the sender immediately by reply email and delete the transmission received by you. This statement applies to the initial email as well as any and all copies (replies and/or forwards) of the initial email



Interoffice Memorandum

November 18, 2019

File No. 350308-0106 & 350309-0452

To: Daryl Vander Veen, Planning Technician
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **COMMENTS – ENGINEERING DIVISION
DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT –
ASHTON HOMES (WESTERN) LIMITD**

On behalf of the Infrastructure Services Department, Engineering Division, a review of the above noted Draft Plan of Subdivision and Zoning By-law Amendment applications has been completed. After a review of the applications and associated documents the following comments and requirements regarding the proposed applications are provided:

Zoning By-law Amendment Application 350309-0452

1. We have no objections to the proposed zoning by-law amendment.

Draft Plan of Subdivision Application No. 350308-0106

General Comments

1. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.
2. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
3. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.
4. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks (MECP) for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit MECP 'Form 1' Record of Watermain to the Town.
5. The Owner must obtain approved Service Connection Permits from the Town of Fort Erie for residential connections to existing sewers or watermains.
6. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

7. Phasing of the development servicing shall be subject to approval from the Director of Infrastructure Services.

Roads Comments

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).
2. All proposed roadways within the plan shall be dedicated as public highways.
3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.
4. LED Streetlights will be required as per the Town street light policy.
5. All daylight triangles shall be a minimum 4.5m x 4.5m.
6. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical.
7. 90 degree road curves (Street A at Block 43, Street B at Block 47 shall be designed and constructed in accord with Town of Fort Erie Standard Drawings PW-504-FE (See **Attachment '1'**). The road allowances may need to be modified accordingly.

Watermain Comments

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.
2. All watermains must be looped to ensure a consistent turn-over of water within the development. In order to provide the necessary looping, new watermains shall also be provided on Arthur Street from Viking Street to Street 'B', as well as on all internal streets.

Sanitary Sewer Comments

1. The proposed development will connect to the sanitary sewer constructed in the Peace Bridge Village Phase 1 subdivision. As a condition of Draft Plan Approval, the Developer will be responsible to confirm that the receiving system approved for Peace Bridge Village Phase 1 – Drawing No. 1724-SANDA prepared by Upper Canada Consultants dated September 19, 2018 as Revision No. 4 has been constructed to accommodate the proposed sanitary flows.

Storm Drainage Comments

1. The developer of these lands must address any downstream impacts of storm water runoff from the proposed development. Downstream impacts can be mitigated with on-site storm

management. Storm water management must include a means to control the release of post development storm run off to predevelopment rates for storm events (for the 5-year storm and up to and including the 100-year storm). The difference in pre and post development runoff shall be stored on site and released at a safe controlled rate. The release rate shall not create downstream flows that may increase erosion. If the receiving outlet(storm sewer, ditch or drainage course) has not been designed for the 5-year storm, then site discharge must be controlled to the site pre-development rate discharge for that outlet based on the existing design capacity of the outlet and the downstream system.

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.
3. The storm water management facility for Peace Bridge Village Phase 1 was designed and constructed to accept run-off from Peace Bridge Village Phase 2. As a condition of Draft Plan Approval, the Developer will be responsible to confirm that the receiving system approved for Peace Bridge Village Phase 1 – Drawing Nos. 1724-STMDA1 & 1724-STMDA2 prepared by Upper Canada Consultants dated September 19, 2018 as Revision No. 3 has been constructed to accommodate the proposed storm flows.
4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.
5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.
6. Existing overland drainage patterns must be maintained.
7. The Storm water management facility constructed for Peace Bridge Village Phase 1 will be assumed when Secondary Services are assumed for Phase 2.
8. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers and storm water management for this development.

Development Charge Project Comments

1. The current Development Charges Background Study of the Town of Fort Erie prepared by Hemson Consulting Ltd. dated May 23, 2019 identifies the following Development Charge related projects in the immediate vicinity of the subject development
 - a. Arthur Street from Garrison Road to Louisa Street
 - i. Upgrade road to urban standard – 50% DC funded
 - ii. Construct sanitary sewer – 100% DC funded
 - iii. Construct storm sewers – 100% DC funded
 - iv. The above noted sanitary sewer project has been forecast to drain the sanitary sewage toward Louisa Street with the outlet continuing on Louisa Street from Arthur Street to Alfred Street, Alfred Street from Louisa Street to Albany Street and then on Albany Street from Alfred to the existing sewer.
 - v. Since the proposed development project affects only the Arthur Street project; and since all sanitary sewage has been previously designed to drain through the Peace Bridge Village Phase 1 site not requiring a sanitary sewer outlet via Arthur Street; and since the development forecast for the west side of Arthur Street is unclear; therefore we recommend that the DC related project for the reconstruction of Arthur Street to an urban cross section and installation of storm sewers be front-ended by the Developer up to base course asphalt. In the event sanitary sewers are required to service lands on the west side of Arthur Street, that Developer will be responsible to front-end the construction of those sewers.

REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:

1. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
2. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
3. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to ground surface via splash pads to either side or rear yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway."*
4. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*
5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

6. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered. Owner to provide three copies of the final study, once approved by the Town.
7. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
8. That any phasing of subdivision servicing shall be to the satisfaction of the Town.
9. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
10. That the streets be named to the satisfaction of the Town.
11. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
12. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed sediment and erosion control plans.
13. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.

14. Owner shall provide daylight triangles (4.5m x 4.5m or radius of 4.5m) must be provided at internal street corners. Daylight triangles are to be added to road allowances and must be free and clear of any mortgages, liens and encumbrances
15. That the Developer is responsible to front-end the reconstruction of Arthur Street to an urban cross-section and the construction of storm sewers from Garrison Road to Louisa Street.

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

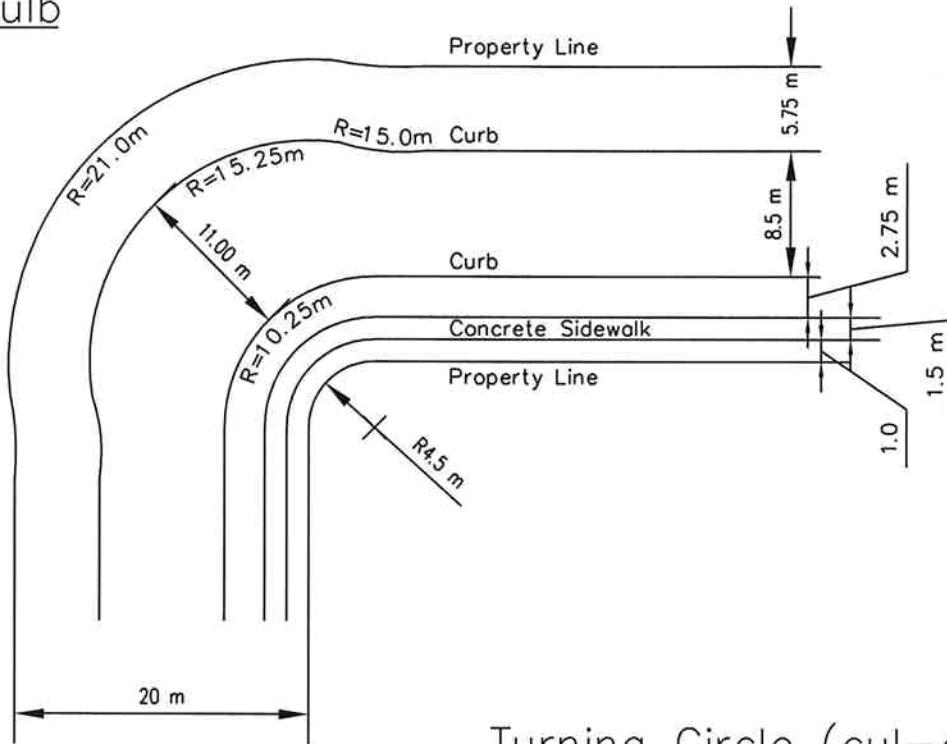
Attach: Attachment '1' – Standard Drawing PW-504-FE

cc: Tim Marotta, Manager, Engineering Division

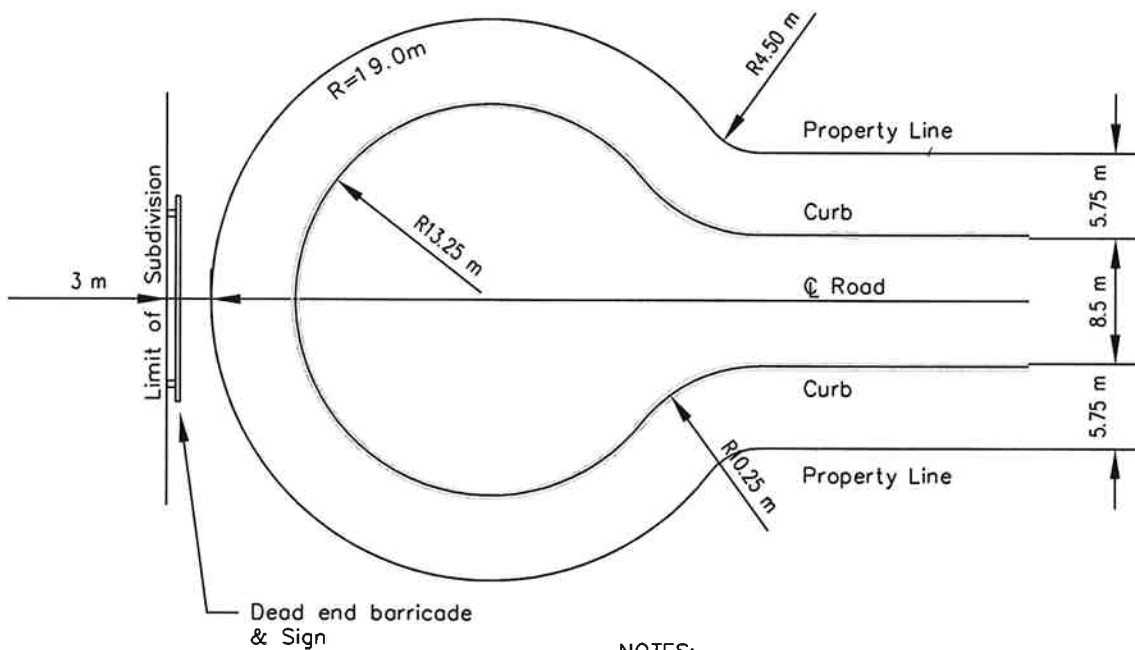
APPENDIX "3"

FIGURE 5-4

Corner Bulb



Turning Circle (cul-de-sac)



NOTES:

1. All dimensions are in metres unless otherwise shown.
2. For typical road cross sections, see Typical Urban Cross section



PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

TOWN OF FORT ERIE

TYPICAL TURNING CIRCLE AND CORNER BULB
20m R.O.W.

SCALE NOT TO SCALE

DRAWN BY T.D.

DATE FEB. 2004

DWG. No. PW-504 FE



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

November 7, 2019

File No.: SD-19-041, OPA-19-30 & ZA-19-118

Mr. Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

Re: Regional and Provincial Comments
Official Plan and Zoning By-law Amendments, Draft Plan of Subdivision
Applicant: William Heikoop, Upper Canada Consultants
Owner: Ashton Homes (Western) Limited
996 Arthur Street, East side Arthur Street, 427 Garrison
Town of Fort Erie

Regional Development Services staff has reviewed the information circulated for the above noted applications. The draft plan of subdivision prepared by Upper Canada Consultants and dated June 27, 2019 proposes 38 single detached residential lots and 9 townhouse blocks, 1 walkway block, and associated roadways including Street A, Street B, Burwell Street and Viking Street. The draft plan of subdivision proposes a total of 88 residential dwelling units on 4.329 hectares. The concurrent Official Plan and Zoning By-law amendments are necessary to permit the proposed residential uses. The Official Plan amendment intends to change the designation from commercial to urban residential on the northerly section of the property allowing for residential lots fronting onto Burwell Street. The zoning by-law amendment proposes a site-specific Low Density Residential (R2A) zone and Medium Density Residential (RM1) zone to permit single detached and townhouse dwellings.

A pre-consultation meeting was held for these applications on January 25, 2018 at Town Hall in Fort Erie. The application was received on October 4, 2019 and the Regional review fees were arranged on November 7, 2019. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the 2014 Provincial Policy Statement (PPS) and Designated Built-Up and Greenfield Areas under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan). Under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan), Block 47 and Lots 38, 37, 36 and 35 are designated Greenfield and the remainder of the proposed draft plan of subdivision is located within the delineated Built-Up Area.

The PPS directs growth to Settlement Areas, encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. New development in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form with a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Planning authorities shall provide for an appropriate range of housing types including affordable housing to meet projected needs of current and future residents.

The Growth Plan policies call for development in Greenfield areas to be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services. Within the delineated Built-Up Area, intensification is encouraged in a compact form with a mix of uses and densities at an appropriate type and scale and transition to adjacent areas that allows for efficient use of land, infrastructure and public service facilities. The Growth Plan provides direction for minimum density target for designated Greenfield Areas (currently in effect target of 50 residents and jobs per hectare for Niagara). Based on the minimum combined unit count for the entire draft plan, an average persons per unit rate of 2.44, a work at home factor of 5% (i.e., 5% of units will have one person working from home) and an area of 4.329 hectares, the proposal will provide a minimum density of 50.61 residents and jobs per hectare. In this respect, the proposal is consistent with the PPS and conforms to the Growth Plan.

The subject lands are designated Urban Area (Built-Up and Greenfield) in 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 in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The subject lands are situated in proximity to commercial, community and institutional uses. The proposal provides a mix of housing types providing more affordable options within the housing market. By utilizing existing services and providing a variety housing options in the community, the proposal aligns with Regional growth management policies.

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. The property, identified as 427 Garrison Road, was previously used for commercial purposes and the change of use to residential requires a mandatory filing of a Record of Site Condition (RSC) in accordance with O. Reg. 153/04 under the *Environmental Protection Act*.

A Phase Two ESA prepared by AMEC Foster Wheeler, dated March 6, 2018, was submitted in support of the applications. A previous Phase One assessment, completed in accordance with O. Reg 153/04, identified the entire Phase One property as an Area of Potential Environmental Concern (APECs). The Phase Two ESA was completed in support of the Record of Site Condition to consider the change of use to residential and to address the APEC identified on the property.

The property is comprised of two separate property identification numbers (PIN). The Record of Site Condition (RSC), submitted with the application, was filed with the Ministry of the Environment, Conservation and Parks (MOECP) on November 6, 2018 (RSC#225078) for one PIN. The other RSC was filed with the MOECP on December 12, 2018 (RSC#225241) for the other PIN. Given that all environmental reports have been completed and the Ministry has acknowledged the reports in the RSC, Regional staff has no further concerns with potential site contamination on the subject property or the change of land use to residential.

Core Natural Heritage System

Regional Environmental staff have reviewed the submitted Environmental Impact Study and Tree Saving Plan prepared by Beacon Environmental, dated June 2019 and September 12, 2019 respectively. Phase 1 of the Peace Bridge Village subdivision, which includes lands directly adjacent to the east, was approved in 2006 and is currently under construction. The purpose of the EIS for Phase 2 was to demonstrate that, over the long-term, there will be no significant negative impact to the Region's Core Natural Heritage System components or adjacent lands.

The subject lands are identified on Schedule C of the Region's Official Plan (ROP) as containing Significant Woodland. Consistent with ROP Policy 7.B.1.5, for a woodland to meet significance criteria it must be greater than 2 hectares (ha) in size within an urban area or meet any of the other criteria identified within the policy. The EIS concludes that the woodland does not meet Regional significance criteria. The study identifies only two cultural woodland ecological communities on the property, which measure less than 0.5 ha in size and therefore do not meet the size threshold. Natural heritage studies completed for the application also confirm that none of the other Significant Woodland criteria are present on the subject lands (e.g., significant wildlife habitat, old growth forest, watercourses, etc.).

In regard to small wetland areas identified in the EIS to be removed for development of the lands, staff expect that appropriate permits will be obtained from the Niagara

Peninsula Conservation Authority (NPCA) prior to site alteration, as applicable. The wetlands are too small to be considered under Regional policy.

Significant wildlife habitat was also assessed in the EIS and confirmed the presence of a plant species identified as rare in Niagara, known as *Agrimonia parviflora*. However, staff agree with the EIS conclusion that *Agrimonia parviflora* is relatively abundant in Fort Erie and therefore warrants no further consideration or identification as significant wildlife habitat.

Regional Environmental staff agree that the property does not contain any natural heritage features or functions of concern to the Region. To prevent any potential impacts associated with preparing the site for development, EIS Section 5.2 recommends implementing standard construction mitigation measures. Staff agree with the proposed mitigation measures and recommend the inclusion of a condition of approval, attached in Appendix I.

Archaeology

Based on the Provincial Criteria for Assessing Archaeological Potential, the subject lands appear to exhibit a low potential for the discovery of archaeological resources. Additionally, the Town of Fort Erie has undertaken an Archaeological Master Plan and the subject lands are not identified as having potential for archaeological resources. As such, it is suggested that standard archaeological clauses are included in the subdivision agreement advising that construction activities must cease should any deeply buried archaeological material be encountered during grading and/or construction activities. A condition of draft plan approval is included in the attached Appendix I.

Servicing

The Region will require the submission of design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program. A draft plan condition has been included in Appendix I.

Regional staff have reviewed the proposed development and note that there are no Regional watermains in the area. As such, Regional staff have no concerns or requirements for the proposed water system for this development.

Regional staff reviewed the Regional Master Servicing Plan (MSP) and note the following with respect to the proposed draft plan of subdivision:

- If the servicing is to connect into the existing services in the subdivision to the east of this site this property falls within the Lakeshore Sewage Pumping Station (SPS) sewershed, 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 Lakeshore SPS based on the allotted growth that was added to the sewershed and all the contributing sewersheds that reach the SPS. The MSP did identify that an upgrade may be required at the station to accommodate the calculated wet weather flow estimation however, flow monitoring will be completed prior to determining if an upgrade is required.
- The Lakeshore SPS sewershed experience wet weather flows and Town of Fort Erie is working to reduce infiltration and inflow to the contributing sewershed through various reduction programs.

The final MSP can be found at the following link:

<https://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Stormwater Management

Regional staff has reviewed 'Stormwater Management Plan Peace Bridge Village (July 2018, Revised February 2019)' prepared by Upper Canada Consultants. Based on our review, Regional staff offer the following comments:

The Region has no objections to the stormwater management criteria outlined in the report for the proposed development. Water quality treatment is to achieve a Normal standard and detain 25 mm rainfall-runoff for 24 hours to enhance water treatment and post-development peak flows are to be attenuated to the existing storm sewer capacity for 5-year storm and are not to exceed the existing 100-year overland flow on Albany Street.

Regional staff note that the design of the Phase 1 & 2 stormwater management facility is to provide stormwater quality and quantity controls for 80.35 hectares of existing lands and future development. The facility has been approved with MECP ECA Number 6466-B96RU5. The proposed draft plan of subdivision for Peace Bridge Phase 2 is located within the drainage area to the Phase 1 stormwater management (SWM) facility. The Region has no objection to the stormwater management plan.

The Region requires confirmation that the proposed development is to comply with the land imperviousness of 50% that was designated to the drainage catchment, where the subject development is located.

The Region also notes that the overland flow channel that connects Louisa Street to the SWM facility has limited capacity. The freeboard is only 0.03 m. The Region will require detailed grading information to demonstrate that the existing lots fronting onto Jordyn Drive are not negatively affected. The Region recommends rip-rap or other erosion control measures be installed on the outside bend of the channel prior to the SWM facility.

Conditions of draft approval with respect to Stormwater Management are included in the attached Appendix I.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. Regional staff has reviewed the draft plan of subdivision with respect to potential for waste management collection. Further review and detailed road designs will be required, once the servicing plans have been completed, to determine whether Regional curbside waste and recycling collection can be provided.

If the subdivision is going to be phased, a phasing plan should be submitted for Regional review to ensure that temporary turn arounds are not required for the waste management services vehicles.

Conditions of draft plan approval related to the provision of conformity with Waste Collection Policy and By-laws are requested and included in the attached Appendix I.

Conclusion

In conclusion, the proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment align with the intent and direction of Provincial and Regional policies, subject to the Draft Plan conditions included in Appendix I and any local requirements.

The reviewed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the Regional Official Plan and the Memorandum of Understanding. The Region would appreciate the opportunity to review a copy of the final draft Official Plan and Zoning By-law amendments prior to Council decision.

Should you have any questions concerning the above noted comments, or if you would like a hard copy of the comments, please do not hesitate to contact me at 905-980-6000 extension 3518 or by email at lola.emberson@niagararegion.ca. Please send notice of Council's decision on these applications.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Development Planner

cc: Mr. P. Busnello, Manager of Development Planning, Niagara Region
Ms. S. Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region
Mr. W. Heikoop, Upper Canada Consultants

Appendix I

Conditions of Draft Plan Approval

Peace Bridge Phase 2, Town of Fort Erie

1. That the following clause be included in the subdivision agreement:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Tourism, Culture and Sport (416-212-8886) and a licensed archaeologist [owner's archaeology consultant] is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

2. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
3. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Town.
4. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
5. That the Owner provide a written acknowledgement (stamped and signed) from their engineer that the existing stormwater management facility will accommodate the proposed development and that the facility has been constructed to accommodate all development.

6. That the subdivision agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
7. That the Owner submit servicing drawings to ensure that all streets conform with Regional Waste Collection Policy and By-laws relating to curb side collection of waste and recycling throughout all phases of the development. If developed in phases, a phasing plan shall be submitted for Regional review and where a through street is not maintained, the owner shall provide a temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

Notes:

1. Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
2. Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.

NOTE: The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.

3. In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (two hard copies and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Fort Erie.



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

January 17, 2020

Via Email Only

Mr. Daryl Vander Veen, BES
Planning Technician
Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Our File: PLSUB201900950

Dear Mr. Vander Veen

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Applications for Zoning By-law Amendment and Draft Plan of Subdivision
Peace Bridge Village Phase 2
Town of Fort Erie
Applicant: Upper Canada Consultants**

The NPCA has received applications for Zoning By-law amendment (ZBA) and Draft Plan of Subdivision for the above project. The purpose of the ZBA is to provide the appropriate land use regulations to accommodate the proposed Draft Plan of Subdivision. The Draft Plan of Subdivision proposes a mix of single detached and townhouse dwellings with a total of 88 dwelling units. In support of the application, the applicant provided an environmental impact study, prepared by Beacon Environmental dated June 2019. The NPCA has reviewed this information and offer the following.

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 Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain potential wetland areas.

The EIS identified three pockes of unmapped wetland areas (Figure 2 of the EIS; ecological land classification units 6, 7 and 8). These features are not currently mapped as regulated areas on NPCA mapping. NPCA staff note that the identified wetland pockets are hydrologically isolated from any identified PSW features to the west by both Arthur and Alfred

APPENDIX "3"

Streets and that the features do not meet the criterion of section 8.1.1 (b) of the NPCA's policies (directly contribute to the hydrological function of a watershed through connection with a surface watercourse). Note that this is also a requirement of the definition of wetland in the *Conservation Authorities Act*. As such, these features on the subject lands do not constitute a Regulated Area by the NPCA and NPCA staff is satisfied that the site does not contain any Regulated areas.

Conclusion

Based on the above, the NPCA has no objections or requirements for these applications. 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
Senior Manager, Planning & Regulations

cc: Mr. William Heikoop, Upper Canada Consultants (email only)
Ms. Lola Emberson, MCIP, RPP, Region of Niagara (email only)



Interoffice Memorandum

November 3, 2019
File No: 350307- 0272

To: Daryl Vander Veen, Planning Technician
From: S. Hansen, Manager of Open Space Planning and Development
Subject: Peace Bridge Village Phase 2 Subdivision

Below are comments pertaining to the submission for the above noted Subdivision. Comments are provided relative to the Town of Fort Erie Subdivision Control Guidelines.

- A streetscape plan is required, pursuant to the Town of Fort Erie Subdivision Control guidelines.
- Town permission, specifically that of the Town Arborist, will be required to remove trees within the Town road allowance.

Signe Hansen, OALA, CSLA, MBA
Manager of Community Planning
/sh

George Wiseman's Statement for Fort Erie Town Council November 12 Public Meeting(s)

I came from the backwoods of BC, grew up on a cattle ranch.

When we needed to build something, we built it... And we built it well because it was for our own use.

I got quite a shock when I moved to 'Town' and discovered all the rules, regulations, fees and inspections. But I dutifully followed the rules, because that was the reality of my new home. People who are not 'building for themselves' will cut corners and make inappropriate decisions if not held to a standard. I see that.

The Police pulled me over the recently and asked if I knew why he pulled me over.

I said no. (I really didn't know)

He said you didn't stop, indicating the 4 way stop behind me.

So I was in the wrong.

I knew I was in the wrong. Everyone KNOWS that you stop at a stop sign.

It didn't matter that I'd looked and no one was coming.

I was supposed to stop.

It didn't matter if I'd NOT been actually stopping at that stop sign for over 10 years.

'Breaking the law' for 10 years doesn't give me the right to now break it whenever I chose.

There is no 'grandfathered' law breaking.

I was supposed to stop.

This time I got caught.

Rules are there for the good of everyone and society 'works' when everyone follows the rules.

At any time, I could have gotten into an accident and because I didn't stop, I would have been liable.

We, as a society, MAKE and AGREE on the rules that govern everyone... True?

So what do we do when someone knowingly and repeatedly 'breaks the rules'?

Does it matter that they've 'gotten away with it' for years?

It's my understanding that the Fort Erie Town Planning and Development Staff has been 'breaking the rules' for years and it's become so blatant and habitual that I'm now wondering why we even have an Official Plan.

I THINK they do it because the present rules make it harder for them to take advantage of the recent housing and construction boom, to try to meet or exceed Town, Regional and Provincial growth and development goals.

I have nothing against the Staff personally, I can see they are hard working and mostly good intentioned...

And Lord knows I would NOT want their job. The number of things to know and consider is INSANE.

But rules are rules and are we going to REQUIRE them to follow the rules or not?

It's my understanding that the Town Staff 'works for' the Town Council.

I understand that Town Council approves or denies the development submissions of the Town Staff.

Town Council represents the PEOPLE of Fort Erie and is supposed to follow the rules when representing them.

RECEIVED

NOV 20 2019

PLANNING &
DEVELOPMENT SERVICES
TOWN OF FORT ERIE

APPENDIX "3"

I feel the Town Staff **DEPENDS** on the trust, ignorance and apathy of the people of Fort Erie and Town Council to 'get away with' breaking the rules'. More on that later.

Most people don't even read the rules by which they are governed. They just believe what they are told.

I'm not a City Planner or a Lawyer, so I hired that expertise to be sure I knew what I was talking about. So now I'll outline what cost me (so far) over \$60,000 to learn.

In the 1970's all Ontario Town Councils were required by the Provincial and Federal Governments to make an Official Plan. The Official Plan **IS** the **RULES** we all must follow. The nice thing is that we make (within certain guidelines) our **OWN RULES**.

Fort Erie made it's Official Plan and has updated and modified the Official Plan in the years since. The current Official Plan was effectively put in place in 2006 and was ratified by the Niagara Region in 2011.

In the Official Planning process, previous Fort Erie Town Councils recognized that Fort Erie has several unique neighbourhoods with character and environmental issues / conditions that need to be addressed **BEFORE** large developments can take place.

Because large developments have the potential to wipe out history, character, species at risk, determine infrastructure, change the conditions in which Fort Erie residents chose to live, **MANY** issues...

The previous Town Staff and Councils identified unique Neighbourhoods and listed them in the current Official Plan.



They then **BUILT INTO** the Official Plan a **STOP SIGN** to make it **IMPARITIVE** to hold off any large developments until the Neighbourhood Plans were in place. Because they **KNEW** that developers are greedy and don't care about the uniquenesses of Fort Erie neighbourhoods.

Town of Fort Erie Official Plan 4.7.4.1 POLICIES

I. The Town will develop a Neighbourhood Plan for each neighbourhood *prior to considering large scale development applications* that may have a significant impact on the neighbourhood in which it is intended to develop.

And then they built into the Official Plan all of the details that would be required to consider to develop the Neighbourhood Plans. These items are scattered throughout the Official Plan.

One of which is to **SPECIFICALLY** notify every single resident living in any particular neighbourhood and give them the opportunity to comment and/or participate in the development of their Neighbourhood Plan.

There is **NO PROVISION** in the Official Plan to bypass the **REQUIREMENT** of addressing the Neighbourhood Plan when considering a large development or to proceed with a development that **MAY** be influenced, in any way, by a Neighbourhood Plan.

If there is **ANY** factor that **MAY** affect the Neighbourhood (and that means every single neighbour, the Town infrastructure and the Neighbourhood's unique conditions and character... Then the development **CANNOT** legally be **CONSIDERED** until the Neighbourhood Plan is in place.

In fact no large development application, for Neighbourhoods with no Plan, should EVER make it past the Town Staff pre-consultation meeting, let alone make it to Town Council, BECAUSE the RULES that would be defined by the Neighbourhood Plan DON'T YET EXIST.

So the 'conditions' that the large development must consider in their application DON'T EXIST. This is the explicit intention of the Town of Fort Erie Official Plan as stated in Section 4.7.4.1

So there's NO WAY that Town Staff can legally even ACCEPT a large development application.

Town Staff does not 'make the rules'. They are employees.

Town Staff must follow the rules already made by Town Council, who properly represent the PEOPLE of Fort Erie. The RESIDENTS, NOT the developers.

'Large Development' is defined in the Provincial Building Codes, that are referenced by the Town of Fort Erie Official Plan, to be "exceeding 3 stories and/or exceeding 600 square meters".

Note that the Ontario Building Code recognizes specifically the Planning Act Section 34 as applicable law. So either way, an applicable PROVINCIAL Code defines 'Large'.

Of course the current Town Staff adamantly denies this, and does not bother to define 'large development'.

For example this is one of the big issues with the Harbourtown Development in the Lakeshore Neighbourhood:

NEWS
The Fort Erie Post 27 | Thursday, September 5, 2019 | 26

WAVERLY BEACH CONDO SHOWDOWN SET FOR MAY 2020

ENVIRONMENTAL ACTIVISTS SECURE HEARING DATE TO TRY TO STOP CONDO

JAMES CULIC
jculic@nagarathisweek.com

Nearly three years after the controversial Waverly Beach condo project first surfaced, it will head to a hearing in May 2020.

Plans for the waterfront housing development at the beach include a 10-story condo with 110 units within, 66 houses and 61 townhomes, for a total of 237 housing units. The height of the condo and the removal of a large wooded area for the townhomes are the primary areas of concern. About 15 local residents came together to form Community Voices of Fort Erie (CVFE) for the purpose of stopping the project from moving forward.

Town hall approved the project in 2018, and shortly after, CVFE launched an appeal of the planning approval. The original appeal was filed by local environmental activist Marlene Jacklin; however, she later asked that the Local Planning Appeal Tribunal remove her and substitute in the CVFE group instead.

Because those with party status could be held financially responsible for legal costs from the condo developer (should he win his case) the attempt to substitute an incorporated community group for Jacklin was seen as an attempt to circumvent financial responsibility.

The developer asked LPAT to hold Jacklin financially liable, but a ruling from Justin Duncan on Aug. 13 denied that request and allowed Community Voices to be substituted as the primary party.

That leaves just three parties involved: the condo developer (operating as 300480 Ontario Limited), the Community Voices of Fort Erie group, and the Town of Fort Erie.

According to the LPAT ruling released this week, the town made no submissions and did not participate in the debate over who should or should not be held financially liable.

The ruling doesn't entirely let CVFE members off the hook financially.

According to the decision, once the hearing is finished, the developer could make a case that "individual directors or members of the group should be liable for such costs if the corporation has insufficient funds to satisfy such an award."

That means if CVFE runs out of cash and can't pay, the developer could still go after individual members of the group to recover legal costs. According to sworn testimony from Jacklin, her legal costs are being covered by CVFE.

Throughout the summer months, CVFE occasionally sets up a booth at the beach, directly adjacent to the proposed condo, and collects donations, which are being used to help fund the efforts to stop the condo.

With the financial details out of the way, the LPAT hearing has been set for a 16-day showdown between the developer and Community Voices, which will begin on May 25, 2020.

A proposed waterfront condo in Fort Erie, which has attracted derision and vandalism from environmentalists, will head to trial in May 2020 to determine if the project can move forward.

Four key issues raised by CVFE will be debated during the hearing. The group is claiming the condo tower will cause mass animal deaths when birds fly into the side of the condo; that the War of 1812 was fought there; that Indigenous artifacts are buried at the site; and that the entire area is historically significant because an amusement park once sat on the area decades ago.

The exact placement of the 10-story condo within the subdivision is also another point of contention for the group. The developer is arguing that, to maximize the "marketability" of the units, the condo must be placed as far south as it can be, so potential buyers have a view of the lake.

TOWN OF FORT ERIE PUBLIC NOTICE
ENVIRONMENTAL ACTIVISTS
"WE SPEAK FOR THE TREES"

Forstar File Photo

It's undeniably a 'large development' by anyone's definition that MAY significantly affect the Lakeshore Neighbourhood (in several different ways) and there is NO Lakeshore Neighbourhood Plan in place.

The current Town Staff is trying to 'get around' the Town of Fort Erie Official Plan 'Neighbourhood Plans' requirement by using a Provincial technique called 'Secondary Plans' and is using those Provincial 'rules' to bring the large development applications before Town Council (and the public).

APPENDIX "3"

BUT... Although it is TRUE that the Town of Fort Erie Neighbourhood Plans qualify under the definition of Provincial Secondary Plans... The OPPOSITE is NOT TRUE.

The Town of Fort Erie Neighbourhood Plans have MANY MORE requirements than the Provincial Secondary Plan procedure...

And LAW requires that if there are two 'rules' that apply to a situation, the most restrictive WILL APPLY!

So although the Town Staff is meeting the Provincial requirements, they are NOT meeting the Town's Official Plan requirements.

In a May 2019 testimony before the LPAT, a Town Staff employee stated "we really don't do Neighbourhood Plans anymore".

In my opinion, they are breaking the Town's rules **by even accepting** large development applications in Neighbourhoods that do not yet have a Neighbourhoods Plan. I pointed this out during the recent 613 Helena development application Public Meeting (PDS-05-2019). 613 Helena is in the Kraft neighbourhood, which does not yet have a Neighbourhood Plan and is LAST on the list.

(Neighbourhood Plan Priority (to do) List)

From **PDS-25-2017 Secondary Plan and CIP Priority Report.pdf**

1. Fort Erie / Riverwalk
2. Crystal Beach (redo existing Plan)
3. Bridgeburg Urban Expansion Area
4. Walden / Garrison / East Kraft
5. Lakeshore
6. Crescent Park
7. Kraft

And they then FURTHER exacerbating the issue by presenting the large development applications to Town Council, who is trusting them to do their jobs properly (follow the rules).

Town Council then takes responsibility and (I think) ignorantly 'legitimizes' these initially illegal actions. It's my intention today to make this situation really clear to Town Council, so Town Council can make appropriate changes.

In my opinion, the proper action of Town Council would be to require the Town Staff to put ALL large development applications (including the ones today and any that have been 'approved' but are not yet 'started') into moratorium until the Neighbourhood Plans are in place...

So that the applications can be changed to consider and be compliant with ALL the conditions and rules that will THEN EXIST. To become compliant with the INTENTION of the Town of Fort Erie Official Plan.

In my opinion, the Town Council should do everything in it's power to make the Neighbourhood Plans come into fruition ASAP, so that we CAN legally and honorably take advantage of the current housing boom.

Town Staff has had YEARS to accomplish this task and it seems to NOT have been a priority.

In fact, a senior Planning and Development employee recently told a newspaper reporter that "Only Crystal Beach is without a secondary plan"...

Which is so NOT TRUE that I wonder if he was mis-quoted... Because there are MANY Neighbourhoods for which the Plans have not even been started... Even though the need was identified in the 'early 2000's'.

NEWS

TOWN SEEKS DEVELOPMENT BALANCE

'WE'RE TRYING TO MANAGE GROWTH': REDEKOP

RICHARD HUTTON
rhutton@nrgwa
thisweek.com

The town is becoming somewhat of a beehive of activity, with developers looking to build new homes.

Rick Brady, the town's director of planning and development services, calls it the "new norm" as interest in building new homes continues at a steady clip since 2016.

In the second quarter of 2019 alone there were 22 new permits issued for residential units, valued at \$16.5 million, eclipsing the 22 permits valued at \$12.5 million in the same period in 2016.

While the growth in Fort Erie may pale in comparison to the boom in new housing in neighbouring Niagara Falls, the numbers

fit in nicely in what the town is looking for in development, Mayor Wayne Redekop says.

"We're trying to manage growth and have a balance between development and maintaining our natural heritage," Redekop says.

Redekop says that natural heritage is what longtime residents appreciate about the town and it's also a driving factor in people wanting to move to Fort Erie.

And as an increase in residents benefits the town as well, he says.

"It increases the tax base," he says. "It provides the critical mass for people to do things like making sure we're adding services, especially public transit."

Brady, meanwhile, said the growth, although modest, is healthy for the town. He cites the town's water and wastewater services, which are constantly under cost pressure as the result of scattered development.

More homes tapping into the services will alleviate some of that.

"When we fill lands in, everyone pays for that," he says.

Brady expects that the current levels of building permits being issued is something the town will be able to sustain.

"It should be something the town can continue," he says.

Brady says that the town is now benefiting from planning done by previous councils, which passed a series of secondary plans. The secondary plans provide developers with valuable information on what kind of developments are appropriate.

"The Town of Fort Erie has been very active in completing secondary plans because past councils had vision," he says. "Secondary plans are crucial. You can see what's going on in Ridgeway, on Jarvis Street and Steelesville. It was all

'The Town of Fort Erie has been very active in completing secondary plans because past councils had vision.'

Rick Brady, Fort Erie
Director of Planning
and Development

planned and integrated into the community and it's now coming to fruition."

Only Crystal Beach is without a secondary plan, something Brady says the area "desperately needs."

Work on that plan is underway and an open house meeting was held at the Crystal Ridge Community

THE ISSUE:
MANAGING
GROWTH IN
FORT ERIE
LOCAL IMPACT: TOWN
HAS DEVELOPED A
STRATEGY THAT ALLOWS
DEVELOPMENT WHILE
MAINTAINING NATURAL
HERITAGE.

Centre at the end of August and was attended by about 175 people.

For the past four years, the town has seen an average of 56 units for second-quarter results, with 2019 coming in a little under that. Even so, prior to 2016 the average was less than half, coming in at an average of 22 units.

In 2016, the town experienced a record year with over 250 residential new construction permits being issued. Prior to 2016, the town had not experienced record residential growth since 2003.

"We are happy to see the

pace in which permits are being drawn in neighbourhoods that have generally sat idle for years, such as Garrison and Spears-High Pointe. This momentum is good for Fort Erie because it will help replenish our residential lot/unit inventory, as well as provide assurance that buildable lots are market ready for future investors," said Brady.

The permits issued in the second quarter were spread mainly between the Garrison neighbourhood (15) followed by Ridgeway-Thunder Bay (10). Permits were also issued for Spears-High Pointe (7), Steelesville (5), Crystal Beach (5), Fort Erie (2), Rural Areas (2), Crescent Park (1) and Lakeshore (1).

STORY BEHIND THE STORY

When the town released its latest report on the issuance of building permits, reporter Richard Hutton decided to take a look beyond the numbers and see what effect development is having on the town's rural atmosphere.

In fact, Crystal Beach is one of the ONLY Neighbourhoods that HAS a Neighbourhood Plan, it's just considered 'outdated' by Town Staff... and for some reason they want to 'update it' before even addressing Neighbourhoods that don't yet have ANY Neighbourhood Plan.

If current Town Council decides to CHANGE the Official Plan, eliminating or modifying the Section 4.7.4.1, they can do that, but until then, my opinion is that Town Council needs to require Town Staff to follow the RULES as they were hired to do. I wonder? Who is the 'policeman' that taps the shoulder of Town Staff?

In the meantime, may I suggest that instead of pleasing developers and breaking the rules by accepting large development applications without Neighbourhood Plans in place, that the Town Council direct the Staff to adopt a different approach.

Be honest with the Developers about the RULES and solicit their cooperation in putting the Neighbourhood Plans in place, so that the Town of Fort Erie can go honorably into the future on a path that the RESIDENTS have chosen and agreed upon. It's a win win.

Earlier I promised to elaborate on the Town Staff dependence on trust, ignorance and apathy of the public and Town Council to 'break the rules'.

I apologize for using the word 'ignorance' as many people are offended by that word; but it is the most accurate way to describe 'lack of knowledge'.

Fortunately ignorance can be cured, if one is WILLING to listen and learn.

Unfortunately, when I brought this matter to the attention of my Ward Councilor, she said "I have 100% confidence in Town Staff" and "I refuse to have any further meetings on this matter". In my opinion, that exhibits a 'lack of willingness to learn' that I hope is not systemic in Town Council.

Our current 'system' is heavily weighted in favor of greedy developers and against Town residents.

APPENDIX "3"

When a development application is presented to the Town Staff, they spend weeks or months negotiating and evaluating to get it into a form that they then present to Town Council... Supposedly looking at every possible issue. And I think they generally do a pretty good job.

Then, as per Provincial rules, Town Staff then notifies the neighbours closest to the development, puts a notice in the paper and posts the development application about 1 week before having the public meeting. Just as they have done today with TWO large development applications.

So most of the residents of Fort Erie don't even know what is going on unless they watch the paper like a hawk... And they have (effectively) ZERO TIME to evaluate the application; even if they know what to look for.

I've hired experts to look at some of the large development applications presented to Town Council and it takes TIME (weeks to months) for even an expert to look over the application properly, to make sure it complies with all the rules... This is AFTER the time it takes to look far enough away from Fort Erie to find experts that don't have a conflict of interest and the time it takes to interview and hire them.

It takes TIME and KNOWLEDGE to look over a development application to see if there are any details that should be considered further. A week is NOT enough. Most Fort Erie Residents have not even read the Official Plan, let alone all the Regional, Provincial and Federal documents that also affect any development.

So what can a resident do, to let Town Council know that Town Staff is 'blowing past stop signs' without even slowing down?

How can ANYONE, let alone a Town Councilor or resident possibly read, understand and properly evaluate these applications in one week? Even highly trained experts can't do it. ...And TWO on the same day?

So we have a situation where:

1. most people are NOT aware that anything is amiss, because of trust, ignorance and apathy
2. even if someone is paying attention, they are not given TIME to evaluate and
3. if anyone objects they are ignored because who can afford to 'fight' Town Hall?

Fighting costs time and money... Two things most people don't have... And Staff has learned this...

So to continue with the 'heavily weighted in the developer's favor' situation:

As far as I can see, Town Council, trusting their Staff, rubber stamps virtually every development application into existence, WITHOUT (as far as I know) EVER 'checking their work' (getting an independent evaluation).

And then the residents, who have ELECTED the Town Council to represent them in these 'negotiations' are left with only one recourse... The LPAT... To try to correct the miss-deeds of the Town Staff and have the development applications follow the rules.

And by this point the residents are now 'fighting their own Town Hall' who was SUPPOSED to represent them in the first place... This is messed up!!!! And there are only 20 days to correctly 'object' to the LPAT.

To present to the LPAT effectively requires experts which cost money. The LPAT doesn't listen to 'common sense'. It's a 'legal system' based on a 'battle of experts'.

For example, when fighting a 'minor variance' on 672 Edgemere Road (A38/18) we had to hire a City Planner, a Lawyer and a Traffic Expert... Just to tell the LPAT EXACTLY the same things that I presented to the Committee of Adjustment myself.

The LPAT gives the common resident no 'weight' in the arguments. The balance of decision is based on

'experts' opinions. It cost me \$60,000 (so far) to hire these experts, so that our concerns could even be considered.

This is ridiculous. It should NEVER have been needed.

I made the arguments to the Committee of Adjustment and the Chief even patted me on the back and said "That was the best presentation he'd ever heard" but he (and the other members still ignored my presentation because the developer had his Lawyer present and the lawyer simply stating that I was 'wrong' had the weight to swing their opinions...

Which I think didn't need much arm twisting because I'm convinced they came into the meeting with their minds made up.

I THINK that even Town Staff, Town Council and the Committee of Adjustment are influenced and have a 'conflict of interest' under the current system, because it is in



their self interest to get as many developments done as possible... Quantity over Quality.

One Councilor even said "We can't afford to go around and tick off every builder out there".

What about rules and representation of the residents? I feel the 'builders' need to follow the rules that were SPECIFICALLY put in place to limit them from forever damaging the unique character of Fort Erie.

I have NO ISSUE with developments... I have an issue with INAPPROPRIATE developments. Developments that are being done without following the rules we have all agreed to live by.

The developments WILL BE DONE eventually, what's wrong with getting them done RIGHT?

Common sense has gone out the window. The entire system is weighted in the developer's favor, and I feel the Town Staff is using this situation to pre-maturely push through developments, like the two in this public meeting today and MANY previous ones (easy to find just by examining public records).

The Neighbourhood Plans, that these developments are in, are NOT YET DONE, so the rules by which they should be judged are NOT in place, so the development applications are pre-mature.

APPENDIX "3"

What is going to happen to our Town Character if no one is following the rules? The whole point of having an Official Plan is to PREVENT this sort of Anarchy.

Shouldn't Town Staff be required to obey the same 'stop signs' the rest of us must obey?

YOU, Town Council, have the power and authority (vested upon you by us, the residents) to correct this travesty.

I request that this presentation be attached to BOTH of the Public Meetings today so that I won't need to waste the Council's time by presenting it again in its entirety.

Specifically attach this statement into the record for:

1.

The Public meeting for Draft Plan of Subdivision, and combined Official Plan and Zoning By-Law Amendment for the lands owned by Ashton Homes (Western) Ltd., Parklane Home Builders Ltd. And Delta Bingo Inc. at 0 Arthur Street, 996 Arthur Street and Garrison Road....

PDS-65-2019 Peace Bridge Village Phase 2 Information Report

(located in Garrison Neighbourhood, west of 'completed and approved' area, which ends at Concession Road)

2.

Proposed Combined Official Plan and Zoning By-Law Amendment for lands owned by the Region of Niagara located at 745 Crescent Road.

PDS-66-2019 745 Crescent Road Information Report

(located in Crescent Park Neighbourhood, no Neighbourhood Plan)

I call upon Town Council to have an independent evaluation done on the performance of their Town Staff, make changes as needed to see that the rules are followed AND to 'correct' bylaws that were inappropriately approved (for example By-Law No. 46-2018) because Town Council was trusting the Staff and the residents were too ignorant (at the time) to fill out the LPAT paperwork correctly.

I note that the Town of Fort Erie has a 'whistleblower' policy that says

The Whistleblower policy reflects the Town's CORE PRINCIPLES of:

Proud to Serve **We serve Fort Erie with pride, care and excellence**

Teamwork **We partner with other departments, volunteers, other levels of government agencies, boards and commissions to deliver services to the public**

Respect **We treat others how we would like to be treated, with sensitivity and respect, we listen.**

Honesty **We are open and honest, we value trust and integrity**

Commitment **We are committed to the well-being of our community**

Is all this actually true or just platitudes to appease the Government requirements?...What about a non-employee (a resident) telling the Town Council about the wrongdoings of Town Staff? What happens then?

And I HATE that it has to be me that brings this to your attention. There are a million things that I'd rather and should be doing with my time and money... But if not me, who? And if not now, when? I feel this is my civic responsibility. The long term cost of breaking the rules does not balance with the short term gain.

I call upon Town Council to properly represent us, the residents, to bring back balance and attention to the rules. ...Please...

I'm willing to discuss these issues in much more detail should you appoint a committee to look into it.

Thank you for your time. May the blessings be

George Wiseman, 311 Helena Street, Fort Erie Ontario L2A 4J7