



Community and Development Services

Prepared for	Council-in-Committee	Administrative Report No.	CDS-53-2014
Agenda Date	June 9, 2014	File No.	350302-0061 & 350309-0311

Subject

Canadian Motor Speedway Study Update Report

Recommendations

THAT this report be received for information purposes.

Relation to Council's 2011-2014 Corporate Strategic Plan

Priority: Economic Development
Goal7 : Promote Fort Erie as the place to invest and do business
Initiative: Support the EDTC's efforts to attract new businesses to Fort Erie.

List of Stakeholders

1746301 Ontario Inc.
Citizens Coalition of Greater Fort Erie
Town of Fort Erie Residents

Prepared by:

Original Signed

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Approvals

Submitted By:

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Approved By:

Original Signed

Tom Kuchyt, C.E.T.,
Interim Chief
Administrative Officer

Purpose of Report

The purpose of this report is to provide Council with an update regarding the two required Canadian Motor Speedway Studies that have been submitted relative to the decision by the Ontario Municipal Board.

Background

On November 2, 2012 the Ontario Municipal Board rendered a decision on the Regional Official Plan Amendment #3, the Town's Official Plan Amendment #4 and the Zoning By-law amendment on the Canadian Motor Speedway lands. As part of this decision, Zoning By-law 106-10 was approved (**Appendix 1**) which detailed specific studies to be submitted as part of the holding provisions. In order for the municipality to remove a holding provision all the works detailed within the holding provision must be completed.

In addition, Minutes of Settlement were signed by the Town, the Region, the applicant and the Citizens Coalition of Greater Fort Erie (CCGFE) which stated prior to the applicant requesting to remove the holding symbol on the lands zoned MS-434 (H) ("**Appendix 1**") that the applicant would give CCGFE at least 60 days prior written notice in addition to providing them with the list of all reports and advising CCGFE that they are entitled to have a qualified consultants review and comment on the reports. In addition, these minutes of settlement stated that the Town and the Region would not object to the submission of responding reports or comments from qualified consultants engaged by CCGFE.

On December 17, 2013 the applicant (1746301 Ontario Inc.) submitted the Agricultural Impact Assessment prepared by Colville Consulting dated October 16, 2013 and the Environmental Impact Study prepared by Colville Consulting dated October 2013. These two studies are identified in the Ontario Municipal Board decision specifically By-law 106-10 ("**Appendix 1**") as part of the holding provisions.

On December 19, 2013 the Town circulated both the Agricultural Impact Study and the Environmental Impact Study to CCGFE and the Region. The Town also circulated the Environmental Impact Study to the Niagara Peninsula Conservation Authority.

Analysis

By-law 106-10 specifically states that the studies required as part of the holding provisions are to the satisfaction of the appropriate approval authority.

Agricultural Impact Study

The Region is the approval authority for the Agricultural Impact Study and comments were provided by Regional staff on January 16, 2014. The comments are attached as "**Appendix 2**". The Region suggests that in order to implement the recommendations in pages 46-49 in the Agricultural Impact Study, the Traffic and operations management

plan, the Town's future licencing By-law and site plan agreement could assist in this regard.

The Town will incorporate the recommendations into the future documents and agreements.

No comments on the Agricultural Impact Study were received from CCGFE.

Environmental Impact Study

The Niagara Peninsula Conservation Authority (NPCA) is the approval authority with regard to the Environmental Impact Study and comments were provided by NPCA staff on March 19, 2014. The comments are attached as "**Appendix 3**". The NPCA is satisfied that the Environmental Impact Study and supplementary information provided to the NPCA from Mr.Barrett is sufficient and that all issues identified through the review of the EIS can be address through the site plan review process. The NPCA will require the following information in review of the site plan agreement:

- An updated Site Plan which illustrates the extent of all development on site (including grading)
- Stormwater Management Plan
- Restoration Plan
- Monitoring Plan
- Sediment and Erosion Control Plan
- Confirmation that the removal of Bobolink habitat appropriately conforms to the Endangered Species Act, in order to remove the Regional EPA designation for Threatened and Endangered Species Habitat on site.
- The background studies (AMEC,2010 and Terra-Dynamics Consulting Inc. 2013) must be circulated to the NPCA for review in order to ensure appropriate mitigation measures relating to groundwater and its connection to the natural heritage features on site are included at the Site Plan stage.
- Design details of the Hedgerow Crossing
- A minimum 30 metre buffer should be illustrated along Camp Ground Areas
- The NPCA recommends that exclusion fencing and other appropriate mitigation measures (such as signage, appropriate buffer sizing, etc.) be included in the Site Plan to ensure no negative impact to the natural heritage features surrounding proposed campgrounds and parking lots.
- The applicant must obtain an NPCA Work Permit for Phase 2 of the Miller Creek Relocation
- A condition must be included in the Site Plan Agreement which requires that applicant to complete the DFO self-assessment review process to ensure no serious harm to fish.
- The NPCA requires that the fencing proposed along Miller Creek be setback a minimum of 1 metre from the top of bank
- All boardwalk piles must be illustrated on the site plan and are not permitted within the Provincially Significant Wetland

- Lighting Standards must be included in the Site Plan to ensure impacts to migratory birds are appropriately mitigated.
- All mitigation measures outlined in the EIS must be incorporated into the Site plan.

The Town will ensure that the above information is provided to the NPCA as part of the review of the draft site plan agreement.

The Region commented on the EIS indicating that the NPCA would look at the study on their behalf they also indicated that the EIS should have shown the approved plans approved by the NPCA regarding the Miller Creek realignment. The Miller Creek realignment is a separate process and this was clearly articulated at the Ontario Municipal Board hearing.

Peer Review of Updated Environmental Impact Study by CCGFE

The Town received comments from Kay Ashwood an Environmental Assessment Consultant retained by CCGFE regarding the Environmental Impact Study submitted by Colville Consulting dated October 2013. The comments have been attached as **Appendix "4"**. The consultant was concerned with the quality of the EIS specifically with two specific areas:

- 1) The first area was that the consultant was of the opinion that there needed to be a section in the EIS on issue identification that reflects both public and agency environmental issues with respect to natural heritage features and ecological functions and this needs to be cross referenced to where in the EIS these issues have been addressed. This appears to be a formatting exercise and the NPCA has reviewed the study with regard to their policies as well as the policies of the Regional Municipality of Niagara and are satisfied.
- 2) The second area is that the environmental impacts and mitigation need to be improved as were outlined in the peer review that was prepared prior to the Ontario Municipal Board Hearing. The consultant states that the Environmental Impacts and Mitigation Section was weak and that these same concerns ie. cumulative impacts, were raised by the MNR and NPCA. The NPCA is satisfied with the October 2013 EIS but wants to make sure all information provided is as part of their review of the site plan agreement. The consultant also mentions the impact of the Miller Creek realignment, the realignment is a separate permitting process through the NPCA. This permit has already been approved by the NPCA.

Conclusions

This report has been provided to update Council as to the status of these two studies and the requirements of the agencies moving forward. Additional study updates will be provided to Council as studies are submitted and reviewed. Eventually, once all the

studies are completed a final request to remove the holding provision will be submitted by the applicant and Town staff will ensure all the comments from the approval agencies on each of the studies are incorporated into the necessary agreements and plans prior to bring the request to Council for consideration.

Attachments

Appendix "1" –By-law 106-10

Appendix "2"- Region of Niagara

Appendix "3"- Niagara Peninsula Conservation Authority

Appendix "4"- Peer Review of Updated Environmental Impact Study



**The Municipal Corporation of the
Town of Fort Erie**

BY-LAW NO. 106-10

**BEING A BY-LAW TO AMEND ZONING BY-LAW 129-90
1746391 ONTARIO INC. (CANADIAN MOTORSPORTS SPEEDWAY)
SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE
TOWN OF FORT ERIE**

350309-0311

WHEREAS an application has been received from 1746391 Ontario Inc. to amend the Town's Comprehensive Zoning By-law No. 129-90 for the lands shown as Appendix 1; and

WHEREAS a Public Meeting pursuant to Section 34(12) of the *Planning Act R.S.O. 1990, c.P.13* was held on September 8, 2009, and

WHEREAS the Council of the Town of Fort Erie deems it desirable to pass an amendment to the Comprehensive Zoning By-law No. 129-90 pursuant to their decision at the September 7, 2010 Council Meeting, and

NOW THEREFORE the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

- 1. THAT** Schedule "A" of By-law No. 129-90 is amended by changing the zoning of the lands shown on Schedule "A" attached hereto as follows:

Part 1 from "Agricultural A Zone" and "Hazard H Zone" to "Environmental Protection EP-430 Zone";

Part 2 from "Agricultural A Zone" to "Environmental Protection EP-431 Zone";

Part 3 from "Agricultural A Zone" and "Hazard H Zone" to "Environmental Protection EP-432 Zone";

Part 4 from "Agricultural A Zone" and "Hazard H Zone" to "Environmental Protection Holding EP-433 (H) Zone";

Part 5 from "Agricultural A Zone" and "Hazard H Zone" to "Motorsports Speedway Holding MS-434 (H) Zone";

Part 6 from "Agricultural A Zone" to "Motorsports Speedway Holding MS-435 (H) Zone";

Part 7 from "Agricultural A Zone" to "Motorsports Speedway Holding MS-436 (H) Zone";

Part 8 from "Agricultural A Zone" to "Motorsports Speedway Holding MS-437 (H) Zone";

Part 9 from "Agricultural A Zone" to "Hazard H-438 Zone";

Part 10 from "Agricultural A-Zone" to "Agricultural Holding A-439(H) Zone";

Part 11 from "Agricultural A Zone" to "Agricultural Holding A-440(H) Zone";

Part 12 from "Agricultural A Zone" to "Agricultural Holding A-441(H) Zone";

Part 13 from "Extractive Industrial EI Zone" to "Extractive Industrial Holding EI-442(H) Zone";

Part 14 from "Extractive Industrial EI Zone" to "Extractive Industrial Holding EI-443(H) Zone";

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2. **THAT** By-law 129-90 is further amended by adding to Section 5-Definitions the following definitions:
- a) 5.27.1 "Buffer Area" is a strip of land, which is restricted to ecological enhancement, and restoration of the natural environment.
 - b) 5.163.3 "Motorsports Speedway Complex" means a paved oval and paved road course circuit for motor Vehicle racing including a 65,000 seat Grandstand and associated parking and accessory uses related thereto.
 - c) 5.163.4 "Motorsports Speedway Centre of Excellence" means accredited post secondary educational and professional facilities related to the research and development of automotive and motorsports technology and other accessory uses.
 - d) 5.163.5 "Motorsports Speedway Innovation Complex" means a repair, manufacturing, processing, testing and assembly complex for automotive prototypes and other accessory uses.
 - e) 5.163.6 "Motorsports Emergency Command Centre" means a building or part thereof that is for the exclusive use of emergency services providers to respond to emergencies that may arise during a Motorsports Speedway event.
 - f) 5.108.1 "Go-Kart Track" means a paved track for the racing of a low motor vehicle with four wheels and an open framework.
 - g) 5.163.6 "Motorsports Garages and Shops" means buildings or parts thereof for the private use of race teams wherein Vehicles are stored, repaired and maintained.
 - h) 5.70.1 "Drag Racing" means means the racing of motor vehicles in pairs from a standing start over a measured distance from a starting line to a finish line on a straight track.
 - i) 5.71.1 "Driver Experience Facilities" means a building or parts thereof containing classrooms and garages for driver training.
 - j) 5.163.8 "Motorsports Offices" means a building or part thereof in which corporate and professional offices are permitted that are directly related to the Motorsports Speedway Complex.
 - k) 5.163.7 "Motorsports Museum" means a building or place where Vehicles, memorabilia and automotive parts are kept and displayed.
 - l) 5.200.1 "Automotive Race Event" means a racing event for automotive vehicles such as cars and trucks.

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- m) 5.182.1 "Parking Garage" means is a structure designed specifically for vehicle parking and where there are a number of floors or levels on which parking takes place.
 - n) 5.110.1 "Grandstand" is a large permanent structure for seating spectators. The grandstand is multi-tiered and are covered with a roof.
3. **THAT** By-law 129-90 is further amended by adding , Section 35A-Environmental Protection EP Zone, as follows:

SECTION 35A - ENVIRONMENTAL PROTECTION (EP) ZONE

35A.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Environmental Protection (EP) Zones.

35A.2 PERMITTED USES

- a) Passive non-structural conservation and resource management uses.
- b) Flood and erosion control works.
- c) Minor additions, enlargements and reconstruction of existing uses in compliance with the regulations of the Niagara Peninsula Conservation Authority.

35A.3 REGULATIONS

Minimum Lot Frontage, Area and Yard Requirements	As existing
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EXCEPTIONS TO THE ENVIRONMENTAL PROTECTION (EP) ZONE

EP-430

These lands are zoned Environmental Protection EP-430 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-430 Zone, which have been identified as Provincially Significant Wetlands by Ministry of Natural Resources and Critical Fish Habitat;

EP-431

These lands are zoned Environmental Protection EP-431 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-431 Zone, which have been identified as non-Provincially Significant Wetlands and Significant Woodlands.

EP-432

These lands are zoned Environmental Protection EP-432 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-432 Zone, which have been identified as 100 year floodplain lands by the Niagara Peninsula Conservation Authority.

EP-433 (H)

These lands are zoned Environmental Protection Holding EP-433 (H) Zone and all of the provisions that relate to lands zoned Environmental Protection EP Zone by this By-law shall apply to those lands zoned Environmental Protection Holding EP-433 (H) Zone, which have been identified as lands for ecological enhancement and restoration of the natural environment and subject to the following additional provisions:

a) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of a Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands. Prior to the removal of the Holding provision the owner shall provide a detailed restoration and enhancement plan to the Niagara Peninsula Conservation Authority for approval and the owner shall have acquired title to the following lands:

1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON
4. **THAT** By-law 129-90 is further amended by adding a new section, Section 38 Motorsports Speedway MS Zone, as follows:

SECTION 38- MOTORSPORTS SPEEDWAY (MS) ZONE

38.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Motorsports Speedway (MS) Zones, as follows:

38.2 PERMITTED USES

- Motorsports Speedway Complex
- Motorsports Garages and Shops
- Parking Garages
- Motorsports Offices
- Motorsports Emergency Command Centre
- Driver Experience Facilities
- Motorsports Museum

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- Accessory uses, buildings and structures

38.3 REGULATIONS

Minimum landscape/planting strip	15 metres wide strip abutting a street. 4 metres wide strip abutting any other zone.
Maximum height of Grandstand	30 metres
Minimum Seating Capacity	65,000
Maximum number of race Vehicles permitted on the oval race course at one time	43
Maximum number of race Vehicles permitted on the road track at one time	40
Minimum Parking Requirements	On and Off site parking on lands owned or leased by the owner/operator at the rate of 1 space for every 3 persons seating capacity in the Grandstand. Off site parking must be located within Site Specific Policy area identified for the speedway complex.
Minimum height of noise control barrier	14 metres
Minimum Buffer Area setback from a Provincially Significant Wetland	30 metre except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
Minimum Buffer Area setback from Non-Provincially Significant Wetlands and Significant Woodlands	15 metre except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority

EXCEPTIONS TO THE MOTORSPORTS SPEEDWAY (MS) ZONE

MS-434 (H)

Those lands are zoned Motorsports Speedway Holding MS-434 (H) Zone and all of the provisions that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-434 (H) Zone, and subject to the following additional provisions:

- a) Notwithstanding the prohibited use in Section 6.22 (a) (xv), the subject lands shall be used as a track for the racing of motor vehicles or motorcycles or go-carts or motorized snow vehicles.
- b) Drag Racing is a prohibited use.

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- c) The Motorsports Speedway Complex shall be limited to 8 Automotive Race Events per year. Events may last up to 3 days in duration.
- d) Hours of operation of the Motorsports Speedway Complex shall be limited from 9am to 6pm, however both the oval race course and the road race track may operate after 6pm during the 8 Automotive Race Events per year.
- e) All activities involving the use of motorized vehicles on any track areas, other than the use of motorized vehicles in facilities maintenance, including the operation of the Go-Kart track, warm up or practice racing, or other motorsports, shall be prohibited on at least one day of every week.
- f) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of a Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands. Prior to the removal of the Holding provision the Town must approve a licensing by-law to regulate the racing of motor vehicles in the Town under s.s. 151 and 165 of the Municipal Act, 2001 and the owner shall have acquired title to the following lands:
 - 1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 - 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 - 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

In addition, prior to the removal of the holding provision the owner shall complete a Detailed Servicing Review, Class Environmental Assessment, Detailed Storm Water Management Plan, Traffic Management Plan, Air Quality Study, a Noise Attenuation and Control Protocol, a Phase 1 Environmental Assessment, Amended Environmental Impact Study, Odour Study, Agricultural Impact Study and approval of a Stage 2 Archeological Assessment, all to the satisfaction of the appropriate approval agencies.

MS-435 (H)

Those lands are zoned Motorsports Speedway Holding MS-435 (H) Zone and all provision that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-435 (H) Zone, and subject to the following additional provisions:

- a) These lands shall only be used for a Motorsports Speedway Centre of Excellence.
- b) The Motorsports Speedway Centre of Excellence shall be subject to the following regulations:
 - i) Maximum Lot Coverage-70%;
 - ii) Maximum Building Height-21 metres;

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- iii) Minimum landscape/planting strip-10 metre wide strip abutting a street and 4 metre wide strip abutting any other zone.
 - iv) 1 parking space shall be provided for every 30 square metres of gross floor area;
 - v) 50% of the required parking must be located on the lands zoned MS-333(H).
 - i) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
 - ii) Minimum 15 metre Buffer Area setback from Non- Provincially Significant Wetlands and Significant Woodlands except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority
- g) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon a Building Permit being issued for the lands zoned MS-434 Zone and the owner shall have acquired title to the following lands:
- 1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 - 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 - 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

MS-436 (H)

Those lands are zoned Motorsports Speedway Holding MS-436 (H) Zone and all provision that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-436 (H) Zone, and subject to the following additional provisions:

- a) These lands shall be used for a Motorsports Speedway Innovation Complex.
- b) The Motorsports Speedway Innovation Complex shall only be subject to the following regulations:
 - i) Maximum Developable Lot Area- 4.0 hectares (9.88 acres);
 - ii) Maximum Lot Coverage-60%;
 - iii) Minimum landscape/planting strip-10 metre wide strip abutting a street and 4 metre wide strip abutting any other zone;
 - iv) Parking Requirements: 1 parking space for every 100 square metres of gross floor area.
 - v) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.

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- c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

MS-437(H)

Those lands are zoned Motorsports Speedway Holding MS-437 (H) Zone and all provision that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-437 (H) Zone, and subject to the following additional provisions:

- a) Those uses permitted in Section 22-Highway Commercial (C3) Zone are permitted in the Motorsports Speedway Holding MS-437(H) Zone;
- b) These lands are subject to the following additional regulations:
- i) Maximum leasable commercial area- 7000 square metres.
 - ii) Minimum landscape/planting strip-15 metre wide strip abutting a street and 4 metre wide strip abutting any other zone;
 - iii) Parking Requirements: 1 parking space for every 30 square metres of gross floor area;
 - iv) Minimum 15 metre Buffer Area setback from Non- Provincially Significant Wetlands and Significant Woodlands except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority
- c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

5. **THAT** By-law No. 129-90 is further amended by adding to “Section 34– Hazard H Zone” Subsection – “Exceptions to the Hazard (H) Zone” the following exception:

H-438

Those lands are zoned Hazard H-438 Zone and all provision that relate to lands zoned Hazard Zone by this By-law shall apply to those lands zoned Hazard H-438, and subject to the following additional provisions:

- a) Notwithstanding the requirements of Subsection 34.2- Permitted Uses, these lands may also be used for the realignment of Miller creek and associated floodplains.

6. **THAT** By-law No. 129-90 is further amended by adding to “Section 7 – Agricultural A Zone” Subsection – “Exceptions to the Agricultural (A) Zone” the following exceptions:

A-439(H)

These lands are zoned Agricultural Holding A-439(H) Zone and all of the provisions that relate to lands zoned “Agricultural A Zone” by this by-law shall apply to those lands zoned “Agricultural Holding A-439 (H) Zone” except that:

- a) Notwithstanding the requirements of Subsection 7.2- Permitted Uses, these lands may also be used for a grassed Vehicle parking, shower and washroom facilities and stormwater management facilities associated with a Motorsports Speedway Complex;

- b) Regulations for uses associated with a Motorsports Speedway Complex:

- i) Minimum Landscape/Planting Strip -10 metre wide strip adjacent to any property line or any street line.
- ii) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland and Critical Fish Habitat except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.

- c) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:

- 1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
- 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
- 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON.

A-440(H)

These lands are zoned Agricultural Holding A-440(H) Zone and all of the provisions that relate to lands zoned "Agricultural A Zone" by this by-law shall apply to those lands zoned "Agricultural Holding A-440 (H) Zone" except that:

- a) Notwithstanding the requirements of Subsection 7.2 -Permitted Uses, these lands may also be used for a grassed Vehicle parking and stormwater management facilities associated with a Motorsports Speedway Complex;
- b) Uses associated with the Motorsports Speedway Complex shall be subject to the following regulations:
 - i) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland and Critical Fish Habitat except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
 - ii) Minimum Landscape/Planting Strip -10 metre wide strip adjacent to any property line or any street line.
- c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
 1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

A-441 (H)

These lands are zoned Agricultural Holding A-441(H) Zone and all of the provisions that relate to lands zoned "Agricultural A Zone" by this by-law shall apply to those lands zoned "Agricultural Holding A-441 (H) Zone" except that:

- a) Notwithstanding the requirements of Subsection 7.2 -Permitted Uses, these lands may also be used for a grassed Vehicle parking, a Camp and stormwater management facilities associated with a Motorsports Speedway Complex.

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- b) Uses associated with a Motorsports Speedway Complex shall be subject to the following regulations:
 - i) Minimum 15 metre Buffer Area setback from Non- Provincially Significant Wetlands and Significant Woodlands except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
 - ii) Minimum Landscape/Planting Strip -10 metre wide strip adjacent to any property line or any street line.
- c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review the owner shall have acquired title to the following lands:
 - 1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 - 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 - 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

7. **THAT** By-law No.129-90 is further amended by adding to "Section 30 – Extractive Industrial EI Zone" – "Exceptions to the Extractive Industrial EI Zone" and the following exception:

EI-442 (H)

These lands are zoned Extractive Industrial Holding EI-442(H) Zone and all of the provisions that relate to lands zoned "Extractive Industrial EI Zone" by this by-law shall apply to those lands zoned "Extractive Industrial Holding EI-442 (H) Zone" except that:

- a) Notwithstanding the requirements of Subsection 30.2- Permitted Uses, these lands may also be used for a grassed Vehicle parking, a Camp and stormwater management facilities associated with a Motorsports Speedway Complex.
- b) Uses associated with a Motorsports Speedway Complex shall be subject to the following regulations:
 - i) Minimum Landscape/Planting Strip -10 metre wide strip adjacent to any property line or any street line.
- c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:

APPENDIX "1" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

1. PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

EI-443 (H)

These lands are zoned Extractive Industrial Holding EI-443(H) Zone and all of the provisions that relate to lands zoned "Extractive Industrial EI Zone" by this by-law shall apply to those lands zoned "Extractive Industrial Holding EI-443 (H) Zone" except that:

- a) Notwithstanding the requirements of Subsection 30.2- Permitted Uses, these lands may also be used for a grassed Vehicle parking associated with a Motorsports Speedway Complex.
 - b) Uses associated with a Motorsports Speedway Complex shall be subject to the following regulations:
 - i) Minimum Landscape/Planting Strip -10 metre wide strip adjacent to any property line or any street line.
 - c) Pursuant to Section 36(1) of the *Planning Act* the "H" Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
 - 1, PIN: 64239-0308 (LT) Pt.Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376;Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON
8. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act*, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

APPENDIX "1" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

9. IF the Holding provision for those lands zoned Motorsports Speedway Holding MS-434(H) Zone has not been removed on or before September 13, 2020 then this By-law shall be of no force and effect.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF SEPTEMBER 2010.

MAYOR

CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 106-10 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2010.

January 16, 2014

Regional Files:

RPPA-00083

OPA-01529

ZBLA-04380

Kira Dolch, MCIP, RPP
Manager of Development Approvals
Town of Fort Erie

VIA EMAIL ONLY

Dear Ms. Dolch:

**Review of Agricultural Impact Assessment
and Environmental Impact Study
Canadian Motor Speedway
Town of Fort Erie**

Thank you for circulating the above-noted studies (received January 2, 2014) for review. As you have indicated, these have been prepared to meet the requirements of the Holding Zone provisions included in the Town's Zoning By-law, as approved by the Ontario Municipal Board. A detailed site plan and other supporting studies/plans, along with a site plan agreement, are also necessary to implement previous planning approvals. We understand this information will be submitted in the future. The following comments are provided for your consideration on the reports submitted at this time.

Agricultural Impact Assessment (AIA)

The AIA prepared by Coville Consulting (dated October 2013) represents an update from 2009 and an addendum (letter) prepared August 11, 2010. This includes land use details and Minimum Distance Separation (MDS) information along with revised maps.

The MDS requirements from the AIA are accurately reflected in the approved amendment to the Town's Zoning By-law. The study also provides several recommendations to mitigate impacts on surrounding farm properties that are outlined on pages 46 and 49. Traffic and operations management plans are required to control major events at the speedway that can address potential impacts from traffic, trespassing, vandalism, litter and noise. Conditions of approval under the Town's licensing by-law could assist in implementing these plans and most of the recommendations in the AIA. The Site Plan Agreement for the development could make reference to the completion of these operational requirements and should also consider the need for fencing along property lines to prevent any land use conflicts as mentioned in the AIA.

Environmental Impact Study (EIS)

The EIS prepared by Coville Consulting (dated October 2013), in association with Goodban Ecological Consulting & Gray Owl Environmental Inc., represents an update from previous versions submitted in February 2009 and May 2012. In accordance with the Memorandum of Understanding and the protocol between Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA is responsible for the review and

APPENDIX "2" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

comment on all planning applications for impacts on the natural environment and will provide detailed comments on the current EIS.

However, it should be noted that the EIS does not acknowledge the approved plans (NPCA permit) or construction work to relocate Miller Creek, and that the creek realignment has been revised since the original submission. Further, the EIS is based on the original concept plan for the overall Canadian Motor Speedway development that may be altered. A detailed development plan needs to be submitted for site plan approval along with related environmental plans (i.e. stormwater management, ecological restoration plan, tree saving plan), as recommended in the current EIS. The NPCA will need to review this additional information and determine if any further update is necessary for the EIS to address final plans for this development.

Finally, the EIS does not deal with potential impacts related to municipal infrastructure being proposed. This will be addressed through the submission of servicing plans required as part of a Class Environmental Assessment.

Conclusion

The Holding Zone provision in the Zoning By-law can't be lifted until the site plan application has been submitted and the related site plan agreement has been reviewed to confirm that recommendations from all necessary supporting studies and plans have been satisfied. Therefore, Regional staff will provide further comments once the site plan and agreement have been circulated along with other relevant supporting information. In the interim, we would be pleased to discuss our current comments or any other requirements necessary to move this project forward in a timely and coordinated manner.

Yours truly,



Peter Colosimo, MCIP, RPP
Director of Development Services

C: Rick Brady, Town of Fort Erie
Ken DePodesta, ken.depodesta@gmail.com
Suzanne McInnes, NPCA
Marilyn Radman, Niagara Region
Teresa Gray, Niagara Region

PC/cm

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March 19, 2014

MPR 4.6.19

Ms. Kira Dolch, MCIP, RPP
Manager of Development Approvals
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario

Dear Ms. Dolch,

**Re: Request for Review and Comment
Environmental Impact Study
Canadian Motor Speedway, Town of Fort Erie**

The NPCA has reviewed the submitted Environmental Impact Study (EIS) prepared by Colville Consulting (dated October 2013), in association with Goodban Ecological Consulting and Gray Owl Environmental Inc. The NPCA understands that as per the Ontario Municipal Board decision issued on November 2, 2013 and specifically Town By-law 106-10 an amended Environmental Impact Study must be completed to the satisfaction of the appropriate approval agencies prior to the removal of the holding provision on the subject lands. In accordance with our Protocol with Niagara Region, the review of the EIS has also been undertaken on behalf of the Region of Niagara. The following comments are offered in review of the EIS as well as further correspondence with Ian Barrett (Colville Consulting, February 12, 2014):

The NPCA is satisfied that the Environmental Impact Study and supplementary information provided by Mr. Barrett is sufficient at this time, and all NPCA issues identified through the review of the Environmental Impact Study can be adequately dealt with through the Site Plan review process. The applicant, Town, and Region shall note that the NPCA will require the following information in review of the Site Plan Agreement in order to ensure no negative impact to the natural features on site:

- 1) An updated Site Plan which illustrates the extent of all development on site (including grading)
- 2) Stormwater Management Plan
- 3) Restoration Plan
- 4) Monitoring Plan
- 5) Sediment and Erosion Control Plan
- 6) Confirmation that the removal of Bobolink habitat appropriately conforms to the Endangered Species Act, in order to remove the Regional EPA designation for Threatened and Endangered Species Habitat on site.

APPENDIX "3" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

- 7) The background studies (AMEC, 2010 and Terra-Dynamics Consulting Inc. 2013) must be circulated to the NPCA for review in order to ensure appropriate mitigation measures relating to groundwater and its connection to the natural heritage features on site are included at the Site Plan stage.
- 8) Design details of the Hedgerow Crossing
- 9) A minimum 30 metre buffer should be illustrated along Camp Ground Areas
- 10) The NPCA recommends that exclusion fencing and other appropriate mitigation measures (such as signage, appropriate buffer sizing, etc.) be included in the Site Plan to ensure no negative impact to the natural heritage features surrounding proposed campgrounds and parking lots
- 11) The applicant must obtain an NPCA Work Permit for Phase 2 of the Miller Creek Relocation
- 12) A condition must be included in the Site Plan Agreement which requires that applicant to complete the DFO self-assessment review process to ensure no serious harm to fish.
- 13) The NPCA requires that the fencing proposed along Miller Creek be setback a minimum of 1 metre from the top of bank
- 14) All boardwalk piles must be illustrated on the site plan and are not permitted within the Provincially Significant Wetland
- 15) Lighting Standards must be included in the Site Plan to ensure impacts to migratory birds are appropriately mitigated.
- 16) All mitigation measures outlined in the EIS must be incorporated into the Site Plan

I trust this information to be satisfactory, please do not hesitate to contact myself or Ms. Suzanne McInnes, Manager of Plan Review & Regulations (ext. 235) should you have any questions or concerns.

Sincerely;



Cara Lampman
Planning Approvals Analyst

Cc: Mr. Richard Brady, Director of Community & Development Services, Town of Fort Erie
Ms. Mary-Lou Tanner, Commissioner of Planning and Development, Region of Niagara
Ms. Suzanne McInnes, Manager of Plan Review & Regulations, Niagara Peninsula Conservation Authority
Mr. Peter Graham, Director of Watershed Management, Niagara Peninsula Conservation Authority

**PEER REVIEW
OF UPDATED
ENVIRONMENTAL IMPACT STUDY
(OCTOBER, 2013)
FOR THE
CANADIAN MOTOR SPEEDWAY**

K. Ashwood, B.A., B.Sc.

Consultant, Environmental Assessment

January, 2014

1 - Scope of Work

A peer review was undertaken of the updated Environmental Impact Study (EIS) prepared by Colville Consulting Inc. in association with Goodban Ecological Consulting and Gray Owl Environmental Inc, dated October 2013.

This peer report was completed at the request of Ms. Sandy Vant on behalf of the Citizens' Coalition of Greater Fort Erie (CCGFE).

The peer review involved the following components:

- a) A comparison of the latest version of the EIS (October, 2013) with the previous EIS dated May, 2012 to determine the changes made between the two documents. This involved a review of the CD provided which shows the edits made to the May, 2012 EIS which resulted in the October 2013 EIS.
- b) A professional opinion on the adequacy of the October 2013 EIS in terms of meeting the Regional Municipality of Niagara's Environmental Impact Study Guidelines (Feb. 21, 2001) which were used for the original EIS prepared in 2009 and for an updated EIS in 2012.
- c) A review of the updated October 2013 EIS to determine whether my earlier peer review comments (Ashwood, 2012) on behalf of CCGFE regarding earlier versions of the EIS document have now been addressed.

2 - Results of Peer Review

It is evident that only very minor edits were made to the 2012 EIS and that no attempt has been made to address the deficiencies noted in my previous peer review report (Ashwood, 2012), with respect to the following areas:

- *Study scope limitations (Section 1.2)*
- *Study Area Boundaries (Section 1.3)*
- *Steps Involved in Regional Niagara's EIS process*
- *Record of Public and Agency Consultation*

APPENDIX "4" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

- *Environmental Impacts and Mitigation.* While this section was considerably improved for the 2012 EIS, the 2013 EIS still lacks important details regarding impacts. More specific comments on this section are provided in my previous peer report (Ashwood, 2012). Also, it is noted that in Table 7 of the 2013 EIS, under Fish Habitat, one of the potential impacts, i.e. "Changes to the quality and suitability of habitat" has been removed for no apparent reason. In my view, it is still a potential impact (either positive or negative) for both Miller Creek and Frenchman's Creek as a result of restoration efforts.
- *Environmental Monitoring (Section 13)*

In addition to the above items noted in my previous peer review report and described in more detail in that document, there are two very important recent amendments to both Regional Niagara's Official Plan and the Town of Fort Erie's Official Plan which should be included in Section 2 of the EIS pertaining to Environmental Policy, i.e.

- Amendment 3-2009 adopted on Feb. 11, 2010 by Regional Niagara which specifically refers to the Canadian Motor Speedway property, and
- Amendment No. 4 to Fort Erie's Official Plan adopted in December, 2009, which is also specific to the Canadian Motor Speedway property.

Both of the above amendments address special policy provisions for the subject property that include environmental requirements such as establishing an environmental protection zone and buffer setbacks, and completing numerous environmental studies to the satisfaction of the regulatory agencies.

Summary of Peer Review on October, 2013 EIS

There are still several instances where the quality of the EIS still needs to be improved to demonstrate that all the steps outlined in Regional Niagara's EIS Guidelines have been adequately undertaken as described in more detail in my previous peer review report.

Particular concern is with two very apparent areas of EIS deficiency, i.e.

- There needs to be a section in the EIS on issue identification that reflects both public and agency environmental issues with respect to natural heritage features and ecological functions, and cross-referenced to where in the EIS these issues have been addressed.

APPENDIX "4" TO ADMINISTRATIVE REPORT CDS-53-2014 DATED JUNE 9, 2014

- The environmental impacts and mitigation section of the EIS still needs to be improved as outlined in more detail in my previous peer review.

List of References

Ashwood, K. 2012. **Peer Review of Environmental Impact Statements (February, 2009 and May, 2012) for the Canadian Motor Speedway.** Prepared in August, 2012 for the Citizens' Coalition of Greater Fort Erie.

Colville Consulting Inc. 2009. ***Environmental Impact Study for the Canadian Motor Speedway.*** C07027. February 2009. Prepared for Canadian Motor Speedway (1746391 Ontario Inc.) in association with Goodban Ecological consulting & Gray Owl Environmental Inc.

Colville Consulting Inc. 2012. ***Environmental Impact Study for the Canadian Motor Speedway.*** C07027. May 2012. Prepared for Canadian Motor Speedway (1746391 Ontario Inc.) in association with Goodban Ecological Consulting & Gray Owl Environmental Inc.

Colville Consulting Inc. 2013. ***Environmental Impact Study for the Canadian Motor Speedway.*** C07027. October 2013. Prepared for Canadian Motor Speedway (1746391 Ontario Inc.) in association with Goodban Ecological Consulting & Gray Owl Environmental Inc.

Regional Municipality of Niagara. 2001. ***Environmental Impact Study Guidelines.*** February 21, 2001.

**PEER REVIEW
OF
ENVIRONMENTAL IMPACT STATEMENTS
(February, 2009 and May, 2012)
FOR THE
CANADIAN MOTOR SPEEDWAY**

K. Ashwood, B.A., B.Sc.

Consultant, Environmental Assessment

August, 2012

1 - Scope of Work

A peer review was undertaken of

- (a) the Environmental Impact Study (EIS) prepared by Colville Consulting Inc. in association with Goodban Ecological Consulting and Gray Owl Environmental Inc in February, 2009, and
- (b) the EIS prepared by Colville Consulting Inc. in association with Goodban Ecological Consulting and Gray Owl Environmental Inc. in May, 2012.

This peer report was completed at the request of Lisa Triano, legal representative for the Citizens' Coalition of Greater Fort Erie.

The peer review involved the following components:

- a) A review of both EIS reports in order to provide a professional opinion on their adequacy in terms of meeting the Regional Municipality of Niagara's Environmental Impact Study Guidelines (Feb. 21, 2001).
- b) A review of agency and other stakeholder comments on the February 2009 EIS to determine their concerns and whether there is documentation in the May, 2012 EIS to show that such concerns have now been adequately addressed.

The scope of work did not include a peer review of the development's impacts on wildlife as recommended by Regional Niagara's Environmental Advisory Committee (Town of Fort Erie report, Sept. 8, 2009). The latter type of peer review would typically be undertaken by a wildlife biologist who is familiar with Niagara's fauna and potential stresses on them from such a development.

2 - Results of Peer Review

2.1 Areas of EIS Adequacy

In terms of the quality of the EIS studies completed in February, 2009 and May, 2012, in my professional opinion, the consultant completed the work in a reasonable manner with respect to the following components of the EIS:

- Study purpose, location and defining study area boundaries (Section 1 of both EIS reports)
- Study scope focusing on natural features and functions, restoration and enhancement opportunities and development constraints (Section 1 of both EIS reports)

- Identification of relevant environmental policies (Section 2 of both EIS reports)
- Study approach focusing on natural heritage features and functions, as well as their significance and sensitivity (Section 3 of both EIS reports)
- Description of the Baseline Natural Environment, focusing on the regional biophysical landscape, core natural heritage features and functions, rare species, and field inventories to identify site-specific natural resources (Sections 4, 5 & 6 of the 2009 and 2012 EIS reports + Section 7 of the 2012 EIS report). While these sections are generally adequate, is there an error in Appendix F (Figure F2) which shows the Miller Creek Wetland Complex but the wetlands are labeled as "Frenchman's Creek Wetland"?
- Identification of Ecological Constraints on Development (Section 7 of the 2009 EIS and Section 8 of the 2012 EIS, which are described as "Development Constraints")
- Description of the Proposed Development (Section 8 of the 2009 EIS and Section 9 of the 2012 EIS)

2.2 Areas of EIS Deficiency

Some components of the EIS are either missing (based on the requirements of Regional Niagara's EIS Guidelines) or are incomplete as described further below.

- *Study scope limitations* (Section 1.2 of both EIS reports). While the study scope clearly focuses on natural features and ecological functions, and notes that municipal infrastructure associated with the development will be addressed by a separate (municipal) Class Environmental Assessment (EA) process, there is no mention that there are other environmental and social/socioeconomic scope limitations that are being (or have been) addressed through separate documentation (i.e. storm water and drainage issues and impacts such as noise, impacts on agricultural lands and farmers' livelihoods, traffic impacts on the QEW and local municipal roads during speedway events, archaeology, and socioeconomic benefits of the proposed development).
- *Study Area Boundaries* (Section 1.3 of both EIS reports). While the site location and study area boundaries are clearly shown on Fig. 1 and 2, there is no rationale stated for the study area boundaries as required on page 11 of Regional Niagara's EIS Guidelines.
- *Steps Involved in Regional Niagara's EIS process*. There should be documentation in the EIS of the steps undertaken by the consultant as per page 9 of Regional Niagara's EIS process.

- *Consultation with Regulatory Agencies.* Regional Niagara's EIS Guidelines (p. 10) "encourage proponents to co-ordinate the EIS with the regulatory requirements of other agencies". While this consultation was undertaken and is documented in a separate "Planning Impact Analysis" report (UEMI, 2009), a reference to this information should be made in the EIS to demonstrate to all stakeholders reviewing the EIS (who may not have read the Planning Impact Analysis report) that such due diligence has, indeed, been undertaken by the proponents and is ongoing, if that is the case.

- *Public Consultation During the EIS.* While there is no specific requirement in Regional Niagara's EIS Guidelines to have public consultation (although in my view there should be), it is known from information on Regional Niagara's website for this development proposal that there were at least two public open houses held (June 4, 2009 and Sept. 8, 2009), and that there were numerous public concerns raised. It is unfortunate that these public open houses were held **after** completion of the first EIS (Feb. 2009) and not in the early stages of the EIS as many of the public concerns relate specifically to the focus of the EIS, i.e. natural heritage features and ecological functions and potential impacts to them. There should be a section in the EIS on Issue Identification (as per Step 2 of Regional Niagara's EIS Guidelines) and then cross-referenced to where in the EIS these issues have been addressed (for both public and agency issues).

- *Environmental Impacts and Mitigation (Section 9 of the 2009 EIS and Section 10 of the 2012 EIS).* In my opinion, this was the weakest section of the 2009 EIS and it is apparent from the concerns raised by the Ontario Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA) after receiving the 2009 EIS that they shared this concern and requested further field investigations to better clarify impacts of the project. While this section has been considerably improved in the 2012 EIS, it still lacks important details regarding impacts. More specific comments on this section are as follows:
 - First and foremost, all the impacts and potential impacts need to be clearly quantified in this section. One specific impact is quantified in a subsequent section (Section 10 of the 2009 EIS and Section 11 of the 2012 EIS), i.e. for the Miller Creek realignment (the destruction of 1020 m of fish habitat and a net gain (unquantified) resulting from an increase in the length of the relocated creek. This is key information which should be expressed in sq m (not m) in the impacts and mitigation section of the EIS.

- Frenchman's Creek Wetland Complex. The 2009 EIS (Section 9.1.2.1) notes that construction of a span bridge will impact a hedgerow and that tree and shrub removal will be required. There is no indication of the type and number of trees/shrubs to be removed from this Provincially Significant Wetland (PSW). Again, this information should be in the impact section of the EIS. It is noted that MNR requested more details on the hedgerow and that MNR is now satisfied (letter of Sept. 22, 2010) with the supplementary field investigations and report provided by Colville Consulting in Sept. 2010 and removed the affected portion of the hedgerow from PSW designation. However, it is still not clear from Colville's 2010 report or the 2012 EIS how many and what type of trees are likely to require removal. There appears to be just a general statement (p. 21 in the 2010 report) that "some of the taller trees in the hedgerow will have to be removed". Will replacement trees be planted elsewhere on the development site as part of a landscaping plan?

- The 2012 EIS (Table 7) acknowledges noise during construction and racing events "may affect birds" but fails to acknowledge that it may also affect other wildlife. Also, the latter statement that noise may affect birds is in direct conflict with a statement in the text (p. 89) that noise "will not cause negative impacts on wildlife". The latter statement cannot be proven and it would be more credible to acknowledge that noise may disturb wildlife during construction and racing events. Table 7 does not address the potential effects of lighting on wildlife though discussed in the text. In addition, Table 7 indicates a "net gain in productive capacity of fish habitat, a net benefit in Provincially Significant Wetlands, and a net benefit in Significant Woodlands. However, quantification of such areas could not be found in the mitigation section of the EIS in terms of what amount is there now vs. what amount is being added and where, in order to properly understand the gains to be achieved. Regional Niagara's EIS Guidelines specifically require that the magnitude of impacts be addressed as well as impacts in the near term (e.g. 5 years) and long term (e.g. 20 years or more).

- Cumulative impacts do not appear to have been considered as required by Regional Niagara's EIS Guidelines (2001, p. 13). In order to properly complete this exercise, the proposed development needs to be considered with other past, present and future development in the area. For example, have Miller

Creek and the Frenchman's Creek Wetland Complex been disturbed by previous or existing development activity and to what extent will the proposed development and other future developments in this area of Fort Erie exacerbate this situation? The developer's EIS consultants need to demonstrate that they have investigated the potential for cumulative impacts in order to arrive at a defensible conclusion for this aspect of the impact assessment. It is noted that the NPCA also recognized a cumulative impact deficiency in their letter of June 15, 2009.

Environmental Monitoring (Section 12 of the 2009 EIS and Section 13 of the 2012 EIS). It is noted that a commitment has been made to "develop an overall ecological monitoring plan for the Miller Creek relocation and naturalization/ecological enhancement efforts". While an environmental monitoring program is not specifically required in Regional Niagara's EIS Guidelines (although it should be), it is extremely important that such a monitoring program be developed in consultation with MNR/NPCA to ensure that, (a) the mitigation recommendations in the EIS are carried out as proposed, and (b) when problems arise, they can be quickly corrected. Several years of monitoring is typically necessary to assess the success of restoration and enhancement efforts and annual reports should be available to MNR/NPCA for review.

Summary of EIS Peer Review

The results of this peer review indicate a number of areas where the quality of the EIS reflect that several components of the EIS have been properly undertaken (see Section 2.1 of this peer review) in accordance with the requirements of Regional Niagara's EIS Guidelines (2001). However, there are also several instances where the quality of the EIS still needs to be improved so that all the requirements of Regional Niagara's EIS Guidelines are adequately met as noted in Section 2.2 of this peer review.

Particular concern is with two very apparent areas of EIS deficiency, i.e.

- There needs to be a section in the EIS on issue identification that reflects both public and agency environmental issues with respect to natural heritage features and ecological functions, and cross-referenced to where in the EIS these issues have been addressed.
- The environmental impacts and mitigation section of the EIS still needs to be improved as outlined in Section 2.2 of this peer review.

List of References

Colville Consulting Inc. 2009. ***Environmental Impact Study for the Canadian Motor Speedway***. CO7027. February 2009. Prepared for Canadian Motor Speedway (1746391 Ontario Inc.) in association with Goodban Ecological consulting & Gray Owl Environmental Inc.

Colville Consulting Inc. 2010. Canadian Motor Speedway. ***Assessment of Hedgerow***. EIS Supplementary Information provided to the Ontario Ministry of Natural Resources on Sept. 16, 2010.

Colville Consulting Inc. 2012. ***Environmental Impact Study for the Canadian Motor Speedway***. CO7027. May 2012. Prepared for Canadian Motor Speedway (1746391 Ontario Inc.) in association with Goodban Ecological Consulting & Gray Owl Environmental Inc.

Ontario Ministry of Natural Resources (Vineland). 2010. ***Canadian Motor Speedway – Assessment of Hedgerow***. Letter of Sept. 22, 2010 indicating MNR's satisfaction with Colville Consulting report providing rationale for the proposed bridge crossing and removal of portion of hedgerow from PSW designation.

Regional Municipality of Niagara. 2001. ***Environmental Impact Study Guidelines***. February 21, 2001.

Town of Fort Erie. 2009. ***Proposed Official Plan and Zoning By-law Amendment***. Report No. CDS-054-09. Sept. 8, 2009. (Includes appendixes relating to agency comments on the EIS, and public comments on the proposed development).

Urban & Environmental Management Inc. 2009. ***Planning Impact Analysis***. Application for a Regional Official Plan Amendment, Town of Fort Erie Official Plan Amendment and Town of Fort Erie Zoning By-law Amendment. Canadian Motor Speedway, Fort Erie, Ontario. Feb. 29, 2009.